

5.0 MITIGATION MONITORING PROGRAM

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2 The California State Lands Commission (CSLC) is the lead agency under the California
3 Environmental Quality Act (CEQA) for the proposed Project. A monitoring and reporting
4 program for Implementation of mitigation measures for the Project must be approved
5 and adopted by CSLC in order to comply with Public Resources Code section 21081.6,
6 subdivision (a) (Findings) and State CEQA Guidelines sections 15091.9, subdivision (d)
7 (Findings) and 15097 (Mitigation Monitoring or Reporting).

8 5.1 MONITORING AUTHORITY

9 It is important that impacts from a Project are mitigated to the maximum extent feasible.
10 The purpose of a Mitigation Monitoring Program (MMP) is to ensure compliance with
11 and implementation of mitigation measures. An MMP can be used as a working guide
12 for implementation, monitoring, and reporting for the Project's mitigation measures.

13 The CSLC may delegate duties and responsibilities for monitoring to other
14 environmental monitors or consultants as necessary. Some monitoring responsibilities
15 may be assumed by other agencies, such as affected jurisdictions, cities, and/or the
16 CDFW. The CSLC or its designee will ensure that qualified environmental monitors are
17 assigned to the Project.

18 Any MMP that requires the approval of the CSLC must allow at least 60 days for
19 adequate review time. If a mitigation measure (MM) requires that a mitigation program
20 be developed during the design phase of the project, the Applicant must submit the final
21 program to CSLC staff for review and approval at least 60 days before deconstruction
22 begins. Other agencies and jurisdictions may require additional review time. The
23 environmental monitor is responsible to ensure that appropriate agency reviews and
24 approvals are obtained.

25 The CSLC or its designee will also ensure that any deviation from the procedures
26 identified under the monitoring program is approved by the CSLC. Any deviation and its
27 correction shall be reported immediately to the CSLC or its designee by the
28 environmental monitor.

29 5.2 ENFORCEMENT RESPONSIBILITY

30 The CSLC is responsible for enforcing the MMP. The assigned environmental
31 monitor(s) shall identify issues, record them, notify appropriate agencies or individuals,
32 and report them to the CSLC or its designee.

1 **5.3 MITIGATION COMPLIANCE RESPONSIBILITY**

2 The Applicant is responsible for the successful implementation of and compliance with
3 the mitigation measures identified in the MMP. This includes all field personnel and
4 contractors working for the Applicant.

5 **5.4 GENERAL MONITORING PROCEDURES**

6 **Environmental Monitors.** Many of the monitoring procedures would be conducted
7 during the deconstruction phase of the Project. Along with the CSLC, the environmental
8 monitor(s) are responsible for coordinating with the Applicant to integrate the mitigation
9 monitoring procedures into the deconstruction process. To ensure implementation and
10 success of the MMs, an environmental monitor must be on site during the deconstruction
11 activities that have the potential to create significant environmental impacts or impacts for
12 which mitigation is required. The environmental monitor is responsible for ensuring that
13 the MMP is followed.

14 **Workforce Personnel.** The MMP's success would rely on the full cooperation of Project
15 personnel and supervisors. Many of the MMs require action from site supervisors and
16 their crews for successful implementation. The following actions would be taken to
17 ensure success: (1) Relevant mitigation procedures would be written into contracts
18 between the Applicant and any contractors; and (2) a Worker Environmental Awareness
19 Program (WEAP) (under MM BIO-1b) would be implemented and all personnel would be
20 required to participate. Trainings would include the importance of the various
21 environmental resources and MMs to prevent or minimize potential impacts to them.

22 **General Reporting Procedures.** Site visits and specified monitoring procedures would
23 be conducted by an environmental monitor assigned to the relevant deconstruction activity.
24 A monitoring record form would be submitted to the Applicant, and once the Project is
25 complete, a compilation of all the logs would be submitted to the CSLC. A checklist
26 would be developed by the environmental monitor to track all procedures required for
27 each mitigation measure and to ensure that the timing specified for the procedures is
28 followed. The environmental monitor would note any issues that may occur and take
29 appropriate action to resolve them.

30 **Public Access to Records.** Records and reports would be open to the public; the
31 CSLC or its designee would provide them upon request.

32 **5.5 MITIGATION MONITORING TABLE**

33 The following Table presents the mitigation monitoring needs for each environmental
34 discipline.

1 **Table 5-1. Mitigation Monitoring Program**

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
<i>Air Quality</i>						
Temporary Deconstruction Emissions of Criteria Pollutants.	<p>MM AIR-1a. Basic Construction Measures. The Applicant shall comply with the following measures per the Bay Area Air Quality Management District's (BAAQMD's) California Environmental Quality Act Guidelines:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure [Cal. Code Regs., tit. 13, § 2485]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The Applicant shall post a publicly visible sign 	Wharf and contractor base	Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Exhaust and dust emissions are minimized

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	with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.					
Temporary Deconstruction Emissions of Criteria Pollutants.	MM AIR-1b: Vessels and Equipment. Project vessels and equipment that rely on internal combustion engines for power and/or propulsion shall be kept in good working condition and compliant with California emission regulations. Maintenance logs shall be provided to the California State Lands Commission staff prior to deconstruction and on a monthly basis during deconstruction.	Wharf, upland staging area, and contractor base	Verification (maintenance logs) provided to CSLC	Prior to and during deconstruction	Phillips 66	Exhaust emissions minimized
	MM AIR-1c: Nearby Sensitive Receptors. Residences in the Project vicinity shall be notified of the Project schedule and duration a minimum of 2 weeks prior to deconstruction activities. In addition, if work is planned during the school year, schools in the vicinity shall also be notified of the Project schedule and duration.	Wharf, upland staging area, and contractor base	Verify coordination with local population	Prior to deconstruction	Phillips 66	Provides advance notice of potential air emissions
Biological Resources						
Physical displacement of fish species and disturbance of Essential Fish Habitat due to deconstruction activities.	MM BIO-1a: Disturbance Minimization. The Applicant shall adhere to the following conditions to minimize disturbance to sensitive species: <ul style="list-style-type: none"> • The Project disturbance area shall be limited to the minimum required to complete the Project. • Vessel traffic and movements shall be minimized to reduce potential physical displacement or injury of fish. • In-water work shall be conducted in compliance with the California Department of 	Wharf	Observe activities for compliance	During deconstruction	Phillips 66	Reduce potential physical displacement of fish

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Fish and Wildlife and National Marine Fisheries Service work windows for fish species that occur in the Carquinez Strait and Suisun Bay to limit the deconstruction activity to times when there is no spawning and a reduced number of fish in the area.					
	MM BIO-1b: Worker Environmental Awareness Program (WEAP). Training for all personnel involved in deconstruction activities shall be mandated. Training materials shall be submitted to the California State Lands Commission staff for approval 2 weeks prior to deconstruction. Training shall include the importance of the marine environment to special-status species and the environmental protection measures that are being implemented to avoid and/or minimize negative impacts to Essential Fish Habitat and the species that depend on them. The WEAP shall also cover other important biological resources with potential to occur in and around the Project area, including Alameda whipsnake, nesting birds, and wetlands.	Wharf, upland staging area, and contractor base	Submit training materials to CSLC for approval and submit attendance records to CSLC	Prior to deconstruction	Phillips 66	Ensure that personnel are aware of special-status fish, birds, and marine mammals and protection measures
			Review and approve training materials	Prior to deconstruction	CSLC	
Potential impacts of toxic materials to fish species.	MM BIO-2: Lead-Based Paint (LBP) Management Plan. Since LBP is present on the wharf, Phillips 66 shall retain a licensed lead abatement contractor to address LBP prior to the general deconstruction of the wharf. A LBP Management Plan including health and safety procedures shall be prepared and submitted to the California State Lands Commission staff for approval 2 weeks prior to deconstruction and included as part of the Project's Work Plan.	Wharf	Prepare LBP Management Plan and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce lead contamination and exposure
			Review and approve LBP Management Plan	Prior to deconstruction	CSLC	
Also implement MM WQ-1: Water Quality/Storm Water Pollution Prevention Plan. See below.						

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Also implement MM HAZ-1b. Hazardous Materials Management Plan (HMMP) . See below.					
Potential impacts of debris on nearby habitat.	MM BIO-3: Deconstruction and Seafloor Debris Removal Plan. The Applicant shall prepare a Deconstruction and Seafloor Debris Removal Plan for approval by the California State Lands Commission staff 60 days prior to deconstruction to address the following: <ul style="list-style-type: none"> Removal methods, equipment, and timing for all Project components. Procedures for monitoring and recording, by the on-site contractor's supervisor and mitigation monitor of any deconstruction debris or equipment that has dropped into Bay waters. The record shall include the dropped object's description and location for recovery. Procedures for conducting a post-deconstruction bathymetric survey once deconstruction is complete to verify that the wharf has been completely removed and to identify any debris items that are associated with the deconstruction process. Removal of sea floor debris inclusive of any equipment, tools, pilings, or other materials or debris accidentally dropped into the Bay during deconstruction activities. Large pieces of structures to be removed would have tag lines attached to facilitate recovery from the Bay in the event of an accident. Characterization of the content of the two steel pipe sections and alternative recovery approaches based on sampling results. The approach(s) shall be carefully designed to mitigate the potential of releasing any hazardous materials (if found inside the pipes) into the Bay. 	Project Area	Prepare Deconstruction Plan and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce disturbances of local population and biota
			Review and approve Deconstruction Plan	Prior to deconstruction	CSLC	

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Potential impacts of deconstruction activities on special-status birds.	<p>MM BIO-4a: Bird Nesting Prevention. In consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, no less than 1 month prior to nesting season, the Applicant shall implement deterrence measures to prevent nesting birds from using any of the wharf structure slated for removal. Measures shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Old nests or nests under construction shall be washed down with water or knocked down using a pole. • To minimize the likelihood of nesting birds using the mooring dolphins or decks to support nests, these structures shall be prioritized for removal. • Netting with mesh size 0.5 to 0.75 inch shall be installed to provide a physical barrier between the birds and the nest site. 	Wharf, upland staging area, and contractor shore base	Implement measures and observe activities for compliance	Prior to deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	<p>MM BIO-4b: Pre-deconstruction Nesting Bird Survey and Monitoring. No more than 14 days prior to the start of deconstruction activities, a qualified biologist shall conduct a nesting bird survey in the Project area to ensure that no nesting has taken place. The qualified biologist shall also monitor the site during deconstruction activity for any nesting activity in the Project vicinity.</p>	Wharf, upland staging area, and contractor base	Conduct survey and observe activities for compliance	Prior to deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	<p>MM BIO-4c: Work Zones around Active Nests. In the event that an active nest is found in the Project vicinity, appropriate no-work buffers shall be established in consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service to prevent disturbance or destruction of the nest.</p>	Wharf, upland staging area, and contractor base	Establish buffers and observe activities for compliance	During deconstruction	Phillips 66 in consultation with CDFW and USFWS	Reduce impacts on nesting birds
	Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Potential impacts to Alameda whipsnake.	MM BIO-5: Avoidance and Reduced Speed Limits. To reduce the potential for Alameda whipsnake take to a less-than-significant level, only the roadway along the northern edge of the former TXI/Pacific Custom Materials, Inc. (TXI) property shall be used for ingress/egress so that Project vehicles are routed away from the potential habitat to the south and potential wetland areas in the eastern portion of the property. In addition, a speed limit of 10 miles per hour shall be implemented within the TXI property.	Wharf, upland staging area, and contractor base	Implement speed limits and serve activities for compliance	During deconstruction	Phillips 66	Reduce impacts to Alameda whipsnake
Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.						
Potential impacts to a small wetland/riparian area located 100 feet southeast of the eastern proposed upland staging area.	MM BIO-5 Avoidance and Reduced Speed Limits. See above.	Wharf, upland staging area, and contractor base	Implement speed limits and observe activities for compliance	During deconstruction	Phillips 66	Reduce impacts to the wetland/riparian area in the former TXI property
Also implement MM WQ-1. Water Quality Plan/Storm Water Pollution Prevention Plan. See below. Also implement MM BIO-1b: Worker Environmental Awareness Program. See above.						
Potential impacts of deconstruction to migratory fish.	Implement MM BIO-1a: Disturbance Minimization. See above. Implement MM WQ-1. Water Quality Plan/Storm Water Pollution Prevention Plan. See below.					
Potential impacts due to aquatic invasive species.	MM BIO-6: Best Management Practices (BMPs) for Aquatic Invasive Species. To reduce the potential for introducing aquatic invasive species to a less-than-significant level, BMPs for ballast water management and biofouling removal shall be implemented to avoid the spread of invasive species. Vessels over 300 gross tons in size are currently regulated under the State's Marine Invasive Species Program, and Project vessels of this size will comply with the State's requirements	Offshore Project area	Implement measures and observe activities for compliance	During deconstruction	Phillips 66	

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	for ballast water management and biofouling removal. The deconstruction contractor shall also be required to inspect and remove biofouling from Project vessels less than 300 gross tons prior to travelling to the Project area.					
Hazards and Hazardous Materials						
Routine transport, use, and disposal of hazardous materials could create a significant hazard.	MM HAZ-1a. Barge and Shore Base Hazardous Materials Inventory. The Applicant shall keep a hazardous materials inventory for all hazardous materials to be stored, used, or transported for the Project in, on, or around the wharf, work barges, and the shore base. A current inventory shall be kept on site at all times and shall include the name of the material, the type, capacity, number and location of storage containers, type of hazard (pressure release, fire, explosion, asphyxiation, toxicity, bioaccumulation, etc.), and the maximum storage capacity at each location.	Wharf and contractor base	Prepare inventory and observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce hazards risk for personnel and the environment
	MM HAZ-1b. Hazardous Materials Management Plan (HMMP). An HMMP shall be prepared and submitted for approval to the California State Lands Commission staff 2 weeks prior to the start of deconstruction activities and kept on site. The HMMP shall include specific methods for control and containment of hazardous materials identified in the hazardous material inventories from deconstruction through disposal. Emergency contacts shall be listed for use in the event of a release of hazardous materials. The HMMP shall include, but is not limited to, the following: <ul style="list-style-type: none"> • A hazardous materials inventory that identifies the type, location, estimated quantity and nature of each potentially hazardous material located at the wharf. 	Wharf and contractor base	Prepare HMMP and submit to CSLC for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66	Reduce hazards risk for personnel and the environment
			Review and approve HMMP	Prior to deconstruction	CSLC	Reduce release of toxic materials into the water

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<ul style="list-style-type: none"> Equipment containing other hazardous materials, such as switches and gauges that contain mercury, shall be tagged prior to removal for special handling to prevent an inadvertent discharge on the deck surfaces or into Bay waters. If hazardous materials are identified, a specialty abatement contractor shall be acquired to mitigate these issues in compliance with State and Federal regulations prior to the general deconstruction of the wharf. Any hazardous materials brought to the Project site, e.g., diesel oil or paints, shall also be included in the HMMP. 					
Release of hazardous materials by the Project could create a significant hazard.	<p>MM HAZ-2: Post Construction Surveys. If piles are not completely extracted, post-deconstruction bathymetric survey shall be conducted immediately following deconstruction and every 2 years, for 6 years after the completion of deconstruction activities, to document that scour is not occurring within the Project footprint and that piles embedded in the Carquinez Strait bottom have not become exposed by erosion. Survey reports shall be submitted to the California State Lands Commission staff within 30 days of completion to document compliance.</p> <p>Also implement MM HAZ-1a: Barge and Shore Base Hazardous Materials Inventory. See above. Also implement MM HAZ-1b: Hazardous Materials Management Plan (HMMP). See above. Also implement MM WQ-1: Water Quality Plan/Storm Water Pollution Prevention Plan. See below. Also implement MM BIO-2: LBP Management Plan. See Biological Resources above. Also implement MM BIO-3: Deconstruction and Seafloor Debris Removal Plan. See Biological Resources above.</p>		Conduct surveys and observe activities for compliance	Post deconstruction	Phillips 66 and CSLC	Reduce hazards risk for public and the environment

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Hydrology and Water Quality						
WQ-1: The Project could result in a violation of water quality standards.	<p>MM WQ-1: Water Quality/Storm Water Pollution Prevention Plan. In consultation with the regional agencies, the Applicant shall prepare a plan to prevent adverse impacts to nearby waterways and riparian areas associated with deconstruction. The final approved plan shall be submitted to the California State Lands Commission staff 2 weeks prior to deconstruction. The Plan shall include Best Management Practices (BMPs) for handling creosote-containing materials, spill prevention and containment, erosion and sedimentation prevention, and monitoring requirements. Measures shall include, but not be limited to, such BMPs as:</p> <ul style="list-style-type: none"> • During deconstruction activities, a floating boom and skirt shall be deployed around the Project site and absorbent booms and pads shall be provided on marine vessels on site. • Within upland areas, BMPs may include implementation of silt fences, straw waddles and other measures determined appropriate for erosion and sediment control. • BMPs to control waste, such as discarded deconstruction materials, chemicals, litter, and sanitary waste at the deconstruction site, shall be implemented. • Vessel fueling shall be required at the selected contractor's staging area or at an approved docking facility. No cross-vessel fueling shall be allowed. • Marine vessels generally shall contain petroleum products within tankage that is internal to the hulls of the vessels. All deck equipment shall be equipped with drip pans 	Wharf, upland staging facilities, and contractor base	Prepare plan and submit to RWQCB. Observe activities for compliance	Prior to and during deconstruction	Phillips 66 in coordination with the RWQCB	No spills reaching uncontained areas

Potential Impact	Mitigation Measure (MM)	Location	Monitoring / Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>to contain leaks and spills. All fuels and lubricants aboard the work vessels shall have a double containment system. Chemicals used within the Project area and on marine vessels shall be stored using secondary containment.</p> <ul style="list-style-type: none"> The Applicant shall not store fuel or oil at the Project's parking and staging areas upland of the work site. Fuel containment at the selected contractor's existing shore base may store quantities of oil and fuel. 					
Also implement MM HAZ-1b: Hazardous Materials Management Plan (HMMP) . See above.						
Transportation/Traffic						
TT-1: Increased traffic and congestion on the existing street system due to deconstruction activities.	MM TT-1: Traffic Management Plan. The Applicant shall prepare and implement a Traffic Management Plan approved by California Department of Transportation and Contra Costa County. Truck activities shall be limited to off-peak weekday hours (9:00 a.m. to 3:00 p.m.). If authorized, truck operations could be extended to include weekday hours of 7:30 p.m. to 5:30 a.m. Appropriate haul routes shall be determined minimize traffic load and congestion. Ridesharing shall be encouraged and appropriate signage and safety requirements shall be implemented at the shore base.	Contractor base	Prepare plan and submit to Caltrans and County for approval. Observe activities for compliance	Prior to and during deconstruction	Phillips 66 in consultation with Caltrans and Contra Costa County	Minimize traffic impacts on local circulation