

**PACIFIC GAS AND ELECTRIC COMPANY'S
APPLICATION TO SELL THE
RICHMOND-TO-PITTSBURG PIPELINE
AND HERCULES PUMP STATION AND
SAN PABLO BAY PIPELINE COMPANY'S
APPLICATION TO OWN AND
OPERATE THESE ASSETS**

*Final Mitigated Negative Declaration
CPUC Application Numbers 00-05-035 and 00-12-008
State Clearinghouse Number 2001102139*

April 23, 2002

*Prepared for
California Public Utilities Commission*



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CERTIFICATE OF SERVICE

I, _____, certify that I have on this date caused the following:

Notice of Publication of the Final Mitigated Negative Declaration, regarding the Pacific Gas and Electric Company's (PG&E's) Application (No. 00-05-035) to the California Public Utilities Commission to sell its Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station to the San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation, under Section 851 of the Public Utilities Code (PUC) and the separate SPBPC application (No. 00-12-008) to own and operate the pipeline and pump station as a common carrier pipeline corporation under Sections 216 and 228 of the PUC to be served by United States mail to the owners of property adjacent to Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed on _____ at San Francisco, California.

name

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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FINAL MITIGATED NEGATIVE DECLARATION

**PACIFIC GAS AND ELECTRIC COMPANY APPLICATION NO. 00-05-035
TO ESTABLISH MARKET VALUE FOR AND SELL ITS RICHMOND-TO-
PITTSBURG FUEL OIL PIPELINE AND HERCULES PUMP STATION**

**SAN PABLO BAY PIPELINE COMPANY APPLICATION NO. 00-12-008
TO OWN AND OPERATE THE RICHMOND-TO-PITTSBURG FUEL OIL
PIPELINE AND HERCULES PUMP STATION AS A COMMON CARRIER**

PROJECT DESCRIPTION

Pacific Gas and Electric Company (PG&E) has submitted an Application (No. 00-05-035) to the California Public Utilities Commission (CPUC) seeking authority under Section 851 of the Public Utilities Code to sell its heated Richmond-to-Pittsburg Fuel Oil Pipeline to a new owner, the San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation. In a separate application (No. 00-12-008) to the CPUC, SPBPC is seeking authority under Sections 216 and 228 of the code to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a common carrier pipeline corporation. The proposed sale includes the pipeline from its point of origin in Castro Street (adjacent to General Chemical's facility) in the City of Richmond, to the Pittsburg Power Plant, formerly owned by PG&E, located in the City of Pittsburg and includes the Hercules Pump Station, located in the City of Hercules. The Richmond to Pittsburg Pipeline and Hercules Pump Station would be sold in their current "as-is, where-is, with all faults" condition.

Because the CPUC must now decide whether or not to approve the PG&E and SPBPC applications, the California Environmental Quality Act (CEQA) requires the Commission to be the lead agency and consider the potential environmental impacts that may occur as the result of its decisions and require feasibility mitigation for significant impacts that are identified.

The Richmond to Pittsburg pipeline system and the Hercules Pump Station are "operational" in the regulatory sense, in that PG&E has maintained all the needed permits and approvals and conducted all the maintenance and inspections that are required for an operating system. The pipeline has been approved for the transport of "oil, petroleum, and products thereof" (CPUC Decision No. 84448). PG&E ceased using the system for moving fuel oil to its Pittsburg Power Plant in 1982, though some oil was moved through parts of the system as recently as 1991. A 4,000-foot segment of the pipeline was removed in 1998 to allow construction of a railway station in the City of Martinez. Under an agreement between PG&E and SPBPC, PG&E has

secured the necessary rights of way for a 4,000-foot replacement section in Martinez. If the sale were approved, SPBPC would be responsible for obtaining the requisite permits and approvals and constructing the 4,000-foot replacement section. The construction of the 4,000-foot segment and the resumption of oil movement through the system are a reasonably foreseeable activities that would occur as a result of CPUC approval of the two applications.

The CPUC has reviewed the impacts that would result from approval of the applications, including the sale of the pipeline by PG&E, the reconstruction of the missing 4,000-foot section of the pipeline in Martinez, CA, and the future operation of the pipeline and pump station by SPBPC. The CPUC has concluded that all potential impacts can be mitigated to less than significant levels. PG&E and SPBPC have agreed to incorporate all the proposed mitigation measures into the project, and the CPUC is requiring that these mitigation measures be implemented as a condition of approval of the applications. Approval of the specific divestiture plans by the CPUC is required by the Public Utilities Code Section 851 prior to the transfer of these assets. It is the responsibility of the CPUC to determine whether the proposed divestiture plans “will be adverse to the public interest.”

ENVIRONMENTAL DETERMINATION

The attached Initial Study analyzes the potential impacts to the environment that would result from and proposes mitigation measures for the sale of the pipeline and pump station by PG&E, the construction of the missing 4,000-foot section of pipeline, and operation of the facilities by SPBPC.

Based on the Initial Study, the approval of the two applications would have no impact or less than significant effects in the following areas:

- Agriculture
- Mineral Resources
- Population and Housing
- Recreation
- Utilities and Service Systems

The Initial Study indicates that the approval of the applications would have potentially significant impacts in the areas of:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology
- Land Use and Planning
- Noise
- Public Services

- Transportation and Traffic

Each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level. The mitigation measures, all of which PG&E and SPBPC have agreed to include in the project, are as follows:

Aesthetics

Mitigation Measure I.1

Prior to commencing construction activities, the new owner (SPBPC) of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station shall coordinate construction activities affecting parklands and trail systems with the East Bay Regional Park District and the City of Martinez. This shall include submittal of an aesthetic resources plan to the City and the Parks District that addresses the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City and the Parks District. The plan shall also include: details of the methods of shielding and placement of new above-ground components, such as valve stations, that would be viewable where no such components currently exist. The plan shall include a discussion of actions taken such that final pipeline alignment and construction activities associated with this project shall not interfere with the implementation of the Martinez Intermodal Project (which includes the new bridge over Alhambra Creek) and the Martinez drainage project. Above ground facilities, such as valve stations, shall not be constructed within EBRPD parkland or within the viewshed of sensitive receptors within EBRPD park or trail corridors. SPBPC shall not commence construction activities along the replacement segment in Martinez until the aesthetics resource plan is reviewed and approved by the East Bay Regional Parks District, the City of Martinez, and the CPUC mitigation monitor. The CPUC’s mitigation monitor shall verify compliance with the aesthetics plan during construction of the replacement section.

This proposed mitigation measure would reduce to a less than significant impact the potential for the project to create potential impact on aesthetics resources as the result of construction activities.

Monitoring Action: SPBPC shall submit documentation to the CPUC verifying that the SPBPC has made a binding commitment to participate in the compilation and implementation of an Aesthetics Resources Plan in coordination with the East Bay Regional Park District and the City of Martinez.

Responsibility: CPUC

Timing: Prior to the transfer of title and submission and certification of construction plans for the 4000-foot pipeline replacement section.

Air Quality

Mitigation Measure III.1

SPBPC shall implement the following fugitive dust control and emissions reduction measures during construction of the 4,000-foot pipeline replacement. These measures are prescribed by BAAQMD to ensure that construction impacts are less than significant, and they include:

- Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work.
- Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site.
- Construction vehicles shall use paved roads to access the construction site wherever possible.
- Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.
- Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets.
- A carpooling strategy shall be implemented for construction workers prior to commencing construction (during construction worker orientation and training).
- Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule.
- Vehicle idling time shall be minimized whenever possible.

The CPUC mitigation monitor shall monitor compliance with these measures during construction.

<i>Monitoring Action:</i>	SPBPC shall submit documentation to the CPUC that the new owner (SPBPC) has made a binding commitment to participate in BAAQMD prescribed measures and has given notice of such participation to the Planning Director of the BAAQMD.
<i>Responsibility:</i>	CPUC
<i>Timing:</i>	At least 10 days prior to the transfer of title of the Pittsburg-to-Richmond Fuel Oil Pipeline and Hercules Pump Station.

Biological Resources

Mitigation Measure IV.1

Prior to commencing construction activities, SPBPC shall conduct a biological survey of all areas that would be affected by construction of the replacement section in Martinez and submit the

survey for review and approval by the CPUC mitigation monitor. The survey shall include a biological assessment of the potential of construction activities to create an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If the survey reveals that such a potential exists, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.

Measures that might be required could include those such as the following proposed by PG&E in the Proponents Environmental Assessment:

General

- Environmental training covering protection of biological resources in the 4,000-foot replacement section area shall be given to appropriate project personnel prior to construction.
- Erosion control measures and Best Management Practices shall be installed adjacent to Alhambra Creek, the unnamed drainage, and any associated wetlands to prevent sediment from entering the drainages.

Botanical Resources

- A revegetation plan shall be prepared if native vegetation would be removed.
- Previously vegetated areas that would be cleared during construction activities shall be revegetated with appropriate species, as required.
- Flagging and/or fencing shall be installed around adjacent riparian habitat to prevent incidental impacts to the area.
- If any native vegetation were removed at the replacement section, the affected area shall be revegetated with an appropriate native seed mix.

Wildlife Resources

- Prior to construction, surveys shall be performed for the California red-legged frog to determine presence or absence.
- If the California red-legged frog was onsite, construction would not commence in this area until the U.S. Fish and Wildlife Service and California Department of Fish and Game were notified, and appropriate measures were developed to minimize disturbance to this species.

- Construction shall be timed to avoid the nesting period for raptors.
- If construction would occur during the nesting season of raptors, preconstruction surveys shall be conducted to identify and avoid active raptor nests.
- Construction within one-half mile of an active raptor nest would not begin until the young had fledged from the nest.
- Bentonite released into drainages during construction shall be immediately cleaned up.

Habitat temporarily disturbed as a result of construction shall be restored.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with the results of the biological assessment. If the survey reveals that the project may potentially impact a listed species, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.

Responsibility:

CPUC

Timing:

Prior to the transfer of title and again prior to the certification of the construction plans for the 4000-foot replacement section.

Mitigation Measure IV.2

Prior to commencing construction activities, SPBPC shall contact East Bay Regional Parks District (EBRPD), the sponsor of marsh restoration activities at the Martinez Shoreline Park, to reach agreement on how to coordinate marsh restoration and pipeline installation plans: SPBPC shall avoid or minimize potential conflicts of pipeline replacement activities with marsh restoration plans at the site. Measures to avoid conflicts, such as timing of work, agreements on revegetation or replacement of habitat, would be included in this agreement. The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.

Monitoring Action: The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.

Responsibility:

CPUC

Timing:

The appropriate letter should be provided to the CPUC at least 40 days prior to the commencement of construction activities.

Cultural Resources

Mitigation Measure V.1a

SPBPC shall appoint a cultural resources specialist, or specialists, at least 15 days prior to the start of project-related vegetation clearance ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas. SPBPC shall provide the CPUC mitigation monitor with the name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).

At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.

At least 10 days prior to the replacement of a designated cultural resources specialist, SPBPC shall obtain the CPUC mitigation monitor's approval of the proposed replacement cultural resources specialist.

<i>Monitoring Action:</i>	CPUC mitigation monitoring approval of SPBPC's proposed archaeological mitigation program and any subsequent implementation reports.
<i>Responsibility:</i>	CPUC
<i>Timing:</i>	At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.

Mitigation Measure V.1b

In the event that previously unidentified historic resources are encountered, the new owner (SPBPC) shall evaluate such resources for California Register of Historical Resources eligibility and conduct data recovery.

The cultural resources specialist shall ensure that the evaluations are supervised by individuals meeting the Secretary of the Interior's proposed Historic Preservation Qualification Standards (United States Department of the Interior 1997) for each particular resource type. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.

For resources determined to be significant, the cultural resources specialist will prepare a resource-specific Data Recovery Plan to mitigate any significant project-related effects. Upon approval of this plan by the CPUC mitigation monitor, mitigation measures will be implemented prior to any project activities within 100 feet of the resource's boundary.

Monitoring Action: CPUC mitigation monitoring approval of SPBPC's proposed archaeological mitigation program and any subsequent implementation reports. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.

Responsibility: CPUC

Timing: Approval of the evaluation from the CPUC at least 10 days prior to the start of any project-related activity.

Mitigation Measure V.1c

Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.

All construction personnel involved in activities that may uncover prehistoric resources will be trained in the identification of prehistoric resources, which could include flaked stone, projectile points, mortars, pestles, and soil containing shell and bone, or human burials. Historic resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits. Construction personnel involved in activities that may uncover paleontological resources will also be trained in the identification of paleontological resources, which could include true fossils, trace fossils, and/or breas as defined under the above Paleontological Resources subsection. The level of training for construction activities should be sufficient such that the workers would know when to call their supervisors to investigate objects that may be a cultural resource. Supervisors would receive sufficient training to determine when a cultural resources specialist should be contacted to identify any found objects. If cultural resources were encountered during construction, the crew would halt work in the area and not collect or disturb the materials until the cultural resource specialist, appointed under Mitigation Measure V.1a, has evaluated the location and determined an appropriate mode of action.

Monitoring Action: Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.

Responsibility: CPUC

Timing: Prior to the commencement of construction or ground distributing activities.

Mitigation Measure V.2

SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as

needed. In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4000-foot replacement section during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.

Monitoring Action: Documentation will be submitted to the CPUC indicating that the SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as needed.

Responsibility: CPUC

Timing: In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4000-foot replacement section during construction.

Mitigation Measure V.3

If human remains are found at any time along the entire pipeline alignment or during project-level vegetation clearance; ground disturbance and grading; site or project mobilization; site preparation or excavation activities; implementation of erosion control measures; or the movement and/or parking of heavy equipment or other vehicles onto or over the project surface, SPBPC and its contractors shall stop all work within 100 feet of the find. The cultural resources specialist will be notified immediately and will, in turn, immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.

If the human remains are determined to be Native American in origin, the Contra Costa County coroner will notify the Native American Heritage Commission within 24 hours of the find. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may make recommendations to the SPBPC and its contractors for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Where conditions A, B, and/or C under Section 15064.5 (e) (2) occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Monitoring Action: Documentation will be submitted to the CPUC indicating that the SPBPC's cultural resources specialist will be notified immediately if human remains are found. In turn, the cultural resource specialist will immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.

Responsibility: CPUC

Timing: Prior to all project-related ground disturbances.

Geology and Soils

Mitigation Measure VI.1

Prior to operation of the pipeline, the new owner (SPBPC) shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings. A civil or geotechnical engineer licensed by the State of California, with expertise in seismic design and structural seismic response shall conduct this evaluation. The evaluation shall include a review of available geotechnical, engineering, and construction design and testing information to determine original pipeline bending and compression/elongation capabilities at the fault crossings. Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's. This evaluation shall be submitted to the CPUC mitigation monitor. Should this evaluation determine that tectonic creep has rendered the pipeline unable to withstand a major seismic event on the Hayward or Concord fault, or to withstand the further seismic creep expected along the two faults during the expected operating lifetime of the pipeline, SPBPC shall undertake repair or modification of the pipeline accordingly, and submit documentation to the CPUC mitigation monitor showing these repairs or modifications have been completed. In accordance with federal regulation (Title 49, Section 195, et al.), the pipeline will be inspected on a regular basis, and immediately following a seismic event or any other event that may effect the safety of the pipeline system or pump station. The findings of these inspections would be reported to the State Fire Marshall, which in California assumes responsibility for enforcement of the above regulations for the federal Department of Transportation.

Monitoring Action: The SPBPC shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord faults crossings.

Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's.

Responsibility: This evaluation shall be submitted to the CPUC mitigation monitor.
CPUC
Timing: Prior to the operation of the pipeline.

Mitigation Measure VI.2

Prior to commencing construction activities, the new owner (SPBPC) shall prepare a geotechnical report for the 4,000-foot replacement route in Martinez that includes an analysis of ground shaking effects, liquefaction potential, earthquake-induced settlement, and other seismic hazards and provide recommendations to reduce these hazards. The geotechnical and seismic evaluation shall be conducted by a California-registered geotechnical engineer and include appropriate evaluation of anticipated ground motion using currently accepted seismic parameters and methods. Subsurface exploration and soil testing, where appropriate, shall be conducted to

assess the soil and bedrock conditions along the proposed pipeline easement. Where applicable, structural and seismic design parameters shall conform to the current Uniform Building Code (UBC) and the API standards. The results of the geotechnical evaluation shall be submitted to the CPUC mitigation monitor. Based on the geotechnical study, recommendations of the geotechnical engineer shall be incorporated into the design and construction of the pipeline segment. In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC mitigation monitor showing these recommendations were implemented.

Monitoring Action: The results of SPBPC’s geotechnical evaluation shall be submitted to the CPUC mitigation monitor.

Responsibility: CPUC

Timing: Prior to commencing construction activities for the 4,000-foot replacement section.

Hazards and Human Health

Mitigation Measure VII.1

Prior to construction SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the replacement pipeline route to ascertain the potential for construction activities to encounter impacted soil and/or groundwater, and submit the Phase I Environmental Site Assessment to the CPUC staff for review and approval by the CPUC mitigation monitor. Should the Phase I indicate the pipeline route would likely disturb impacted materials, a Phase II Environmental Site Assessment shall be conducted to quantify levels of contamination along the pipeline route, and establish appropriate measures to protect construction workers and the general public from exposure to impacted materials. SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval. In addition, should Phase I or Phase II activities determine that construction activity will involve trenching or tunneling through potentially impacted areas, SPBPC shall implement the following mitigation measures:

Monitoring Action: SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval.

Responsibility: CPUC

Timing: Within 10 business days prior to transfer of title.

Mitigation Measure VII.1a

An environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities.

The contractor shall be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. The OSHA-specified method of compliance will be dependent upon the severity of impact to soil or groundwater, as determined by the Phase I and II investigations.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.
Responsibility: CPUC
Timing: At least 3 business days prior to transfer of title.

Mitigation Measure VII.1b

During construction SPBPC shall comply with all applicable regulatory agency requirements including those set forth by Contra Costa County and the California DTSC regulations regarding the storage, and transportation of impacted soil and groundwater.

Impacted soil generated by remediation and construction activities will be contained on-site and sampled prior to disposal at an appropriate facility, or potential re-use at the project site. Impacted groundwater generated during construction dewatering will be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the storm drain or sanitary sewer to levels which are acceptable to the San Francisco Bay Region (RWQCB), or Contra Costa Sanitary District, respectively.

Monitoring Action: SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.
Responsibility: CPUC
Timing: At least 3 business days prior to transfer of title.

Hydrology and Water Quality

Mitigation Measure VIII.1

SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board and implement measures to prevent erosion and to control sediment and otherwise prevent stormwater pollution. The general construction permit requires the preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify appropriate stormwater pollution best management practices to reduce pollutants in stormwater discharges from the construction site both during and after construction. Measures and practices include, but are not limited to, the following:

General Practices

- An environmental training program shall be conducted to communicate appropriate work practices, including spill prevention and response measures. Implementation of work practices should be monitored.
- All storm drains, drainage swales and creeks located along the 4,000-foot pipeline alignment shall be identified. All construction personnel and subcontractors shall be made aware of the locations of drainage pathways to prevent pollutants from entering them.
- Leaks, drips and other spills shall be cleaned up immediately.

- Protect all storm drain inlets using filter fabric cloth or other best management practices to prevent sediments from entering the storm drainage system during construction activities.
- Otherwise protect stormwater runoff from potential pollutant sources.

Erosion Prevention and Sediment Control

- To the extent possible, the area of construction shall be restored to preconstruction conditions.
- Mulching, seeding, and/or other suitable stabilization measures to protect exposed areas shall be implemented, during and after construction.
- Protect drainage courses, creeks, and catch basins with straw bales, silt fences and/or temporary drainage swales.
- Conduct routine inspections of erosion control measures especially before and immediately after rainstorms, and repair if necessary.

General Site Maintenance

- Designate specific areas of the construction site, well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance.
- Accidental releases of drilling mud shall be cleaned up immediately.
- Spill kits shall be maintained on site during the construction project for small spills.

SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.

Monitoring Action: SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.

Responsibility: CPUC

Timing: At least 10 days prior to the start of any project-related activities, SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board.

Land Use and Planning

Mitigation Measure IX.2

For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the City of Pinole relevant jurisdiction in which the Pipeline is located. The purchaser shall assure that access to the Bay Trail remains open to the maximum

extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.

- Monitoring Action:* Provide written assurances to the CPUC mitigation monitor of compliance with this measure.
- Responsibility:* CPUC
- Timing:* Prior to performing maintenance operations that could limit access to the Bay Trail.

Noise

Mitigation Measure XI.1

During construction of the 4,000-foot replacement section in Martinez, the new owner (SPBPC) will implement the following measures:

- Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through ~~Friday Saturday~~, or more restrictive hours required by permits and ordinances as specified by the City of Martinez.
- Obtain an encroachment permit from the City of Martinez specifying how construction would be sequenced to minimize potential construction impacts.
- Conduct regular equipment and maintenance and install mufflers (as appropriate) on all construction equipment to control noise.
- Shield and orient compressors and other small stationary equipment such that equipment exhaust would face away from noise sensitive buildings and land uses.
- Use existing natural and manmade features (e.g., landscaping, fences) to shield construction noise whenever possible.

The CPUC's mitigation monitor shall ensure compliance with the above measures during construction.

- Monitoring Action:* The CPUC's mitigation monitor shall ensure compliance with the measures during construction.
- Responsibility:* CPUC
- Timing:* Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, or as specified by the City of Martinez.

Public Services

Mitigation Measure XIII-1

Implement Mitigation Measures I.1 and IV.2

- Monitoring Action:* See Mitigation Measures I.1 and IV.2 for Monitoring Responsibilities and Timing.

Transportation / Traffic

Mitigation Measure XV.1a

Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Monitoring Action: SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review.

The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Responsibility: CPUC

Timing: Prior to commencing construction activities.

Mitigation Measure XV.1b

Prior to commencing construction activities, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to construction. As appropriate, traffic control plans shall include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes minimizing truck traffic on local roadways to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by project construction.
- Open trenches subject to vehicular or pedestrian traffic would be covered at the end of each workday with metal plates capable of accommodating traffic.
- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.

- Safety fencing would be installed, where needed, to protect pedestrians from construction areas.
- At a minimum, the UPRR safety and engineering guidelines would be maintained when installing pipeline within the railroad right-of-way. All construction crews and project personnel would be trained on UPRR safety guidelines prior to commencing work in the railroad right-of-way.
- Construction vehicles and equipment would not cross the tracks except at established public crossings or as specified by UPRR.
- Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours for emergency vehicles, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary.
- All roads disturbed during construction would be restored to their preconstruction condition pursuant to franchise agreements with the City of Martinez.

The traffic control plan shall be submitted to applicable jurisdictions for review and approval.

Monitoring Action: The CPUC's mitigation monitor shall monitor compliance with the traffic control plan.

Responsibility: CPUC

Timing: The traffic control plan shall be submitted to applicable jurisdictions for review and approval prior to the commencement of construction activities.

Utilities and Service Systems

Mitigation Measure XV.1

SPBPC shall:

- Insure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement. USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.
- Where the replacement section crosses or is adjacent to live, overhead electric lines, install signs warning equipment operators of the presence of the line.
- Dispose of construction debris at an approved waste disposal site.

- Obtain hydrostatic test water from existing municipal sources. Hydrostatic test water would be discharged into a public-owned treatment works or to upland areas (grasslands) using a dewatering structure that would prevent erosion and movement of soil. Test water would not be directly discharged into any stream or wetland.

Monitoring Action: The SPBPC shall ensure that the USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.

Responsibility: CPUC

Timing: The SPBPC will ensure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement.

DOCUMENTS AVAILABLE FOR REVIEW

The Commission’s proposed draft and final Mitigated Negative Declaration and Initial Study conducted on the PG&E divestiture application are available for review at the following locations:

Richmond Public Library
325 Civic Center Plaza
Richmond, CA 94804-1659
510-620-6561

Martinez Library
740 Court Street
Martinez, CA 94553-1218
925-646-2898

Pinole Library
2935 Pinole Valley Road
Pinole, CA 94564-1494
510-758-2741

Pittsburg City Library
80 Power Avenue
Pittsburg, CA 94565-3842
925-427-8390

San Pablo Library
1555 International Marketplace
San Pablo, CA 94806-4452
510-374-3998

City of Hercules
City Clerk's Office / Attn: Claudia Wade
111 Civic Drive
Hercules, CA 94547-1771
510-799-8215

The full text of these documents will also be made directly available on the Internet at the following address: <http://www.pgedivest.com>; or by accessing the CPUC’s website at the following address: <http://www.cpuc.ca.gov>. From the CPUC’s home page click on the “Regulated Industries” link. Once there then click on the “Environmental” link and then click on the “Current Projects” link. You may then select this project from the list of projects presented on this “Current Projects” page.

PUBLIC REVIEW PERIOD

This Negative Declaration and Initial Study underwent review process from October 30, 2001, to December 10, 2001. A total of fifteen comments were received and are responded to in Chapter 5.0 of this document. Changes to the draft based on these comments are reflected throughout the

document with strikeout and insert text underlined. Address any additional inquiries on this project to the following address:

Billie C. Blanchard, CPUC
c/o Environmental Science Associates
436 14th Street, Suite 600
Oakland, California 94612-2727

The following document represents the Final Mitigated Negative Declaration for the proposed project. The final step in the CEQA process will occur when the CPUC holds a public hearing and adopts the Mitigate Negative Declaration, allowing for a subsequent decision on the applications

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SECTION 1.0

DESCRIPTION OF THE PROPOSED PROJECT

1.1 INTRODUCTION

Pacific Gas and Electric Company (PG&E) is seeking authority, through submittal of a Section 851 Application (No. 00-05-035) to the California Public Utilities Commission (CPUC), to sell its heated Richmond to Pittsburg Fuel Oil Pipeline to a new owner, the San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation. In a separate application (No. 00-12-008) to the CPUC, SPBPC is seeking authority under Sections 216 and 228 of the Public Utilities Code to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a common carrier pipeline corporation. The sale would include the Hercules Pump Station, located in the City of Hercules, and the pipeline from its point of origin in Castro Street (adjacent to General Chemical's facility) in the City of Richmond, to the former PG&E Pittsburg Power Plant in Pittsburg. The Richmond to Pittsburg Pipeline and Hercules Pump Station (the Pipeline) would be sold in their current "as-is, where-is, with all faults" condition.

PG&E filed its Section 851 application on May 15, 2000; it filed a supplement to its initial filing on August 1, 2000, covering mostly rate and cost issues, and including copies of the sales agreement between PG&E and SPBPC, and a limited Phase II Environmental Site Assessment of the Hercules Pump Station conducted for PG&E. PG&E submitted a Proponent's Environmental Assessment (PEA) on November 8, 2000, and filed a supplement to the PEA on February 2, 2001. SPBPC filed its application on December 12, 2000. Two parties, the West Contra Costa Unified School District and SCS Development Company, filed protests to SPBPC's application on January 16, 2001, raising various issues. SPBPC filed a reply to those protests on January 26, 2001.

This Initial Study analyzes the potential impacts to the environment that would result from the sale of the Pipeline by PG&E, the reconstruction of a missing 4,000-foot section of the Pipeline in Martinez, CA, and the future operation of the pipeline and pump station by SPBPC. The Richmond to Pittsburg pipeline system and the Hercules Pump Station are "operational" in the regulatory sense, in that PG&E has maintained all the needed permits and approvals and conducted all the required maintenance and inspections that are required for an operating system. However, PG&E ceased using the system for moving fuel oil to its Pittsburg Power Plant in 1982, though some oil was moved through parts of the system as recently as 1991. Because the CPUC now must decide whether or not to approve the PG&E and SPBPC applications, the California Environmental Quality Act (CEQA) requires the Commission to consider the potential

environmental impacts that may occur as the result of its decisions and to require mitigation for any potentially significant impacts that are identified.

In conducting its CEQA analysis, the CPUC must set the environmental baseline, which is used to compare with the predicted effects that approval of the applications would have. Because there have been significant advancements in the design and construction techniques of oil pipelines since the Richmond to Pittsburg Pipeline was built, this Initial Study assumes that the baseline for conducting all the following potential environment impact analysis is the present day condition and status of the pipeline and pump station system (i.e., a system that has not been used for regularly scheduled fuel oil shipments for 19 years, and has not moved any products for 10 years). This document analyzes the potential changes that would occur as a result of approval of the PG&E and SPBPC applications, compared to the above baseline.

The Initial Study examines PG&E's PEA and the environmental information supplied by PG&E and SPBPC in their applications and their other filings, as well as information gained from interviews with agency personnel and from other available documents. SPBPC did not file a separate PEA for its application, but noted in its January 26, 2001 reply to protests that the environmental review of its application is "being performed as part of PG&E's companion application, A.00-05-035." The Initial Study assumes the sale of the Pipeline would not change its current CPUC-approved use: transport of "oil, petroleum, and products thereof" (CPUC Decision No. 84448).

Much of the environmental analysis focuses on the potential impacts of the replacement of a segment of the pipeline that was removed to allow construction of a railway station in the City of Martinez. Under an agreement between PG&E and SPBPC, PG&E has secured the necessary rights of way for the 4,000-foot replacement section of the pipeline in Martinez. SPBPC would have the responsibility to construct the 4,000-foot replacement section, if it chooses to do so and obtains the requisite permits and approvals. Though neither PG&E nor SPBPC have submitted detailed plans for the construction of the 4,000-foot segment, the construction activity is a reasonably foreseeable activity that would occur as a result of approval by the CPUC of these two applications, and therefore must be analyzed in the CEQA document produced for these applications.

As a condition of the approval of its application for authority to own and operate the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station, SPBPC would be responsible for implementing any mitigation measures pertaining to construction of the 4,000-foot replacement segment in Martinez, and to future operation of the pipeline and pump station. Though other state and local agencies would have permit and approval authority over aspects of the construction of the missing section, the CPUC shall remain the lead agency for monitoring compliance with all mitigation measures mandated in this document. All approvals and permits obtained by SPBPC shall be submitted to the CPUC mitigation monitor for review prior to commencing the activity for which the permits and approvals were obtained.

1.2 PROJECT LOCATION

The approximately 35-mile pipeline is located in Contra Costa County, California, and primarily follows the San Francisco Bay shoreline between the cities of Richmond and Pittsburg (**Figure 1-1**).

Detailed maps indicating the location of the pipeline are included in Exhibits A and B of the Company's response to the CPUC Notice of Deficiency Regarding Remaining Generation Asset Applications, A.00-05-035, Richmond-to-Pittsburg Fuel Oil Pipeline (Response to Deficiency Report).

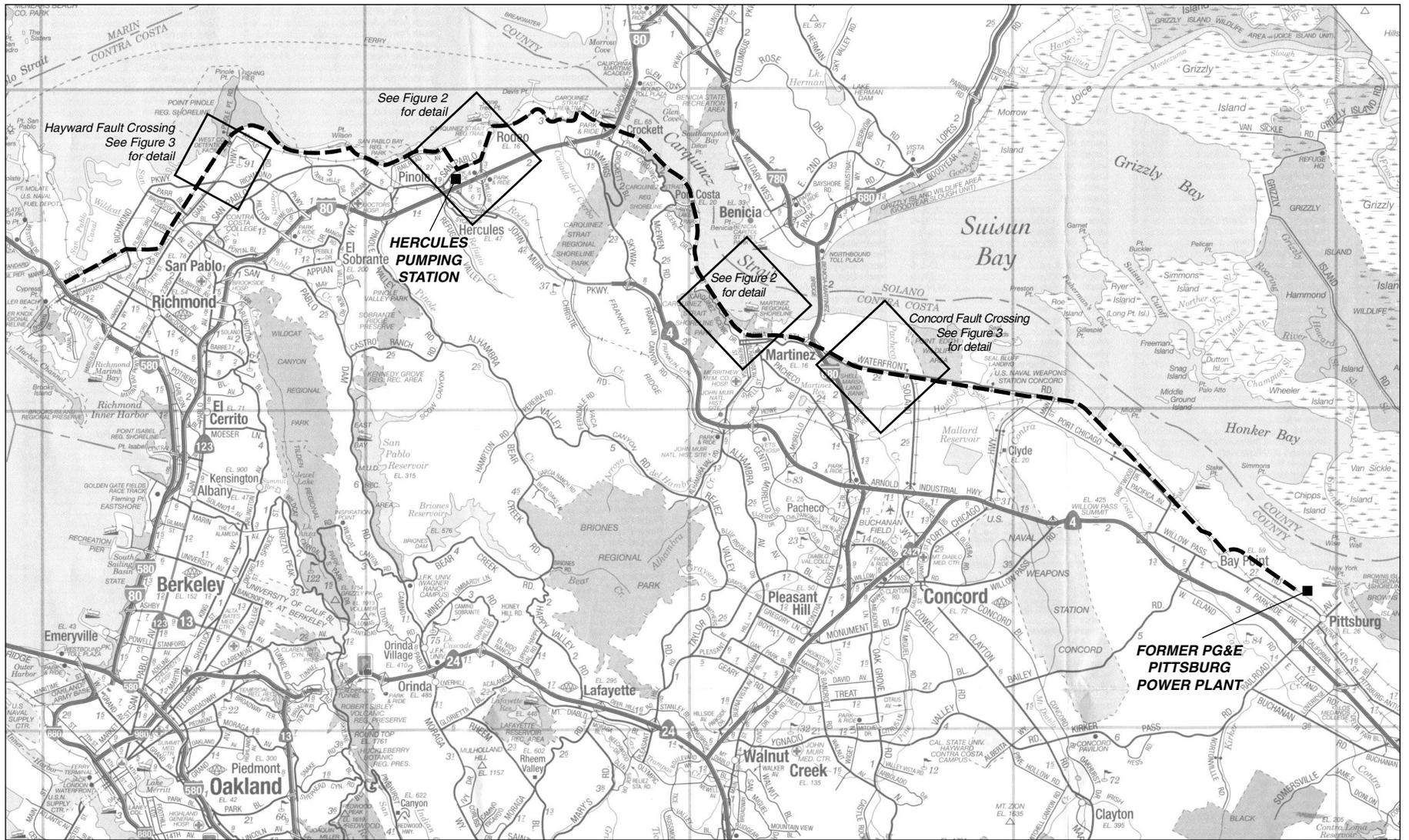
The pipeline originates west of Castro Street immediately adjacent to the General Chemical facility in Richmond. It travels northeast from the facility, along Castro Street to approximately the Richmond Parkway, then crosses Castro Street and enters the Union Pacific Railroad (UPRR) corridor. The pipeline follows the UPRR corridor north and east, crossing Wildcat Creek and San Pablo Creek. Before exiting the Richmond City limits, the pipeline leaves the UPRR corridor and parallels Cypress Avenue, just west of Pinole. It re-enters the UPRR corridor just east of Wilson Point and continues east through Pinole and into the City of Hercules. Approximately 1.5 miles east of the Hercules/Pinole city limits, the pipeline exits the UPRR corridor once again, traveling southeast directly to the Hercules Pump Station. The pipeline leaves the northeast corner of the Hercules Pump Station (see **Figure 1-2** for a local detail) and follows San Pablo Avenue through Rodeo, near the Tosco oil refinery, to Crockett. At Crockett, the pipeline continues through city streets, passing under Interstate 80 (I-80) at the Carquinez Bridge before re-entering the UPRR corridor just east of Crockett. The pipeline then continues east along the UPRR corridor through the City of Martinez, under Interstate 680 at the Benicia Bridge, across Pacheco Creek, and extends to just north of the limits for the City of Pittsburg, terminating just west of the Pittsburg Power Plant.

The Hercules Pump Station, the only above ground portion of the Pipeline, is located at 4200 San Pablo Avenue in the City of Hercules. The Hercules Pump Station is located on the north side of I-80 in the vicinity of the Tosco Rodeo refinery.

1.3 BACKGROUND

1.3.1 REGULATORY

The Pipeline was originally authorized pursuant to a Certificate of Public Convenience and Necessity (CPCN) issued by the CPUC on May 20, 1975 and constructed in 1975, as part of a 42-mile long pipeline extending from the Chevron Richmond Refinery to the former PG&E Pittsburg and Contra Costa Power Plants. The CPCN authorized PG&E to construct the Pipeline and related assets and use them to transport oil, petroleum, and other similar products to PG&E's former Pittsburg and Contra Costa Power Plants. The Pipeline was designed to provide the power plants with heated, low-sulfur, residual fuel oil from the refinery. The Pipeline was used

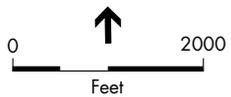
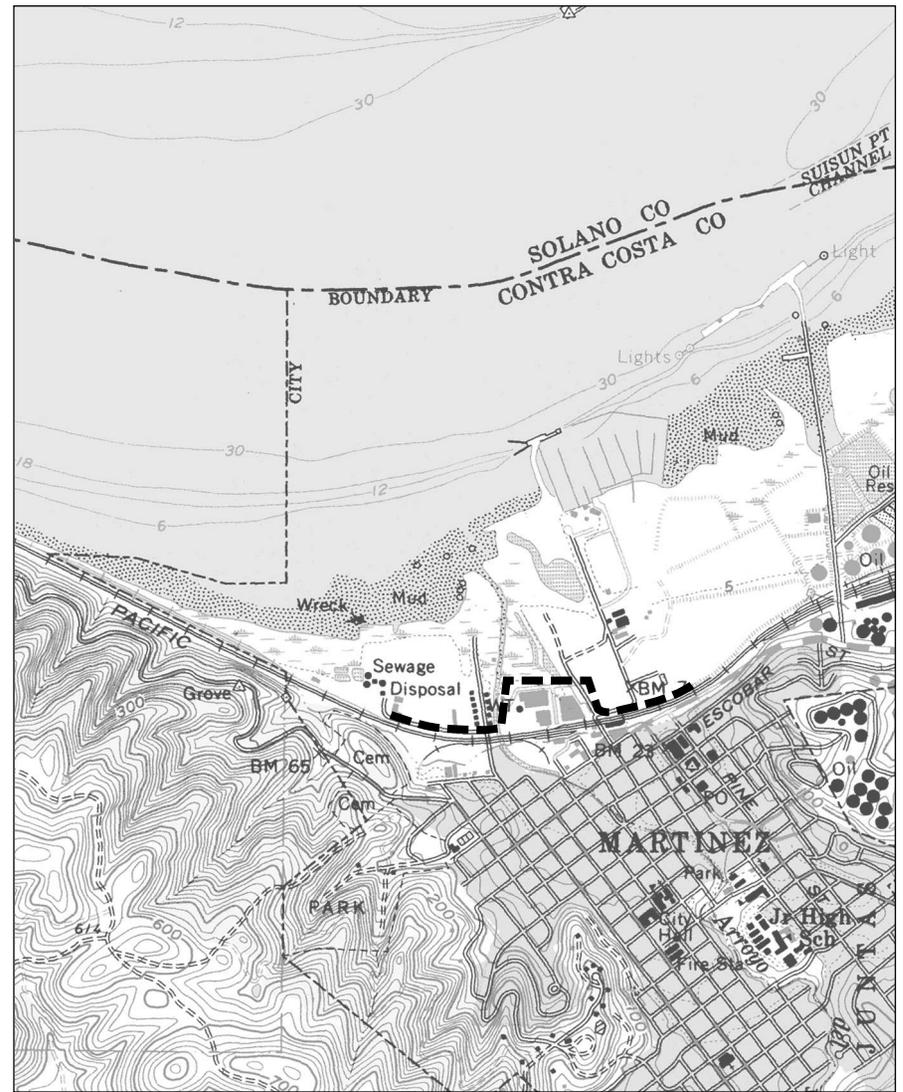
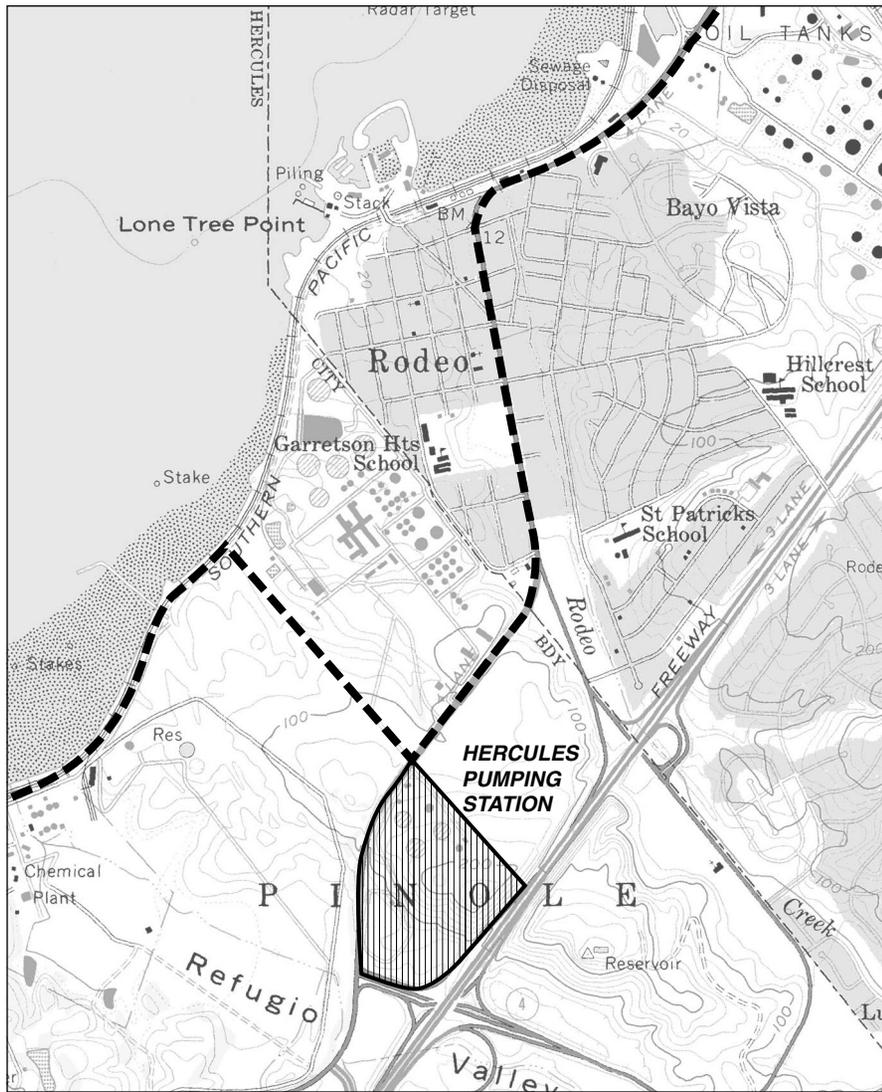


----- PG&E Richmond to Pittsburg Pipeline

SOURCE: Environmental Science Associates;
Base Map - California Automobile Association

PG&E Divestiture / 200496 ■

Figure 1-1
Project Location



----- PG&E Richmond to Pittsburg Pipeline

----- Proposed 4000' Replacement Pipeline Route

SOURCE: Environmental Science Associates

PG&E Divestiture / 200496 ■

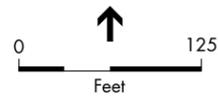
Figure 1-2
Site Locations

**Boundary of P.G. & E. Co. Fuel Oil Line Easement,
LD 2402-03-0723**

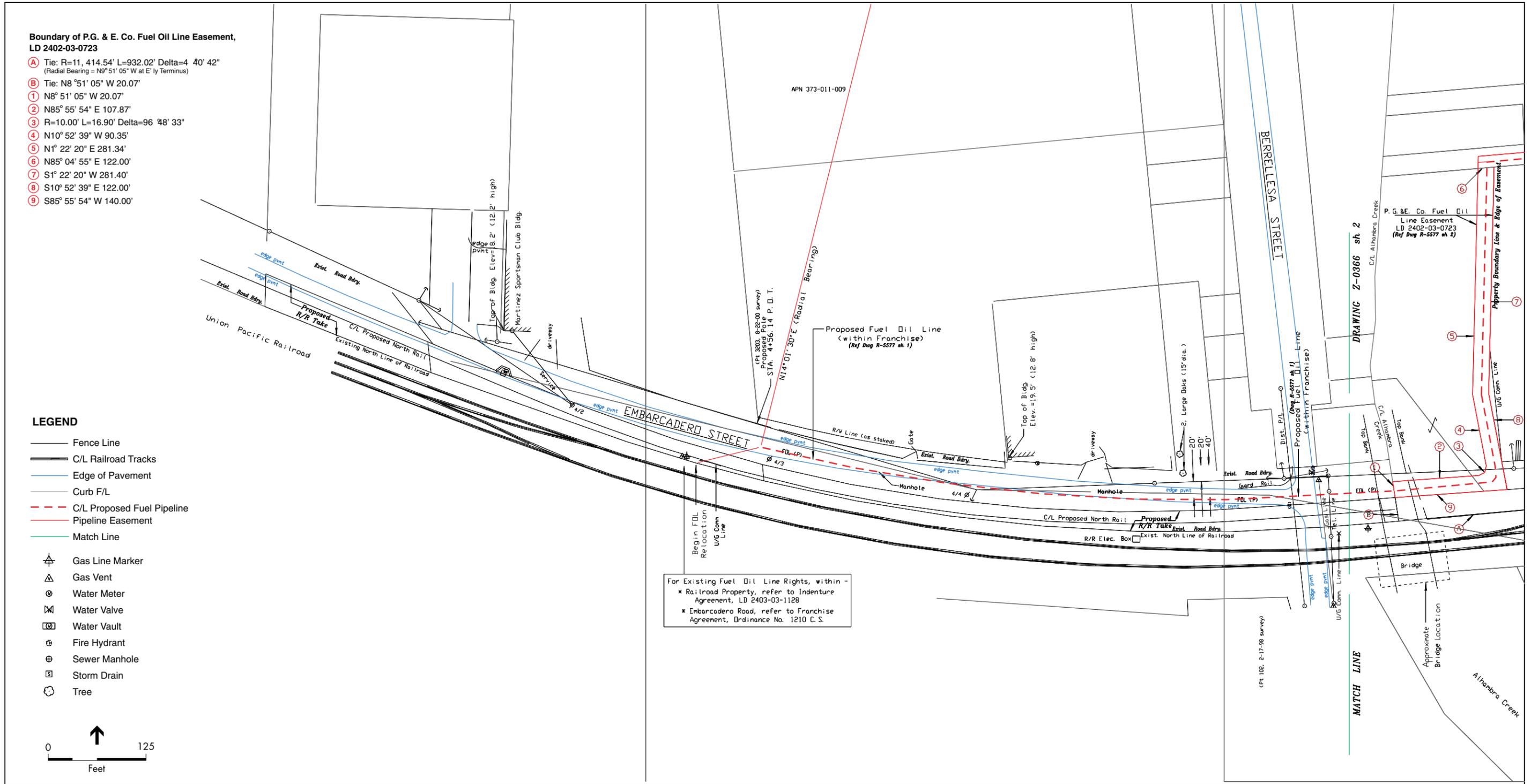
- Ⓐ Tie: R=11,414.54' L=932.02' Delta=4° 40' 42"
(Radial Bearing = N9° 51' 05" W at E'ly Terminus)
- Ⓑ Tie: N8° 51' 05" W 20.07'
- ① N8° 51' 05" W 20.07'
- ② N85° 55' 54" E 107.87'
- ③ R=10.00' L=16.90' Delta=96° 48' 33"
- ④ N10° 52' 39" W 90.35'
- ⑤ N1° 22' 20" E 281.34'
- ⑥ N85° 04' 55" E 122.00'
- ⑦ S1° 22' 20" W 281.40'
- ⑧ S10° 52' 39" E 122.00'
- ⑨ S85° 55' 54" W 140.00'

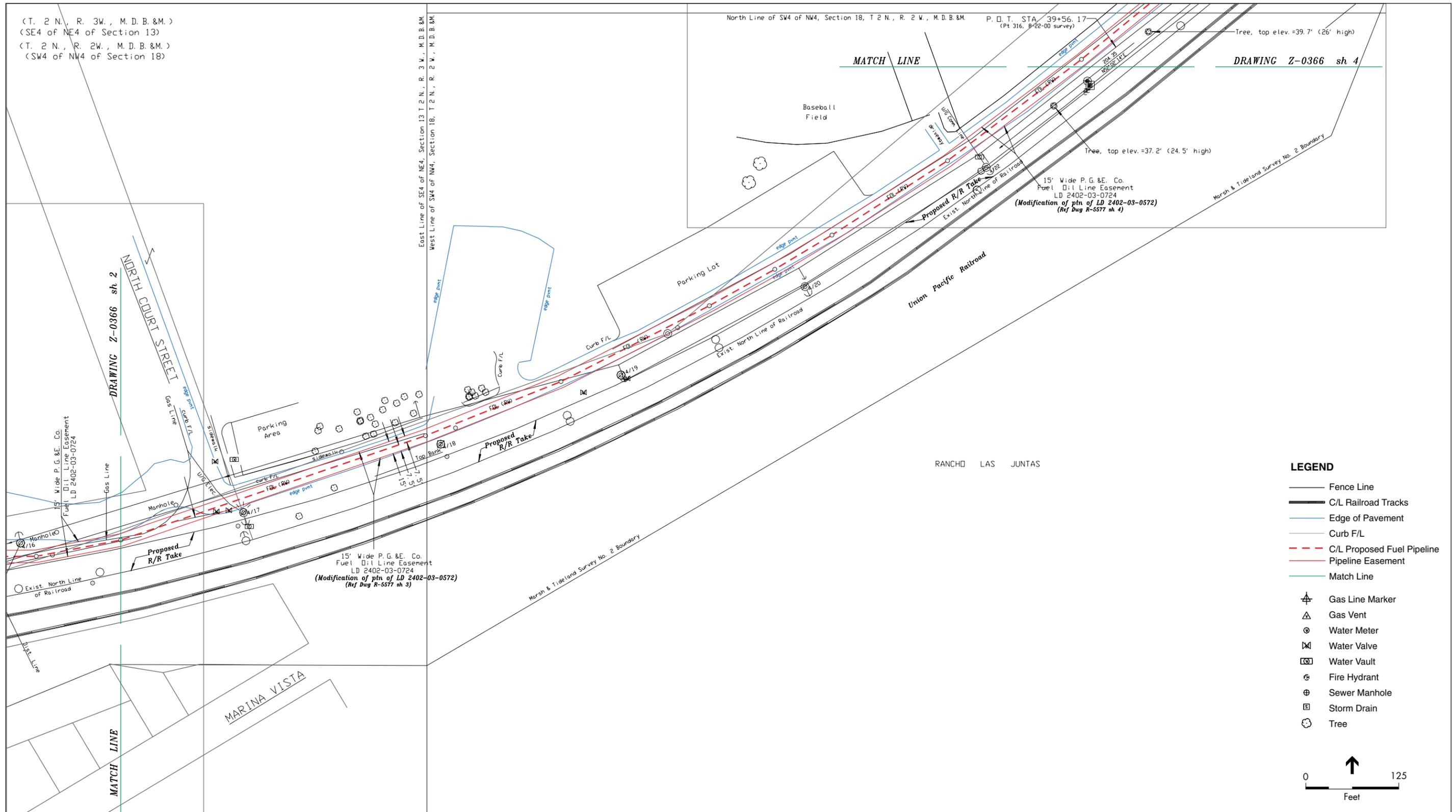
LEGEND

- Fence Line
- C/L Railroad Tracks
- Edge of Pavement
- Curb F/L
- - - C/L Proposed Fuel Pipeline
- Pipeline Easement
- Match Line
- ⊕ Gas Line Marker
- ⊕ Gas Vent
- ⊕ Water Meter
- ⊕ Water Valve
- ⊕ Water Vault
- ⊕ Fire Hydrant
- ⊕ Sewer Manhole
- ⊕ Storm Drain
- ⊕ Tree



For Existing Fuel Oil Line Rights, within -
 * Railroad Property, refer to Indenture Agreement, LD 2403-03-1128
 * Embarcadero Road, refer to Franchise Agreement, Ordinance No. 1210 C.S.

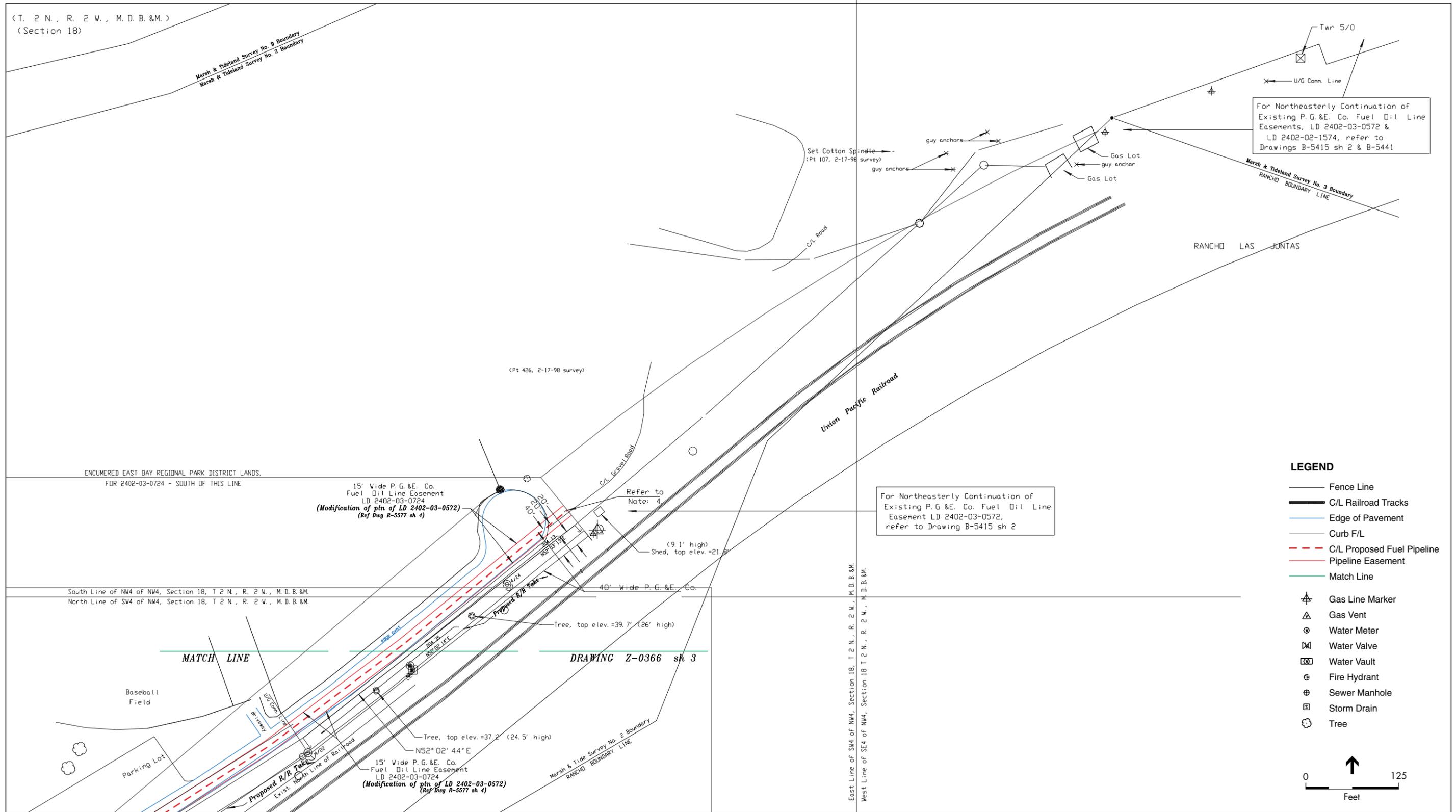




SOURCE: PG&E, Environmental Science Associates

PG&E Divestiture / 200496 ■

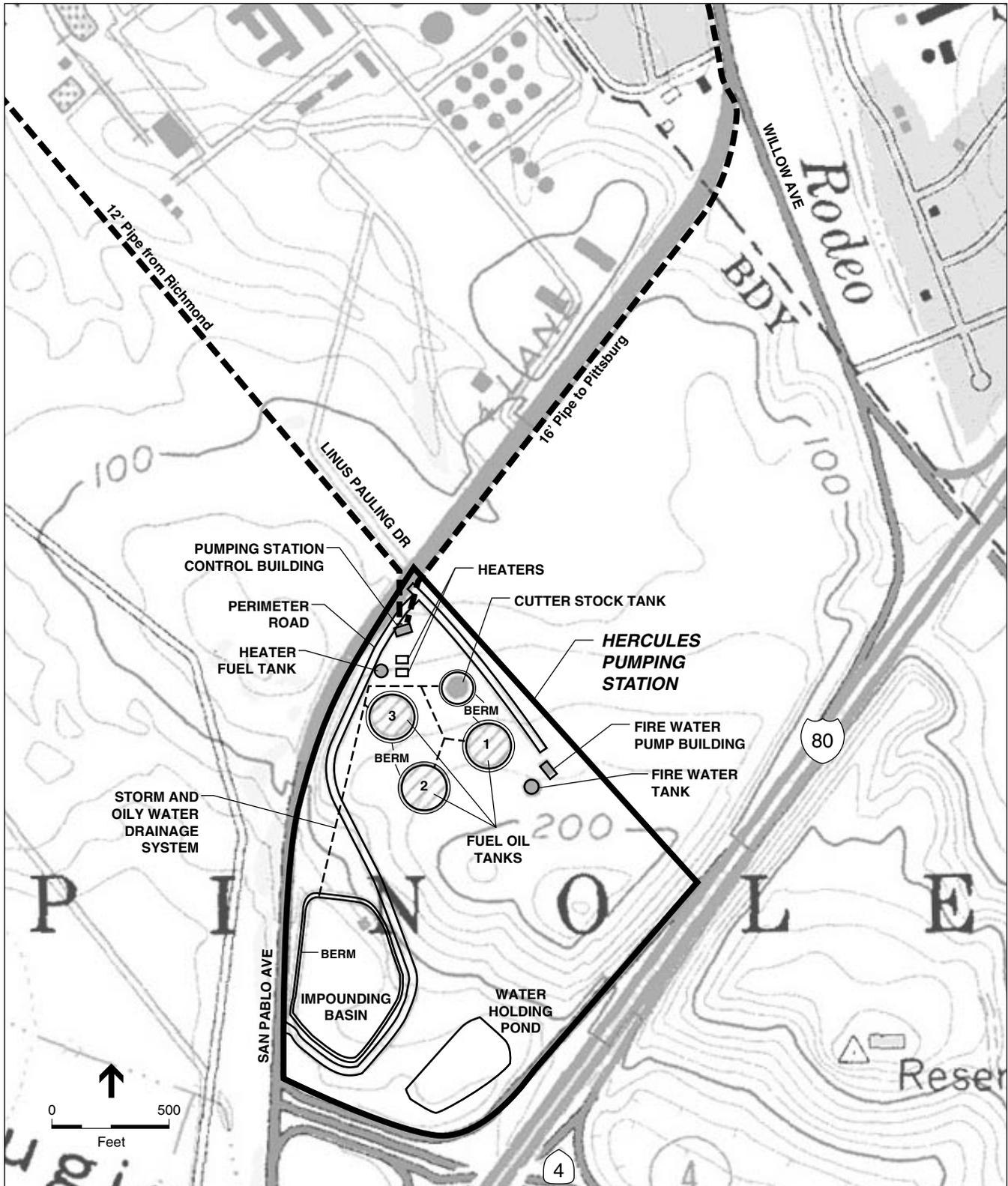
Figure 1-5
 Proposed 4000' Replacement Pipeline
 (Drawing Z-0366 Sheet 3)



SOURCE: PG&E, Environmental Science Associates

PG&E Divestiture / 200496 ■

Figure 1-6
Proposed 4000' Replacement Pipeline
(Drawing Z-0366 Sheet 4)



----- PG&E Richmond to Pittsburgh Pipeline

PG&E Divestiture / 200496 ■

SOURCE: Environmental Science Associates

Figure 1-7
Hercules Pumping Station Detail Map

in this fashion from 1976 to 1982, when PG&E reduced its use of low-sulfur fuel oil because of its increasing expense. The pipeline has been maintained to provide stand-by capability in case of natural gas supply interruptions or similar circumstances. The last major movement of oil through the pipeline was in 1991, with several subsequent oil movements made to maintain the integrity of the pipeline.

The CPCN will not need to be transferred to SPBPC if the sale is approved since SPBPC has applied to the CPUC for authority to own and operate the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a regulated common carrier, as specified in PUC Sections 216 and 228. Under PUC Section 1001, companies whose operations are solely related to the transport of oil (i.e., oil pipeline companies) are not required to obtain a CPCN, but must obtain common carrier status from the CPUC prior to commencing operations. Safety oversight of the pipeline and pump station operations would be the responsibility of the Office of the State Fire Marshall, which in California assumes such responsibility for the federal Office of Pipeline Safety for both intrastate and interstate pipelines in the state.

Pipeline and Hercules Pump Station as a regulated common carrier, as specified in PUC Sections 216 and 228. Under PUC Section 1001, companies whose operations are solely related to the transport of oil (i.e., oil pipeline companies) are not required to obtain a CPCN, but must obtain common carrier status from the CPUC prior to commencing operations. Safety oversight of the pipeline and pump station operations would be the responsibility of the Office of the State Fire Marshall, which in California assumes such responsibility for the federal Office of Pipeline Safety for both intrastate and interstate pipelines in the state.

Pipeline and Hercules Pump Station as a regulated common carrier, as specified in PUC Sections 216 and 228. Under PUC Section 1001, companies whose operations are solely related to the transport of oil (i.e., oil pipeline companies) are not required to obtain a CPCN, but must obtain common carrier status from the CPUC prior to commencing operations. Safety oversight of the pipeline and pump station operations would be the responsibility of the Office of the State Fire Marshall, which in California assumes such responsibility for the federal Office of Pipeline Safety for both intrastate and interstate pipelines in the state.

1.3.2 RECENT HISTORY

In 1998, an approximately 4,000-foot section of the pipeline was severed in the City of Martinez at the request of UPRR, to allow for installation of two additional tracks and relocation of the Martinez Intermodal (Railway) Station. The severed section of the pipeline was capped, filled with a sand/cement slurry mix, and retained in place. The remaining ends of the pipeline were extended beyond the location of the new railroad tracks and capped for future reconnection.

In 1999, PG&E sold its Pittsburg and Contra Costa power plants, including the portion of pipeline between these two plants and associated pumping stations located at the plant sites. PG&E has not used the remaining 35 miles of the pipeline and the Hercules Pump Station to deliver fuel oil

since the sale of the power plants. However, the pipeline continues to be maintained as an active, regulated pipeline system.

1.4 TERMS OF THE DIVESTITURE

PG&E submitted a Section 851 application, seeking to sell its heated Richmond to Pittsburg Fuel Oil Pipeline to SPBPC, and is seeking to establish the market value of the pipeline and pump station assets under Section 367(b) using the sale price of the assets as the market value. The sale would include PG&E's Hercules Pump Station, located in the City of Hercules, and the pipeline, from its point of origin in Castro Street adjacent to the General Chemical facility in the City of Richmond to the Pittsburg Power Plant in Pittsburg. The Pipeline is being sold in its current "as-is, where-is, with all faults" condition. The sale of the Pipeline is also based on its current California Public Utilities Commission (CPUC)-approved use, which is the transport of "oil, petroleum, and products thereof."

The proposed sale of the Pipeline is a result of Assembly Bill 1890, which required the PG&E to establish the market value of its non-nuclear generation-related assets by December 31, 2001. The proposed sale complies with CPUC Decision 00-03-019, which ordered the Company to file an application by May 15, 2000, to establish the market value of its remaining non-nuclear generation-related assets. PG&E believes that the proposed sale is not subject to recent legislation (ABX1-6) that prohibits PG&E from selling "facilities for the generation of electricity," as the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station assets are not facilities for the generation of electricity.

In order to assure continuity of public use and thereby avoid any potential termination of the private grants of easements, the Pipeline would be sold to a regulated public utility pipeline corporation. There are a number of restrictions contained in the land rights documents accompanying the sale, including: restrictions on the number and the size of the permitted pipeline(s); restriction to only transport "fuel oil" or "hot oil" through the pipeline; and, for the portions of the pipeline that traverse through an easement, the requirement of the fee owner's consent to a transfer of the rights granted in the easement.

Subject to certain limitations and exceptions, PG&E will retain the liabilities associated with soil and groundwater contamination existing prior to the sale, as follows: (i) at the Hercules Pump Station (regardless of whether PG&E caused such contamination); and (ii) along the pipeline right of way (but only if such contamination was caused by PG&E). Under the Purchase and Sale Agreement, PG&E would retain the right to conduct post-sale remediation, if necessary, on those certain matters for which it retains responsibility.

1.5 PROJECT COMPONENTS

Pipeline and related assets consist of the following:

- The Richmond to Hercules section of the pipeline – an insulated, 12-inch diameter fuel oil pipeline, approximately 10 miles in length, extending from its point of origin in Castro Street immediately adjacent to General Chemical’s Richmond facility, to the Hercules Pump Station, and associated land rights.
- The Hercules to Pittsburg section of the pipeline – an insulated, 16-inch diameter fuel oil pipeline, approximately 25 miles in length, extending from the Hercules Pump Station to the Pittsburg Power Plant, and associated land rights.
- The Hercules Pump Station, including associated tankage – The Hercules Pump Station is located on a 44.24-acre parcel (Parcel 135-7-110, Sections 1 and 2) and includes:
 - a control building,
 - a fire water pump building and tank,
 - an equipment pad with pumps and fuel heating units,
 - a facility drainage collection and treatment system,
 - aboveground storage tanks,
 - a two-thousand gallon underground containment tank,
 - transformers,
 - impounding basin, and
 - water-holding evaporation ponds.

1.6 GENERAL MAINTENANCE AND CONSTRUCTION METHODS

1.6.1 PROCEDURES FOR PIPELINE OPERATIONS

PG&E has stated that its records indicate there are no known locations on the Pipeline that need repair, except for the 4,000-foot section in Martinez that must be replaced. It anticipates that prior to operation, the new owner (SPBPC) will review all inspection records for the facilities and will conduct its own inspections after acquisition. Inspection of an existing pipeline may be done by using a “smart pig” device that can detect pipe-wall deterioration resulting from corrosion. Indications of reductions in wall thickness would be graded for severity and appropriate necessary maintenance actions would be taken.

The current “smart pig” launcher/receiver sites for the pipeline are located at the Pittsburg Pumping Station, Hercules Pump Station, and at the Richmond Metering Station. The Pittsburg Pumping Station is owned by Southern Energy, while the launcher/receiver at Richmond is located on property owned by Chevron. Any new owner of the Pipeline assets may need to secure agreement with Southern Energy and Chevron for continued access to the launcher/retriever sites.

Maintenance and repair activities on the pipeline could range from excavating certain sections to allow welding a full encirclement weld sleeve over impacted areas of the pipe (with wall thickness loss or other anomalies for relatively localized problems), to replacement of entire sections of the pipeline. Usually the replacements occur within five feet of the existing pipeline and within the existing easement.

A cleaning pig was run through the pipeline in 1998 and 1999 to remove any oil product from the pipeline. To preserve the pipe, the pipeline was filled with an inert gas where the pipeline is above the water table and with water treated with corrosion inhibitors in the marsh areas to keep the pipeline from floating to the surface. The inert gas will need to be purged and the treated water drained before the pipeline can be used again for transport of petroleum product. This could be accomplished initially when placing the pipeline in operation by pushing a pig through the pipeline with product at one end and diverting the treated water to an appropriate disposal site (i.e., a water treatment facility at one of the refineries), and venting off the gas at the other end. The treated water would be managed in accordance with applicable water quality regulations.

1.6.2 THE 4,000-FOOT REPLACEMENT SECTION IN MARTINEZ

Transport of product through the entire length of the pipeline is currently not possible due to the severed 4,000-foot section of pipeline in Martinez. In order for the new owner (SPBPC) to use the entire pipeline, this 4,000-foot section will need to be reinstalled. PG&E has obtained a 20-foot wide permanent easement (as shown in **Figure 1-2**) from the City of Martinez, and also has an easement from the East Bay Regional Park District to allow for the construction of the replacement section. SPBPC will be responsible, at its own expense, for the construction and reconnection of the new section of pipeline, and for obtaining any additional temporary easements or encroachment permits from the City of Martinez or the East Bay Regional Park District required for construction.

Because SPBPC has not defined in its Application (A.00-12-008) the exact methods to be used, this analysis assumes that the replacement pipeline section will be constructed using standard trenching and boring methods. Thus, this document examines impacts at a general level, based on available information and reasonable assumptions. The estimated construction right-of-way width, within which all construction activity would occur, would be 50 feet (a 15 to 20-foot permanent easement plus an additional 30-foot temporary easement). The depth of cover required for the pipeline would be a minimum of 42 inches. Material excavated from the trench would be stockpiled and could be used as backfill. Unsuitable materials from the excavation would be removed for disposal at an approved facility. The construction area would be minimized at stream crossings (where feasible) to minimize potential impacts. SPBPC would obtain all appropriate permits prior to construction, and would comply with permit mitigation measures and conditions, as further described below.

1.6.3 SYSTEM DESIGN OF THE REPLACEMENT SECTION

To comply with applicable state and federal regulations governing the construction and operation of “hazardous liquid” pipelines, which include oil pipelines, the 4,000-foot replacement section must be designed to the latest American Petroleum Institute Standard (APIS) and the size and grade of the pipe would be consistent with the extant section (16-inch outside diameter, 0.281-inch wall thickness, material grade X-46). Fuel oil pipelines nationally are subject to Pipeline Safety Regulations Title 49, Part 190-199, which specifies that the standard to which pipelines are designed, constructed, operated, and maintained is ASME B31.4, Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohol. The lengths of the pipe sections could vary based on construction needs. It is anticipated that the pipe would be purchased and installed in 40-foot long, pre-insulated sections.

1.6.4 CONSTRUCTION SCHEDULE AND PROCEDURES

Replacement of this section of pipeline would be expected to take approximately four to six weeks, depending on the time of year and weather conditions. Construction could be conducted up to 10 hours per day, five or six days per week, depending on the construction schedule and local requirements for keeping areas open to the public and businesses.

Though neither SPBPC nor PG&E have released details of any construction plans related to the missing section in Martinez, the likely sequence of events for a typical replacement project is as follows:

1. Determine which permits are required for the repair work and obtain necessary permits prior to commencing work.
2. Survey crews would mark the construction corridor limits.
3. The contractor would notify Underground Service Alert (USA) 48 hours before construction begins. This would alert the operators of other underground utilities to mark their facilities in the area of the construction.
4. The contractor would clear the right-of-way of vegetation. Water would be sprayed on unpaved surfaces, as needed, to control dust, following standard fugitive dust control measures mandated by the Bay Area Air Quality Management District.
5. The right-of-way would then be graded to remove the topsoil and surface rock, where needed, and topsoil would be stockpiled along the edge of the right-of-way for redistribution following construction.
6. Tractor-trailer trucks would deliver the insulated pipe sections to the job site. A hydrocrane or sideboom would unload the pipe sections at the site and place them along the cleared right-of-way.

7. Backhoes would dig the pipe trench and store the spoil material within the right-of-way. Workers would hand dig, when necessary, to prevent damage to underground utilities.
8. Conditions may require fitting the pipe to the right-of-way route. Hydraulic pipe bending machines would bend the pipe (or specially manufactured elbows could be used) to fit the contour of the trench.
9. Individual joints of pipe would be welded alongside the trench. An independent certified x-ray inspector would inspect the girth weld to ensure APIS compliance. An acceptable girth weld would then be prepared and coated. The contractor would check for and repair holes or voids in the pipeline coating.
10. If sharp angular rocks or other hard objects are encountered during excavation, the bottom of the trench would be padded with backfill material. This select backfill is bedding material that keeps the pipe coating free of damage.
11. Sidebooms would lower the pipe into the ditch.
12. Surveyors would locate the final horizontal and vertical position before the trench is backfilled. SPBPC would prepare record drawings for the entire replacement segment based on this as-built information.
13. Stockpiled spoil material or imported backfill would be used to cover the new pipeline. The backfilled soil would then be compacted.
14. Construction of the replacement line would continue until it is ready for tie-in to the existing pipeline at either end of the severed 4,000-foot section.
15. Cleaning devices known as “pigs” would be sent through the new section to clean out welding slag, dirt, debris, and other items that may have accumulated in the pipeline during construction. After hydrostatic testing, a pig would be sent back through the line to purge the water used for the testing.
16. The entire length of the new pipeline section would be hydrostatically pressure-tested with clean water. A certified test inspector would witness the hydrostatic pressure test to assure that it meets or exceeds the applicable construction standards. Water for the hydrostatic pressure test would be obtained from a municipal water source. Hydrotest water would be discharged into upland areas (grasslands) using a dewatering structure that would prevent erosion and movement of soil. Test water would not be directly discharged into any stream or wetland without prior authorization. A high-pressure, truck-mounted positive-displacement pump would pressurize the pipeline.
17. The contractor would make tie-in welds between the new pipeline and the existing section of pipeline after a successful hydrostatic pressure test. This would require the

removal of the caps installed on the existing section of the pipeline. The tie-in welds would then be x-rayed.

18. The entire right-of-way would be cleaned up after backfilling, compaction, hydrostatic testing, and tie-ins are completed. The contractor would return the right-of-way to its original contours and grade. The entire right-of-way would then be reseeded. The local Natural Resource Conservation Service office and the current landowners would be consulted to determine the seed mix and preferred method of restoration.

1.6.5 ROAD CROSSINGS

Following the new right-of-way obtained by PG&E, the new section would parallel Joe DiMaggio Drive east of Ferry Street and would parallel or be constructed in Embarcadero, west of Berrellesa Street. It would cross three roadways: Berrellesa Street, Ferry Street, and Joe DiMaggio Drive. The work would be completed using open trenching construction. The major construction activities associated with the installation are as follows:

- Saw-cut the pavement for the trench
- Excavate a trench for the pipeline
- Haul away and dispose of trenched and excavated spoils, if necessary to achieve compaction requirements, or stockpile excavated spoils
- Install the pipe
- Backfill the trench with either imported backfill, or native backfill
- Restore all paved surfaces and clean up the job site

1.6.7 CREEK CROSSINGS

Two creeks would be crossed for the installation of the 4,000-foot replacement section: Alhambra Creek and an unnamed drainage near Ferry Street. The PG&E application proposed that both creeks be crossed below the grade of the creek bed using auger boring or directional drilling techniques. These methods are described in more detail below. If SPBPC purchases the pipeline, as proposed, it would design and construct the creek crossing and would obtain all relevant permits and agency approvals prior to construction.

AUGER BORING

Auger boring involves excavating a bore pit on one side of the crossing and excavating a receiving pit on the other side. Boring utilizes an auger and power unit mounted on rails or a sideboom-suspended boring machine attached to a deadman (anchor). The power unit drives the auger inside a heavy-wall pipe casing until the power unit reaches the leading edge of the bore

pit. The power unit is disconnected from the auger, backed up, and a segment of the carrier pipe is welded to the casing segment already driven. Additional auger and carrier pipe segments are added successively until the bore reaches the other side of the crossing in the receiving pit. Soil excavated by the auger is removed from the pit by a backhoe. Once through, the power unit backs out the auger one segment at a time, leaving the pipeline in place under the crossing. In the receiving pit, the casing is removed.

DIRECTIONAL DRILLING

Directional drilling starts by boring a small-diameter pilot pipeline through to the receiving point. Drill bits are then dragged through the pilot hole using the pilot pipeline to increase the diameter of the bore to the size of the pipe required. High-pressure bentonite or polymer would be used, depending on the soil type, to cool the drill head, and either help lubricate the hole or help stiffen the soil. The pipe would be pulled back through the bored opening. Extra temporary workspace would be required on either side of the creek to accommodate drilling activities. If conducted properly, neither the creek nor the adjacent streamside vegetation would be disturbed during this procedure.

Spoils from the drilling operations would be in the form of mud and asphalt. During directional drilling, the lubricating fluid would be stored in containment tanks on the drilling machine. The fluid that emerges at the end of the borehole would be sucked up and pumped into trucks to be reused in the process. Spoils and asphalt would be loaded straight from the bore area onto trucks for removal or stored on site.

1.6.8 CONSTRUCTION EQUIPMENT

The pipeline replacement would likely require the following equipment:

- One to two backhoes
- One bulldozer
- One to two sideboom tractors
- One water truck
- One front-end loader
- Tractor-trailer rigs for delivery of the pipe to the right-of-way
- Pickup trucks for welders, surveyors, construction crews, x-ray technicians, and SPBPC inspectors

1.6.9 CONSTRUCTION INSPECTION

Work would be completed according to SPBPC plans and project specifications. Local agency construction inspectors, as well as CPUC and SPBPC construction monitors would be present to enforce the plans and project specifications.

1.6.10 CONSTRUCTION STAGING AND ACCESS

Access to the line would be on existing dirt and paved roads, including Berrellesa Street, Ferry Street, Joe DiMaggio Drive, and the railroad right-of-way. Widening or other improvements to these roads is not required.

Equipment, pipe, and other supplies needed for the work on this section would be stored either on the right-of-way or at staging areas close to the right-of-way. Permits and easements required for staging areas would be the responsibility of SPBPC.

MAINTENANCE PROCEDURES FOR HERCULES PUMP STATION OPERATIONS

Because the pump station has been maintained in stand-by status, only minor repair and routine maintenance would be required before restarting pumping operations. Repair and maintenance could include checking and replacing bearings and seals, inspecting pumps, calibrating flow meters, cleaning and inspecting tanks, replacing tank seals, etc. A maintenance crew of 5 to 10 members would likely perform the required maintenance.

Oily water (used for running cleaning pigs through the pipeline) is currently contained onsite in Main Storage Tank Number 3. Treatment or disposal of water in accordance with applicable regulations would be required before utilizing this tank.

1.6.11 REASONABLY FORESEEABLE USES OF THE PIPELINE

If its application is approved, SPBPC will be a common carrier pipeline corporation regulated by the CPUC. The Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station were constructed specifically to transport fuel oil and would require significant modification to be used for other purposes. Any change in use of the pipeline and Hercules Pump Station initiated by SPBPC would require CPUC approval. Any change in use would also require negotiation of amendments to easements and rights-of-way with numerous landowners. Tosco has one refinery in the area that could be fueled by petroleum. The Purchase and Sale Agreement prohibits SPBPC from seeking any change in the permitted use of the pipeline before the sale closes. With this restriction, it is reasonably foreseeable that for the immediate future following the sale, the use of the pipeline would remain as transport of petroleum products, quite possibly between any of the several Tosco refineries and transport facilities along the route of the pipeline.

1.6.12 POINTS OF ORIGIN AND DELIVERY

Identification of points of origin and points of delivery for the petroleum product along the Richmond to Pittsburg Fuel Oil Pipeline would be speculative at this point. It seems likely that tie-ins to the pipeline would need to be installed before the system would be fully operational.

The initial design of the pipeline anticipated future tie-ins by installing connection amenities for access to ship transportation at some of the refineries located along the shoreline between Richmond and Antioch. Also, the Hercules Pump Station was designed to allow movement of oil from a marine loading wharf that was once located at the former Gulf Refinery in Hercules, although no provisions were made to connect the wharf to the pipeline. There are also eight 10-inch tees on the Hercules to Pittsburg section of the pipeline, including one adjacent to Tosco's Rodeo refinery. There is also one 10-inch tap and a metering station at the Shore Terminal Tank Farm facility in Martinez.

Installation of tie-ins may require permitting and agency approval and land rights acquisition. These activities would be the responsibility of SPBPC, or the company desiring such a tie-in, once a plan for such facilities is developed. The permitting and approval activities, and the construction methods used for any such tie-ins would be similar to those used for the replacement section in Martinez, though (depending upon tie-in location and design) the pipeline used to complete the tie-ins could be considerably shorter than the replacement section in Martinez, and could be somewhat smaller in diameter. The identification of particular points of origin and delivery would be speculative at this time, although it is reasonable to assume that the end user of the petroleum product transported in the pipeline would be one of the several existing refineries near the pipeline route. Identification and analysis of specific points of origin and points of delivery for petroleum product from the Pipeline to Tosco's refinery would be speculative at this point as well. Therefore, this document will not further address the installation of tie-ins.

1.7 LONG-TERM OPERATION AND MAINTENANCE

1.7.1 HERCULES PUMP STATION

OPERATION

Operation of the Hercules Pump Station would include receiving the product from the pipeline, and storing, circulating, heating, and pumping the product to the pipeline. The procedures for performing specific actions would depend on the type of product being moved, (e.g., fuel oil or cutter stock), and the start and end points of the movement. The following general information applies to any oil product transfer at the Hercules Pump Station:

- When receiving and storing product, the piping system within the Hercules Pump Station allows for the measurement of product received.

- When circulating and heating the stored product, the heater can be fired with natural gas, diesel, or fuel oil. Normally, natural gas is used.
- Transporting heavy oil to another location would typically include preheating of the pipeline with cutter stock, preheating the oil, and pumping the oil to the other location. For this operation, the booster, main line pumps and heater would be used.
- A pipeline leak detection system would monitor the integrity of the pipeline and provides status at either the Hercules Pump Station control room or from Tosco's Santa Fe Springs Pipeline Control Center.

Currently, when the station is in stand-by mode, only one part-time operator is required to inspect the plant. When the station is in pumping mode, one operator is needed at the station to begin pumping. One operator remains-on-site while-system controls may be monitored by an operator off-site. Pump station valves can be operated from the control building.

MAINTENANCE

Maintenance would include checking and replacing bearings and seals, inspecting pumps, calibrating flow meters, and other routine mechanical inspections and replacements.

1.7.2 PIPELINE

OPERATION

When the pipeline is not in active use, the pipe is typically filled with cutter stock, which are primarily solvents that are compatible with oil. Prior to transporting fuel oil, the temperature of the pipeline is elevated to at least 50 degrees Fahrenheit above the pour point of the oil to be transported by moving heated cutter stock back and forth through the pipeline until the required temperature is reached. This operation is performed using the booster, heater, and mainline pumps at the Hercules Pump Station.

MAINTENANCE

Currently, a corrosion mechanic takes cathodic readings on the pipeline weekly. An operator is available to respond to USA requests and the pipeline route is inspected at least twice a month. An operator also inspects the condition of the isolation valves twice a year. Pipeline controls and communications are checked twice a month by an instrumentation/communications technician. Future operations must comply with US Department of Transportation Office of Pipeline Safety guidelines for inspections and maintenance, which include periodic inspections of the pipeline and all related components.

SECTION 2.0

ENVIRONMENTAL CHECKLIST & EXPANDED EXPLANATION

1. Project Title: Pacific Gas and Electric Company Divestiture of Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station/San Pablo Bay Pipeline Company to Own and Operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station
2. Lead Agency Name and Address: California Public Utilities Commission
Energy Division
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298
3. Contact Person and Phone Number: Billie C. Blanchard (415) 703-2068
4. Project Location: 4200 San Pablo Avenue, Pumping Station
Hercules, CA 94547
Contra Costa County
5. Project Sponsor's Name and Address: Pacific Gas and Electric Company
77 Beale Street, P.O. Box 77000
San Francisco, CA 94177-0001

San Pablo Bay Pipeline Company
1660 West Anaheim
Wilmington, CA 90744
6. General Plan Designation: Various (see Section IX for complete listings)
7. Zoning: Various (see Section IX for complete listings)
8. Description of Project:

Pacific Gas and Electric Company is seeking authority, through submittal of a Section 851 Application to the California Public Utilities Commission (CPUC), to sell its heated Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station to San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation. SPBPC is seeking authority under Sections 216 and 228 of the Public Utilities Code to own and operate the Richmond-to-Pittsburg Fuel Oil

Pipeline and Hercules Pump Station as a common carrier pipeline corporation. See the attached pages.

9. Surrounding Land Uses and Setting:

The approximately 35-mile pipeline is located underground in Contra Costa County, California, and primarily follows the San Francisco Bay shoreline between the cities of Richmond and Pittsburg. The land uses traversed by the pipeline are primarily characterized as urban; however, portions of the pipeline cross several open space/parklands. The Hercules Pump Station is located in the City of Hercules at 4200 San Pablo Avenue.

10. Other public agencies whose approval is required:

The anticipated replacement of a portion of the pipeline would require the new owner (San Pablo Bay Pipeline Company) to obtain various permits and discretionary approvals. These may include, but are not limited to, compliance with the following (note that these approvals are discussed in greater detail in their respective checklist section but are included for reference here in list form):

- Historic Resources, State Historic Preservation Office, Historic Preservation Act Section 106
- Federal Endangered Species Act 16 United States Code (USC) Sections 1531 – 1544
- Clean Water Act, Section 401/404, Water Quality Certification/Waiver, Title 33 USC Section 1125 et seq.
- U.S. Army Corps of Engineers, Title 33 USC Section 401 et seq., Title 33 Code of Federal Regulations (CFR) Part 320 et seq., Nationwide permit program
- Clean Water Act, Storm Water Regulations, Construction Activities, Title 40 CFR Part 122
- National Environmental Policy Act, Title 40 CFR Part 1501.3 (b)
- California Endangered Species Act, Fish and Game Code 2050 et seq.
- San Francisco Bay Conservation and Development Commission (BCDC) Permit
- California Native Plant Protection Act under the direction of the Department of Fish and Game
- Streambed Alteration, Fish and Game Code Section 1600
- Welding permit, Bay Area Air Quality Management District
- Local encroachment permits

- Compliance with local general plans and corresponding approval from the Cities of Richmond, Pinole, Hercules, Martinez, and Pittsburg, as well as, Contra Costa County
- Work permit from Union Pacific Railroad to work along easements

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The 35-mile-long pipeline extends mostly underground from its origin in Castro Street immediately adjacent to General Chemical’s facility in Richmond to the Pittsburg Power Plant in Pittsburg. Aboveground facilities are limited to the Hercules Pump Station in the City of Hercules and a one-mile section of pipeline that is aboveground through the Avon Marsh in the unincorporated area of Avon, east of the City of Martinez.

LOCAL AND REGIONAL CONTEXT

The pipeline either transects or skirts the four physiographic divisions of Contra Costa County: (1) the northern San Francisco Bay depression, (2) the highlands of the Coast Range, (3) the intermountain valleys, and (4) the Sacramento-San Joaquin Delta.

The northern edge of Contra Costa County is moderately to highly scenic, with views of the waterways and surrounding bluffs of what is commonly referred to as the Bay-Delta Region, which includes San Pablo Bay, Carquinez Strait, Suisun Bay, Honker Bay, the confluence of the Sacramento and San Joaquin Rivers. The North Bay Views in the distance from the Bay-Delta Region include the Vaca Mountains to the north, the Sonoma Mountains to the northwest, the Black Hills (including Mount Diablo) and Briones Hills to the south, and the coastal hills of the Marin Peninsula to the west. The quality of many views has been reduced, however, as a result of industrial development along the shoreline, including sugar refineries, rail yards, solid waste handling facilities, dredge spoils disposal areas, and other similar industrial land uses. This lack of visual quality is particularly apparent in the immediate vicinity of the Union Pacific Railroad (UPRR) right-of-way, which parallels the shoreline of the San Pablo Bay.

VISUAL CHARACTER AND POLICIES

Richmond

The Richmond General Plan does not define any aesthetic goals. However, the visual elements in the pipeline corridor include the San Pablo Bay waterfront, as well as various urban and industrial developments. The pipeline facilities are entirely underground and within the UPRR right-of-way in this section.

Pinole

One of the goals listed in the City of Pinole General Plan is to enhance the city's character by protecting key visual resources. Visual resource protection policies relevant to the pipeline include:

- ***OS2.1. Scenic Resources.*** Preserve significant knolls, stands of trees, rock outcrops, and ridgelines within the city that further the image of Pinole.
- ***OS2.2. View Protection.*** Preserve prominent views of scenic resources and the bay, and consider visual access and view corridors when reviewing development proposals.
- ***OS2.3. Open Space Separators.*** Maintain a continuous open space separator between Pinole and the cities of Hercules (Pinole Ridge) and El Sobrante/Richmond (El Sobrante Ridge).
- ***OS2.5. Ridgeline Protection.*** Locate and design structures and other public and private improvements so as to minimize cut and fill areas that will impact public views, safety, and surrounding uses, and avoid building profiles (silhouettes) being located above the ridgeline when viewed from public streets and designated public access areas.

Hercules

Hercules has a scenic setting where the higher areas east of Interstate 80 (I-80) overlook San Pablo Bay, with distant views of the coastal range in Marin County. Areas west of I-80, closer to the bay (and the pipeline corridor) also have scenic views. The City of Hercules General Plan notes, "Proposed elements within view of designated scenic routes in the city should be reviewed in terms of their visual impact."

The Hercules Pump Station is situated on Pacific Gas and Electric Company property between San Pablo Avenue and I-80, north of Highway 4. Most of the station's facilities are situated in a cut/fill area on the side of a hill north of the Franklin Canyon Road interchange for I-80. The adjacent lots are undeveloped grasslands. The visible aboveground facilities at the Hercules Pump Station include buildings, storage tanks, pumps, and heater stations, transformers, utility lines, evaporation ponds, and an impounding basin.

Martinez

The City of Martinez has adopted specific open space “policy zones” to address concerns about preservation of scenic areas. The policy regarding the waterfront area includes:

- The North Contra Costa Waterfront Zone (which includes the area just west of the Carquinez Bridge to the land east of Pacheco Creek) should remain essentially unimproved and devoted to open space land use. Most of this area is comprised of the marshes and mudflats of the waterfront area that have high value as natural habitats and as scenic and recreational areas.

The 4,000-foot replacement section would be partially located within the Martinez Regional Shoreline Park, approximately 200 feet north of the existing line. The UPRR right-of-way forms a strong visual boundary separating the downtown area from the shoreline park and its facilities. Views northward from the railroad right-of-way are of flat grassy areas in the park, framed by the waters of the Carquinez Strait and the hills overlooking Benicia. Views to the east include the Benicia-Martinez Bridge and the structures of the Martinez Refining Company (Equilon). Residential and industrial areas lie to the south, and the Franklin Hills Open Space and Carquinez Strait Regional Shoreline Park to the west.

Pittsburg

The Pittsburg General Plan does not define any specific aesthetic elements for the area of the pipeline. The plan reports that perhaps the most distinguishing visual landmark in west Pittsburg is the Southern Energy Power Plant (formerly owned by Pacific Gas and Electric Company). The power plant (which is visible throughout much of downtown and west Pittsburg), along with the mixed urban and industrial areas of Pittsburg and the unincorporated area of Bay Point, negatively affects the scenic quality of the area along this section of the pipeline corridor.

Contra Costa County

The pipeline crosses four major unincorporated segments throughout Contra Costa County. The segments include the area between Richmond and Pinole, the area between Hercules and Martinez, the area between Martinez and the U.S. Naval Weapons Station (Port Chicago), and the area between the U.S. Naval Weapons Station (Port Chicago) and Pittsburg. The Contra Costa County General Plan 1995-2010 outlines development goals and policies that generally promote protection of the scenic qualities of the county, including:

- Preserve and protect areas of identified high scenic value, where practical, and in accordance with the Land Use Element map.
- Preserve the scenic qualities of the San Francisco Bay/Delta estuary system and the Sacramento-San Joaquin River/Delta Shoreline.

Between the City of Richmond and the City of Pinole, the pipeline traverses approximately one mile across the unincorporated area of El Sobrante. In this area, the pipeline runs along the shoreline of the San Pablo Bay Regional Shoreline Park. To the north, the scenic San Pablo Bay

and the bay's shoreline are the primary views. To the south, the unincorporated area of El Sobrante is a mix of industrial and urban development.

Between the City of Hercules and the City of Martinez, the route mainly follows the shoreline of San Pablo Bay and the Carquinez Strait. To the north of the pipeline corridor, the views of San Pablo Bay and Carquinez Strait are very scenic. However, views south of the pipeline corridor are generally of heavy industrial developments.

East of the City of Martinez to the U.S. Naval Weapons Station (Port Chicago), the pipeline rests on pile supports aboveground for approximately one mile. The framework and pipeline are concealed from the nearby public highway by the elevated UPRR right-of-way. The natural features of the area are highly scenic with views of Avon Marsh, Shell Marsh, Suisun Bay, the bay's shoreline, and Pacheco Creek. However, the marsh habitat is relatively flat and prolific industrial development is visible throughout the area.

Between the U.S. Naval Weapons Station (Port Chicago) and Pittsburg, in the unincorporated area of Bay Point, the visual characteristics remain mostly industrial and mixed urban developments.

U.S. Naval Weapons Station (Port Chicago)

Views along the pipeline corridor through this section are primarily the marshes and mud flats of the Carquinez Strait along with the prominent industrial complexes located in the U.S. Naval Weapons Station (Port Chicago) and the adjacent unincorporated areas of Contra Costa County.

AESTHETICS IMPACTS DISCUSSION

- a) The proposed project makes use of an existing underground pipeline that passes through the cities of Richmond, Hercules, San Pablo, Pinole, Rodeo, and Martinez, and unincorporated areas of Contra Costa County, including Crockett, and an existing pump station located in the City of Hercules. However, an approximately 4,000-foot section of the line located within the City of Martinez was previously removed to allow construction of a rail facility. The identified new owner of the facility, San Pablo Bay Pipeline Company (SPBPC) apparently intends to replace this section of the pipeline. SPBPC has not formally announced its plans for construction activities for the missing section, or for maintenance and repair activities for the existing route. Much of the Richmond to Pittsburg Fuel Oil Pipeline route travels through areas that are of local importance either as viewpoints of local natural features, including San Pablo Bay, Carquinez Strait, Suisun Bay, and Honker Bay from the shorelines, or as important aesthetic resources that are viewed from other scenic viewpoints. In Martinez, the intended new route for the 4,000-foot missing section travels near important aesthetics resources, including Martinez Regional Shoreline (East Bay Regional Parks District), Waterfront Park, Martinez City Park, Historic Downtown Martinez, Carquinez Strait Shoreline Park, and Carquinez Scenic Drive.

For the existing underground pipeline, located primarily within railroad or public street right-of-ways, the sale and subsequent operation of the pipeline would have little to no effect on aesthetic resources along the pipeline route, with the possible exception of temporary disruption of views if and when SPBPC replaces or adds components of the pipeline. The pump station, located on 44.2 acres of land in the City of Hercules, is generally-somewhat shielded from view, but still visible from the North Shore Business Park, the New Pacific Properties Specific Plan planned residential neighborhoods west of San Pablo Avenue, the Foxboro residential neighborhood across Interstate 80 on the westerly side of the City of Hercules, and the hillside residences in the community of Rodeo. ~~from all directions, and its~~ The pump station's construction, however, preceded that of essentially all development around it, and is considered part of the baseline setting. Therefore, the project's only likely potential impact on aesthetics resources would be along the 4,000-foot replacement section in the City of Martinez. SPBPC has not yet announced its plans for the underground construction of the missing section. However, as mitigation for construction activity that SPBPC might conduct, PG&E stated in its Proponent's Environmental Assessment that "landscape features and recreational equipment would be restored to pre-construction conditions," and that "construction activities affecting parklands and trail systems would be coordinated with the East Bay Regional Park District and the City of Martinez." SPBPC would be required to implement these mitigation measures as part of the sales agreement for the Pipeline, but are also formalized below. Therefore, with these mitigation measures, the impact of construction on aesthetics resources would be less than significant.

Since the crossing at Alhambra Creek and the unnamed drainage near Ferry Street is to be performed by underground auguring or directional drilling and property landscaped, there would be no permanent aesthetic impacts during operation of the pipeline.

Impact I.1: Installation of the 4,000-foot replacement section of pipeline in Martinez would have a temporary, but significant impact on scenic vistas viewable from the adjacent shoreline parks administered by the East Bay Regional Park District and from portions of the City of Martinez.

Mitigation Measure I.1: Prior to commencing construction activities, the new owner (SPBPC) of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station shall coordinate construction activities affecting parklands and trail systems with the East Bay Regional Park District and the City of Martinez. This shall include submittal of an aesthetic resources plan to the City and the Parks District that addresses the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City and the Parks District. The plan shall also include: details of the methods of shielding and placement of new above-ground components, such as valve stations, that would be viewable where no such components currently exist. The plan shall include a discussion of actions taken such that final pipeline alignment and construction activities associated with this project shall not interfere

with the implementation of the Martinez Intermodal Project (which includes the new bridge over Alhambra Creek) and the Martinez drainage project. Above ground facilities, such as valve stations, shall not be constructed within EBRPD parkland or within the viewshed of sensitive receptors within EBRPD park or trail corridors. SPBPC shall not commence construction activities along the replacement segment in Martinez until the aesthetics resource plan is reviewed and approved by the East Bay Regional Parks District, the City of Martinez, and the CPUC mitigation monitor. The CPUC's mitigation monitor shall verify compliance with the aesthetics plan during construction of the replacement section.

Significance after mitigation: Less than significant.

This proposed mitigation measure would reduce to a less than significant impact the potential for the project to create potential impact on aesthetics resources as the result of construction activities.

- b) No highways along the pipeline route are Officially Designated Scenic Highways, nor are any currently eligible for such designation. Carquinez Scenic Drive parallels the pipeline route in and near Martinez, but the crossing of Alhambra Creek, is on the opposite side of the railroad tracks and more than 800 feet northeast of Carquinez Scenic Drive. Though this road is an important local scenic resource, it is not an Officially Designated Scenic Highway. The proposed 4,000-foot replacement section also travels through the Martinez Regional Shoreline to the west of Martinez, but the short segment would not substantially affect the views from the roadway. Though historic buildings are within one-quarter mile of the missing section in the City of Martinez, construction of the missing section would likely not have any effect on nearby historic buildings. The potential for the project to substantially damage scenic resources, including trees and rock outcroppings along the route, is similar to the potential to substantially affect a scenic vista. Construction activities could have a temporary effect on some resources that are considered scenic resources by people living in or visiting the area, especially the vegetation that currently covers or adjoins the intended route for the new segment.

Impact I. 2: Vegetation removal, construction activity, and installation of the proposed 4,000-foot replacement section in Martinez would affect local scenic resources in the vicinity of the construction activity.

Mitigation Measure: Implement Mitigation Measure I.1.

Significance after mitigation: Less than significant.

- c) The project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is also similar to the potential to negatively affect scenic vistas and scenic resources. The project route travels through a wide variety of terrain and development, with either lush vegetation or developed infrastructure lining the route. Much of the route is within rail or road right-of-way, immediately adjacent or under

railroad tracks or city streets. Minor maintenance activities along this route would not be expected to have a substantial negative effect on the visual character or quality of the project route. The potential for the construction of the missing section in Martinez to substantially degrade visual quality and character of the area is similar to the potential to damage scenic resources or scenic vistas. The planned route for the 4,000-foot replacement section borders parklands and other important scenic resources, with lush vegetation being the primary visual character for people visiting the parks. With proper construction and restoration techniques, the buried pipeline would not substantially degrade the visual character or quality of the area, as the pipeline would not be visible to people visiting or living in the area. A potential exception would be the few aboveground components, such as valve stations, that would be viewable where no such components currently exist. With proper shielding, exterior treatment, and placement of these new aboveground components, the project would likely not substantially degrade the visual character or quality of the project area.

Impact I. 3: Vegetation removal, construction activity, and installation of the proposed 4,000-foot replacement section in Martinez would degrade the existing visual character and quality of the project area.

Mitigation Measure: Implement Mitigation Measure I.1.

Significance after mitigation: Less than significant.

- d) Operation of the existing pipeline and construction of the missing section would not entail the introduction of new lighting into the area. Therefore, there is no potential for the project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

REFERENCES

California Department of Transportation Web Site on Scenic Highways,
http://www.dot.ca.gov/hq/LandArch/scenic_highways/

Environmental Science Associates, 2001 site visit to project route, February 2001.

City of Hercules. 1998. City of Hercules General Plan.

City of Martinez, General Plan, as amended to January 1995.

City of Pinole. 1995. City of Pinole General Plan.

City of Pittsburg. 1988. Pittsburg General Plan.

City of Richmond Planning Department. 1994. Richmond General Plan, Volume Two – Technical Appendix.

Contra Costa County, Contra Costa County General Plan, July 1996.

Dowswell, David, City Planner, City of Pinole Planning Department, personal communication, March 7, 2001.

McBride, Janet, Project Manager, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

Pacific Gas and Electric Company. 1973. Applicant's Environmental Impact Report, Richmond, Pittsburg, Antioch Fuel Oil Pipeline.

Pacific Gas and Electric Company. 1974. Final Environmental Impact Report for the Richmond-Antioch Fuel Oil Pipeline.

Pacific Gas and Electric Company, Proponent's Environmental Assessment, November 8, 2000.

Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

Contra Costa County is comprised of 470,400 acres, with over half (254,445) of these acres allocated to farmlands and harvested cropland. In 1999, the total gross value of agricultural products and crops reached \$86,693,780, a decline of \$71,470 compared to 1998 (Contra Costa County, 1996). Contra Costa County, like many others in California, has experienced a decline in the amount of agricultural land, due to such factors as urban encroachment.

From a historical standpoint, local agricultural operations adjacent to the pipeline alignment have been replaced with new residential and industrial development. The California Department of Conservation's Farmland Mapping and Monitoring Program inventoried agricultural resources acreage in 1998. According to the 1998 map, the alignment does not intersect with any Prime Farmlands, Farmland of Local Importance or Unique Farmlands. A small portion of land to the east of the Hercules Pump Station is designated as Farmland of Statewide Importance; however, these lands are not intersected by the actual alignment (California Department of Conservation, 1998).

The majority of the pipeline corridor lies within the Union Pacific Railroad (UPRR) easement, where several utility lines also exist. Land adjacent to this easement is primarily residential, commercial, and industrial. Approximately four miles of the Briones Hill Agricultural Preserve lies adjacent to the pipeline, west of the City of Martinez. At higher elevations (not adjacent to the pipeline), land is primarily used for grazing. North Richmond has some areas adjacent to the pipeline that are used for nursery crops (e.g., flowers, house plants, shrubs, and Christmas trees) grown in mainly greenhouse settings (Pacific Gas and Electric Company, 2000).

The pipeline originates within the City of Richmond at the Richmond Pump Station within the UPRR easement. Land uses adjacent to the 100-foot UPRR right-of-way are primarily designated for light industrial and residential uses. Light industrial zoning designations within Richmond, including areas between Parchester and north Richmond, allow for commercial nurseries with aboveground containment (City of Richmond, 1994). Any agriculturally related uses within the light industrial zone are considered an interim land use according to the policies contained within the Open Space and Conservation Element of the Richmond General Plan.

The North Richmond Shoreline Specific Plan Environmental Report referred to a 50 acre parcel consisting of dry cultivated pasture in 1992 south of Rheem Creek and west of the UPRR track (Pacific Gas and Electric Company, 2000). According to the document, agriculture activities on the property were not a viable economic use at that time. Subsequent aerial photograph interpretation revealed that this land is currently used for nursery crops with some small vacant areas. The remaining alignment of the pipeline within the City of Richmond encompasses several regional shorelines, devoted primarily to open space use.

Within the cities of Pinole and Hercules there are minor agricultural operations involving seasonally livestock grazing (City of Hercules, 1998, and City of Pinole, 1995). Properties containing these uses are not traversed by the pipeline alignment. The Briones Hills Agricultural Preserve is adjacently south of the pipeline alignment, east of Crockett and west of the City of Martinez. The preserve was created to maintain open space for agricultural, grazing, and parkland use (Pacific Gas and Electric Company, 2000). After review of aerial photographs for this portion of the alignment, no signs of current agricultural uses were observed within the preserve in areas adjacent to the pipeline alignment.

The 4,000-foot replacement section of the pipeline within the City of Martinez traverses through an urban environment and would not traverse any lands facilitating agricultural operations. The remaining portion of the alignment travels to the east and parallels the UPRR up the city of Pittsburg. This entire section of the alignment passes through mainly low-lying shoreline areas, which contain no existing agricultural operations. The majority of the agricultural uses that lie within Contra Costa County are located to the east of Antioch and are a considerable distance outside of the pipeline corridor (Contra Costa County, 1996).

REGULATORY SETTING

STATE REGULATORY OVERSIGHT

California Land Conservation Act

Under the provisions of the Williamson Act (California Land Conservation Act 1965, Section 51200), landowners contract with the County to maintain agricultural or open space use of their lands in return for reduced property tax assessment. The contract is self-renewing and the landowner may notify the County at any time of intent to withdraw the land from its preserve status. Withdraw involves a ten-year period of tax adjustment to full market value before

protected open space can be converted to urban uses. Consequently, land under the Williamson Act Contract can be in either a renewal status or a nonrenewable status. Lands with a nonrenewable status indicate the farmer has withdrawn from the Williamson Act Contract and is waiting for a period of tax adjustment for the land to reach its full market value. Nonrenewable lands are candidates for potential urbanization within the next ten years (California Department of Conservation, 2000).

Farmland Mapping and Monitoring Program

The California Department of Conservation, under the Division of Land Resource Protection, has set up the Farmland Mapping and Monitoring Program (FMMP) which monitors the conversion of the state's farmland to and from agricultural use. The map series identifies eight classifications and uses a minimum mapping unit size of 10 acres. The program also produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The program maintains an inventory of state agricultural land and updates its "Important Farmland Series Maps" and every two years. The FMMP is an informational service only and does not constitute state regulation of local land use decisions (California Department of Conservation, 2000). Four categories of farmland, Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, are considered valuable and any conversion of land within these categories is typically considered to be an adverse impact. As indicated in the 1998 FMMP Map, the pipeline alignment does not pass through any areas designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (California Department of Conservation, 1998).

LOCAL REGULATORY OVERSIGHT

Contra Costa County

The Contra Costa County General Plan Conservation Element provides the framework for preserving the remaining agricultural lands that reside within the County. The following policies are contained within the Agriculture Section of the Conservation Element and dictate what uses are permitted on agriculturally designated lands:

Policy 8-29 - Large contiguous areas of the County should be encouraged to remain in agricultural production, as long as economically viable.

Policy 8-30 - In order to reduce adverse impacts on agricultural and environmental values, and to reduce urban costs to taxpayers, the County shall not designate land located outside the Urban Limit Line for an urban land use.

Policy 8-31 - Urban development in the future shall take place within the Urban Limit Line and areas designated by this plan for urban growth.

Policy 8-32 - Agriculture shall be protected to assure a balance in land use. The policies of Measure C 1990 shall be enforced.

Policy 8-33 - The County will encourage agriculture to continue operating adjacent to developing urban areas.

Policy 8-34 - Urban developments shall be required to establish effective buffers between them and land planned for agricultural uses.

Policy 8-35 - Residents in or near agricultural areas shall be informed and educated regarding the potential nuisances and hazards associated with nearby agricultural practices.

Policy 8-36 - Agriculture shall be protected from nuisance complaints from non-agricultural land uses.

Policy 8-37 - The use of toxic and nutritive chemicals by agricultural operators shall be minimized.

Policy 8-38 - Agricultural operations shall be protected and enhanced through encouragement of Williamson Act contracts to retain designated areas in agricultural use.

Policy 8-39 - A full range of agriculturally related uses shall be allowed and encouraged in agricultural areas.

Policy 8-40 - A 4-acre minimum parcel size for prime productive agricultural land (Class I and II Soils per SCS and Use Capability Classification) shall be established by the County for land outside the designated Urban Unit line. To the extent feasible, the County shall enter into preservation agreements with cities in the County designed to preserve land for agriculture.

AGRICULTURAL RESOURCES IMPACTS DISCUSSION

a-c) As discussed in the Regulatory Setting, the Pipeline does not traverse any areas designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Therefore, the proposed valuation and transfer of the Pipeline would not result in a subsequent conversion of Farmland as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. Additionally, the continued operation and construction of the 4,000-foot replacement section in the City of Martinez would not involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland, to non-agricultural use. As a result, no impact is expected.

In Martinez, a four-mile segment of the pipeline is adjacent to, but does not cross, the Briones Hill Agricultural Preserve, which is currently under a Williamson Act contract. Operations in the past have not conflicted with the current use, and therefore, it is assumed that the continued operation of the pipeline in this general vicinity would not

conflict with existing the agricultural zoning designation, or Williamson Act contract. As a result, no impact is expected.

REFERENCES

- California Department of Conservation, 2000. Online. Farmland Mapping and Monitoring Program and Land Conservation Act of 1965 (Williamson Act)
- California Department of Conservation, 1998. Farmland Designation Map for Contra Costa County, 1998.
- Contra Costa County, 1996. Contra Costa County General Plan 1995-2010.
- City of Richmond, 1994. Richmond General Plan, Volume One – Goals, Policies, Guidelines, Standards, and Implementation Programs.
- Pacific Gas and Electric Company, 2000. Proponents Environmental Assessment to Establish market Value for and Sell its Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station Pursuant to Public Utilities code Section 367 (B) and 851. Application Number 00-05-035.
- City of Hercules, 1998. City of Hercules General Plan.
- City of Pinole, 1995. City of Pinole General Plan.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The pipeline corridor and the Hercules Pump Station are located in Contra Costa County which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The Air District covers all or part of 9 counties in the San Francisco Bay region, and the airshed has been designated by the California Air Resources Board (ARB) as nonattainment of the Federal and State ambient air ozone standards, as well as nonattainment of the state PM-10 standard. Most of the rest of California also does not meet the state PM10 standard. The Bay Area region has been designated as attainment or unclassified for State and Federal standards for the other criteria pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead. Ambient air measurements over the past five years at four monitoring stations in Contra Costa County have shown occasional exceedances of the State and Federal ozone standards and of the State PM-10 standard.

The Hercules Pump Station is the only portion of the existing facility that generates measurable air pollutant emissions. The pump station includes two fuel oil heating units that have maximum heat input rates of 30 million BTU/hr. each. The heating units have BAAQMD air permits that allow the use of natural gas, number 2 fuel oil (diesel), or number 6 fuel oil (Bunker C). In the past, these heating units have used natural gas exclusively. Other equipment at the pump station with the potential to emit air pollutants include two diesel firewater pumps. The pumps are operated only for short time periods during monthly tests and if there is a fire emergency. Therefore, routine emissions from the firewater pumps are negligible. The pump station contains

storage tanks for fuel oil and diesel fuel. Emissions from the tanks are negligible because of the relatively low volatility of the stored liquids.

AIR QUALITY IMPACT DISCUSSION

The sale of the Pipeline is based on its current CPUC-approved use, which is the transport of oil, petroleum and related products through the pipeline, and it is conditioned on the securing of the necessary rights of way for a 4,000-foot replacement section of the pipeline. Air quality impacts are discussed below for both the construction of the 4,000-foot pipeline replacement section and for operation of the pipeline project.

- a) The proposed action would not conflict with or obstruct the implementation of air quality plans in the BAAQMD, since all air pollution emission sources would be operated within permitted limits. The BAAQMD is revising their Air Quality Attainment Plan (AQAP) for the region and will submit the Plan to EPA Region 9 sometime in 2001. In the revised AQAP, permitted emission sources for this project are already included. Therefore the project will not be in conflict with the AQAP. Although the oil heaters at the Hercules Pump Station have used mostly natural gas as fuel in the past, they may use more fuel oil in the future. The existing air permits allow unlimited use of either natural gas or fuel oil, and fuel oil has been used before during certain times. Therefore, switching back to fuel oil will result in a less than significant impact.
- b) During construction of the 4,000-foot Martinez replacement section of the pipeline, there would be a temporary increase in the following criteria pollutant emissions:
- PM-10 fugitive dust emissions during clearing, boring, and trenching operations
 - Exhaust emissions from construction equipment, including the criteria pollutants carbon monoxide, sulfur dioxide, nitrogen oxides and PM-10

Fugitive dust emissions from construction activities would cause increases in ambient air particulate matter concentrations at receptors near the pipeline corridor. Construction dust is composed primarily of large particles that settle out of the atmosphere with increasing distance from the source. In general, construction dust would result in more of a nuisance than a health hazard. About one-third of the dust generated by construction activities consists of smaller size particles (PM-10) in the range that can be inhaled by humans, although these particles are generally inert. Persons with respiratory diseases who may be immediately downwind of the construction activities could be sensitive to this dust. Therefore, the short-term PM-10 air quality impacts from fugitive dust during construction would be significant unless mitigation measures prescribed by BAAQMD are implemented.

Although exhaust emissions from construction vehicles are much lower than fugitive dust emissions, some of them (NO_x and VOCs) contribute to the formation of ozone, a

nonattainment pollutant, and fine particulate matter from exhaust emissions would contribute to ambient air PM-10 levels. Thus, short-term ozone impacts would be significant, and PM-10 impacts would be significant at locations near the construction site unless mitigation measures are adopted to reduce exhaust emissions.

Impact III.1: Emissions from construction-related activities would cause a temporary increase in local particulate matter concentrations.

Mitigation Measure III.1: SPBPC shall implement the following fugitive dust control and emissions reduction measures during construction of the 4,000-foot pipeline replacement. These measures are prescribed by BAAQMD to ensure that construction impacts are less than significant, and they include:

- **Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work.**
- **Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site.**
- **Construction vehicles shall use paved roads to access the construction site wherever possible.**
- **Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.**
- **Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets.**
- **A carpooling strategy shall be implemented for construction workers prior to commencing construction (during construction worker orientation and training).**
- **Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule.**
- **Vehicle idling time shall be minimized whenever possible.**
- **The CPUC mitigation monitor shall monitor compliance with these measures during construction.**

Significance after mitigation: Less than significant.

- c) Operation of the project would not result in a significant cumulatively considerable increase of any criteria pollutant emission for which the region is in nonattainment.

During operations, NOx emissions, which are the principal contributors to ozone, would be within permitted levels and would not result in measurable increases in ozone levels. However, during construction of the 4,000-foot replacement section, NOx and PM-10 emissions would be cumulatively significant.

Impact III. 2: Emissions from construction-related activities would cause a temporary cumulatively significant increase in local NOx and PM-10 emissions.

Mitigation Measure: Implement Mitigation Measure III.1

Significance after mitigation: Less than significant.

- d) The project would not expose sensitive receptors to substantial pollutant concentrations. Even though there may be a slight increase in emissions over previous operations if fuel oil is used in the heaters instead of natural gas, the increase would be within allowed levels under the existing air permits. Since the heaters have operated previously for short periods of time with fuel oil, there would be no significant short-term impacts at sensitive receptors, which are near the pump station. There would be a slight increase in emissions at the pump station heaters over the long-term because of greater hours of fuel oil usage versus natural gas. The slight increase in long-term emissions would result in less than significant impacts at sensitive receptors near the pump station.
- e) The project would not create odors affecting a substantial number of people. There are no odor complaints with regard to the existing facility, and operations in the future are not expected to result in increases of odorous pollutant emissions.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES:				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

PUMP STATION SETTING

The site of the 44-acre Hercules Pump Station is relatively remote, though in a generally highly developed area. Its immediate surroundings include an Interstate highway right-of-way, grazed pastureland, and low-density commercial and industrial development. The Hercules Pump Station includes several buildings and large storage tanks, roadways and parking, and a considerable area of open space with mostly non-native grasses and trees. Part of the open lands includes a large grassed hill, artificially constructed to shield the tanks from potential visual impacts. Two small retention ponds are located on the property. The property abuts a small stream adjacent to Interstate Highway 80.

The Pump Station is completely fenced with very limited human access only to station personnel. Open lands on the property offer habitat for a variety of semi-urban wildlife. The grasslands and trees provide hunting opportunities for raptors likely found in the area. The forage provided by the large open pasturelands adjacent to the property probably attracts raptors to the area. A site visit by ESA staff in February 2001 revealed evidence of raptor use of the area. Several airborne raptors, probably red-tailed hawks, were observed overhead. A large nest, potentially belonging to a raptor, was observed on one of the large storage tanks on the property. The widely spaced trees within the property's grasslands provide ideal raptor foraging opportunities. The relatively unused grasslands probably provide an abundance of small mammals as valuable raptor prey.

The retention ponds and adjacent stream provide some limited riparian and wetland habitat. The retention ponds have developed some wetland vegetation, but water retention is of short duration and there is no other aquatic value to these ponds. The stream seems to be perennial and has good riparian habitat. Upon leaving the property, however, this stream is artificially channelized through developed property and offers little or no aquatic habitat to wildlife.

PIPELINE CORRIDOR SETTING

The pipeline corridor generally follows along the shorelines of San Pablo Bay, Carquinez Straits, and Suisun Bay. Land adjacent to this easement is primarily open parkland, residential, commercial, and industrial. The biological environment adjacent to the 35-mile long pipeline corridor can be characterized in three segments:

- The approximately 15-mile long portion from Richmond to Crockett is within highly developed commercial and industrial land uses between Interstate Highway 80 and San Pablo Bay. This portion includes the Pump Station in Hercules. The lands surrounding this portion of the pipeline offer little or no value to biological resources. There is little undeveloped habitat along this corridor with the exception of the Pump Station itself described above.
- An approximately 10-mile long portion from Crockett to Martinez passes through largely inaccessible, undeveloped shoreline. This portion follows the railway easement along Carquinez Strait. Above the shoreline are relatively steep grassed slopes up into hilly, open pasture and parklands. Much of this area is within the Carquinez Strait Shoreline Park, part of the East Bay Regional Park. This land is largely undeveloped grassland, interspersed with native trees characteristic of undeveloped areas of the hills surrounding the San Francisco Bay area. Most of these lands are devoted to parkland activities or are grazed with cattle. These lands provide substantial value for biological resources including several special status plant and animal species. This area is valuable habitat for special status raptors including Swainson's hawk, bald eagle, and northern harrier. Carquinez Strait, which the pipeline corridor parallels in this area, is an important aquatic resource for a variety of species. As the passage for the Central Valley drainage, 40% of all precipitation in the State of California passes through this channel. Several special status migratory fishes, including steelhead and chinook salmon, use this corridor for passage to and from spawning areas in the Central Valley rivers and streams.

- An approximately 10-mile long section from Martinez, eastward to Pittsburg continues through low-lying lands adjacent to Suisun Bay. Most of this corridor is located in wetlands. The pipeline replacement section, described in greater detail below, occurs at the beginning of this section. A description of the habitat for the replacement section, given below, also characterizes the general setting of this pipeline section.

PIPELINE REPLACEMENT SETTING

The 4,000-foot pipeline realignment within the City of Martinez would require installation of a new pipeline along the perimeter of a portion of the Martinez Shoreline Park. This site is where Alhambra Creek enters the Bay. The Park at this location encompasses the confluence of Alhambra Creek with Suisun Bay. Marsh restoration activities within this park, including areas within the proposed pipeline realignment corridor, are planned for 2001 and 2002 (personal communication, Jim Townsend, East Bay Regional Parks District).

Alhambra Creek is tidally influenced at this site, and the adjacent land to the ordinary high water mark is defined as federally protected wetland habitat. There is, however, very little wetland vegetation along Alhambra Creek at this location. A few sparse growths of cattails and sedges were observed along the riparian zone of the Creek just below the pipeline crossing. The marsh restoration activities noted above, however, will include vegetation establishment within the proposed pipeline corridor. If this vegetation were established prior to the pipeline installation, newly established habitat would exist where currently the habitat is degraded and sparsely vegetated.

Further downstream, as Alhambra Creek passes through the Park, it widens and becomes more marshlike. Upstream of the project site, the creek passes through downtown Martinez and is highly channelized with vertical stone and concrete banks.

Alhambra Creek and these adjacent wetlands provide habitat for several special status species. This habitat is protected by several federal and state laws and regulations noted above, as well as the conservation policies associated with the Park. Numerous rare or endangered plant species are potentially found at this site. A botanical survey would likely be required by wetland regulations before work in the area (e.g., Section 404 of CWA). Special status wildlife potentially occurring at this location include the following:

- At least eight species of ESA-listed resident and migratory fishes might use waters adjacent to the site. These include steelhead, Chinook salmon, Delta smelt, Splittail, longfin smelt, Pacific lamprey, river lamprey, and green sturgeon. It is unlikely that any of these species spawn upstream of or at the site, but their juvenile forms might be found at the site.
- Special status mammals that might be found in the habitat near this site include salt marsh harvest mouse and Suisun ornate shrew. Although no habitat for either is found directly within the pipeline corridor, there may be habitat in the adjacent Park marshlands.

- Several special status birds, including short-eared owl, northern harrier, California black rail, California clapper rail, and Suisun song sparrow might be found in nearby open wetlands.
- The northwestern pond turtle and California red-legged frog could be found in Alhambra Creek at this location.

Each of these species has sensitive life stages such as nesting, spawning, and rearing that are susceptible to disturbances that might result in an adverse impact. Many environmental laws and local and State policies protect these species.

Although, in general, the site may support habitat for any of the above sensitive and valuable biological resources, the narrow pipeline realignment corridor is on the edge of this habitat – separating it from industrial and transportation land uses. This corridor is also mostly previously disturbed land, sparsely vegetated along the creek, and occurs mostly in non-native ornamental vegetation for the rest of the realignment area. As such, the value of the corridor habitat for the above species is low because it is unlikely they would use this area immediately adjacent to automobile roadways and parking, industrial buildings, and other developed property.

REGULATORY SETTING

State and federal laws and regulations related to Biological Resources for the above-described Pipeline Project include the following:

- The Federal Endangered Species Act (ESA) protects plant or animal species designated by the USFWS or NMFS as either endangered, threatened, or special concern. The current list of designated species protected by the ESA includes several species found in the area as noted above. Projects that may affect listed species area required to consult with the appropriate agency regarding potential adverse impacts and mitigation development. Several species in the area where actions associated with the Pipeline Transfer may cause effects to biological resources are listed with the ESA. Portions of the project might affect some of these species and would require consultation with USFWS and NMFS in accordance with the ESA.
- The California Endangered Species Act (CESA) protects plant or animal species designated by the Fish and Game Commission as either endangered, threatened, or of special concern. The current list of designated species protected by CESA includes several species found in the area as noted above. Projects that may affect listed species area required to consult with the CDFG regarding potential adverse impacts and mitigation development. Several species found in and around the Project Lands are covered by CESA. Actions that might affect any of these species would require consultation with the CDFG.
- California Fish and Game Code Sections 1602 and 1603, also known as a Streambed Alteration Agreement, is administered by CDFG. This law requires any work within an area with a defined streambed obtain a permit from CDFG. These permits generally protect the

stream environment from unnecessary adverse impacts. Special consideration is given to potential impacts to special status species.

- The federal Coastal Zone Management Act protects all U.S. coastal areas from impacts. In the Project area, the San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over all areas of San Francisco Bay subject to tidal action, and a shoreline band extending 100 feet inland. Installation of the new pipeline segment in Martinez along the tidally influenced Alhambra Creek will require a BCDC permit.
- The California Native Plant Protection Act directs the CDFG to preserve, protect, and enhance endangered plants in the state. CDFG designates native plants as endangered or rare, and requires permits for collecting, transporting, or selling such plants. This law parallels CESA protection for endangered and threatened plant protection, and adds protection for plants that are also “rare.” A survey for plants protected by this Act may be required before portions of the action is implemented.
- The Clean Water Act, Section 401 is administered, in the project area, by the San Francisco Bay Regional Water Quality Control Board (RWQCB – Region 2). This Section requires a National Pollution Discharge Elimination System (NPDES) permit for any effluent discharge into San Pablo Bay, Carquinez Strait, and Suisun Bay. Proposed pipeline realignment in Martinez might require a NPDES permit if any material, such as drilling muds, might be discharged into the Alhambra Creek as part of the installation.
- The Clean Water Act, Section 404, (CWA) is administered by the US Army Corps of Engineers (COE) and is intended primarily to protect water resources. This act provides extensive protection to wetlands for both hydrologic and ecological functions. The portion of the pipeline route that would require relocation, with a stream crossing and new pipeline installation at Martinez, may require a permit from the COE in accordance with this regulation because the pipeline replacement may fill wetlands adjacent to Alhambra Creek. Application of the CWA requires, like other federal laws, that a project requiring CWA approval must also comply with all other relevant State and federal laws and regulations.
- The Migratory Bird Treaty Act regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 CFR 10.13. This Act applies to birds that migrate through more than one country and is enforced by the USFWS. The Act was amended in 1972 to specify protection for migratory birds of prey (raptors). Raptors found at the pumping station and along the pipeline route would be protected by this Act.

BIOLOGICAL RESOURCE IMPACT DISCUSSION

- a) Pump Station continued operation would have less than significant impacts. Noise and human activities associated with the resumption of oil movements through the pump station could likely disturb and perhaps cause abandonment of the site by raptors that may nest and use the site for foraging and for perch sites. Raptors are protected by laws

and regulations administered by USFWS and CDFG. Although it is unlikely that affected raptors would be listed with the ESA, they would be included in the Migratory Bird Treaty discussed above. The extent of potential affect would not be substantial. Oil movement activities will not displace habitat, but noise and human presence may prevent raptor nesting at, or hunting from, the site. The disturbance associated with oil movements would probably affect less than a few individual birds and continued operation will allow the facility site to provide raptor habitat.

Pipeline Corridor continued operation would have no impact. Although significant resources lie adjacent to this route, use of the pipeline would not cause any habitat alteration nor disturb any wildlife that may use the corridor. Access to the pipeline, if required, would use the railway easement and it would not be necessary to affect natural habitat to perform routine pipeline maintenance. Any substantial habitat disturbance outside the railway easement would likely require compliance with regulatory agencies as necessary (e.g., the East Bay Regional Parks District in the Park, or the Army Corps of Engineers if wetlands).

Pipeline Replacement in Martinez could potentially have a significant impact to listed species. The action could affect several special status species as noted above that might use the site. These species are protected by laws and regulations administered by CDFG and USFWS and NMFS, including the federal and state ESA. Several of these species could be affected through habitat alteration or by direct displacement along the reconstruction corridor.

Although the likelihood of impacts to species or habitat exists, the extent of the effect would likely not be substantial. The corridor is immediately adjacent to an existing railroad bridge, an industrial building, and other transportation facilities (e.g., roads, railway, and parking lots). The value of the area that would be disturbed by pipeline installation for wildlife is not high because of the presence of these facilities. The corridor has very little native vegetation and provide poor habitat in its current condition. Nevertheless, some listed species may be found at the project area; without a complete biological survey of the areas potentially affected by construction activities, the potential to impact listed species is not fully known. Mitigation measures, such as avoidance of work during critical life stages of potentially affected species, replacement of valuable vegetation for habitat, or soil erosion and sediment transport avoidance, are commonly used and approved by resource agencies to reduce potential adverse affects to less than significant levels for species that might be affected at this site.

Impact IV.1: Pipeline replacement in Martinez may significantly impact special status animal species protected by State and Federal ESA. Several species could be impacted by habitat alteration or direct displacement along the pipeline replacement corridor.

Mitigation Measure IV.1: Prior to commencing construction activities, SPBPC shall conduct a biological survey of all areas that would be affected by construction of the replacement section in Martinez and submit the survey for review and approval by the CPUC mitigation monitor. The survey shall include a biological assessment of the potential of construction activities to create an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If the survey reveals that such a potential exists, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.

Measures that might be required could include those such as the following proposed by PG&E in the Proponents Environmental Assessment:

General

- **Environmental training covering protection of biological resources in the 4,000-foot replacement section area shall be given to appropriate project personnel prior to construction.**
- **Erosion control measures and Best Management Practices shall be installed adjacent to Alhambra Creek, the unnamed drainage, and any associated wetlands to prevent sediment from entering the drainages.**

Botanical Resources

- **A revegetation plan shall be prepared if native vegetation would be removed.**
- **Previously vegetated areas that would be cleared during construction activities shall be revegetated with appropriate species, as required.**
- **Flagging and/or fencing shall be installed around adjacent riparian habitat to prevent incidental impacts to the area.**
- **If any native vegetation were removed at the replacement section, the affected area shall be revegetated with an appropriate native seed mix.**

Wildlife Resources

- **Prior to construction, surveys shall be performed for the California red-legged frog to determine presence or absence.**
- **If the California red-legged frog is determined to be present onsite, construction would not commence in this area until the U.S. Fish and Wildlife Service and California Department of Fish and Game were notified, and appropriate measures were developed to minimize disturbance to this species.**
- **Construction shall be timed to avoid the nesting period for raptors.**
- **If construction is scheduled to occur during the nesting season of raptors, preconstruction surveys shall be conducted to identify and avoid active raptor nests.**
- **Construction within one-half mile of an active raptor nest would not begin until the young had fledged from the nest.**
- **Bentonite released into drainages during construction shall be immediately cleaned up.**

Habitat temporarily disturbed as a result of construction shall be restored.

Significance after mitigation: Less than significant.

This example addresses only one potentially affected special status species (the California red-legged frog), whereas, the mitigation requirement would address potential effects to all special status species such as those described in the Environmental Setting. Implementation of Mitigation Measure IV.1 would reduce the project's potential to create a significant impact to listed species to a less than significant level.

- b) Pumping Station continued operation would have no impact. There are no riparian communities adjacent to and within the Pumping Station facility. The two retention ponds and the small stream have riparian habitat. Re-operation of the plant would not affect these habitats. The ponds would function as they do now and no actions would occur at the Station that would affect the small stream along the edge of the property.

Pipeline Corridor continued operation would have no impact. The pipeline does pass through substantial riparian and other natural communities. Operation of the pipeline, however, will not alter or in any other way affect this habitat. Access to the pipeline for routine maintenance would occur on railway easement and not disturb natural habitat.

Pipeline Replacement in Martinez would have a less than significant impact. The proposed pipeline relocation in Martinez would impact a 4,000-foot long corridor that

includes riparian and other sensitive natural habitat identified by CDFG and USFWS. The new pipeline would cross two streams. The new pipeline would require displacement of riparian habitat along Alhambra Creek; this area is potential habitat for several special status species as noted above. Effects on these resources are likely from construction of a new buried pipeline.

Although protected habitat would be affected, the impact is less than significant because the extent and quality of the protected habitat are not of substantial value. The quality is not substantial because there is very little native riparian vegetation in the zone of disturbance, and the corridor lies adjacent to developed properties that lower the value of the corridor habitat for sensitive or special status wildlife. That is, although the site may technically provide habitat for special-status species found in the area, this habitat is of poor project quality because it is adjacent to buildings, a bridge, and a railroad track; and, the area has been recently disturbed and has not re-established natural vegetation within the area of potential pipeline construction. Therefore, it is quite unlikely that the habitat would support special status species. Furthermore, habitat effects would be of short duration. Following pipeline installation the corridor would be re-vegetated and returned to a simulated natural condition after pipeline installation. Construction activities would be limited to upland areas except where necessary, and offsite affects would be avoided.

- c) Pumping Station continued operation would have no impact. There are three federally protected wetlands on the Pumping Station site as noted above the two retention ponds and a small stream along the property. Continued operation of the facility would not alter the hydrology or otherwise affect these wetlands or the stream. The retention ponds will continue to function as they currently do – operation of the Station will not affect runoff from the site. There are no actions associated with the Station that affect the small stream adjacent to the property.

Pipeline Corridor continued operation would have no impact. Although the pipeline corridor passes through substantial areas of federally protected wetlands, its operation would not alter the wetland because it would not require removal, filling, or hydrological interruption, or other actions affecting those wetlands.

Pipeline Replacement in Martinez could affect wetlands. Installation of the new pipeline would require direct removal and filling of federally protected wetlands located along the Alhambra Creek embankment as noted above. The extent of the effect would likely not be substantial because little area would be affected and the habitat would be easily restored to its current sparsely vegetated condition.

- d) Pumping Station noise and human activities associated with oil movements through the pump station would have a less than significant impact. Additional activity at the facility may impede the use of the area for raptor nesting. As noted above, the site may offer raptor nesting and foraging habitat. Noise and human presence associated with facility operation would likely adversely affect any nesting raptors on the site. The extent of the

effect would not be substantial. Few individual raptors would be affected and these would not likely be species listed as endangered or threatened.

Pipeline Corridor continued operation would have no impact. Although the pipeline corridor passes through substantial habitat for migration and nursery of wildlife species, its operation would not affect these resources. Pipeline operation would not displace or interfere with the use of the habitat through which it traverses. Access to the pipeline for routine maintenance would use the railway right of way and not disturb wildlife habitat.

Pipeline Replacement in Martinez would have a less than significant impact. The construction of a new pipeline would occur within habitat used for migration and nursery of native and migratory species noted above. It is unlikely that direct use of the habitat affected by the project is substantial by any wildlife species. Although the pipeline corridor lies adjacent to valuable migratory and nursery habitat, the area affected by pipeline installation has little nursery habitat value. Pipeline installation would not affect potential movement of fishes or other aquatic organisms in Alhambra Creek because the pipeline would be installed beneath the streambed and installation methods would avoid significant sedimentation of Alhambra Creek or other indirect effects. Installation of the pipeline would not affect passage of upland wildlife because there is no nursery habitat within the corridor and the pipeline route is adjacent to roadways, railroad tracks, and industrial development, to which wildlife would not require access.

- e) Pumping Station continued operation would have no impact. The Pump Station is not within any areas with policies or ordinances protecting biological resources.

Pipeline Corridor continued operation would have no impact. The pipeline corridor passes through substantial areas protecting biological resources as noted above. Operation of the pipeline would not conflict with any of the provisions of those policies because pipeline operation would have no effect on biological resources.

Pipeline Replacement in Martinez may have an impact that is potentially significant unless mitigation incorporation avoids potential conflicts affecting biological resources. Installation of the new pipeline would require some work adjacent to, and beneath, Alhambra Creek. This work would potentially conflict with marsh restoration activities planned for this area within the Martinez Shoreline Park.

Impact IV.2: Pipeline replacement in Martinez may include impacts that conflict with marsh restoration activities planned at the potential construction site, and adjacent marshlands within Martinez Shoreline Park, by East Bay Regional Parks District.

Mitigation Measure IV.2: Prior to commencing construction activities, SPBPC shall contact East Bay Regional Parks District (EBRPD), the sponsor of marsh restoration activities at the Martinez Shoreline Park, to reach agreement on how to

coordinate marsh restoration and pipeline installation plans: SPBPC shall avoid or minimize potential conflicts of pipeline replacement activities with marsh restoration plans at the site. Measures to avoid conflicts, such as timing of work, agreements on revegetation or replacement of habitat, would be included in this agreement. The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.

Significance after mitigation: Less than significant.

- f) Pumping Station oil movements would have no impact. The Pump Station is not within any areas with local, regional, or state habitat conservation plans.

Pipeline Corridor continued operation would have no impact. The pipeline corridor passes through substantial areas with local, regional and state conservation plans. Operation of the pipeline would not conflict with the provisions of those plans because it would not affect natural resources protected by those plans.

Though no official Habitat Conservation Plan would be affected, Pipeline Replacement in Martinez may have an impact that is potentially significant unless mitigation incorporation avoids conflict with local approved habitat conservation plans.

Construction of the new pipeline would occur adjacent to, and within the Martinez Shoreline Park, which has marsh restoration activities planned within the pipeline corridor. Construction activities associated with pipeline installation may conflict with those plans without coordination and adoption of measures to minimize or avoid effects to marsh restoration activities or results. Of greatest concern would be timing of the project to avoid disruption of the marsh restoration activities.

Impact IV.3: Pipeline replacement in Martinez may conflict with habitat conservation plans administered by the East Bay Regional Parks District for the Martinez Shoreline Park adjacent to the proposed construction corridor.

Mitigation Measure IV.3: Implement Mitigation Measure IV.2.

Significance after mitigation: Less than significant.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
V. CULTURAL RESOURCES—				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

Numerous studies have shown that there is significant archaeological evidence that Contra Costa County has been inhabited for at least the last 5,000 years. Three Native American groups have been identified as inhabiting the area prior to initial European contact, including the Costanoans, Bay Miwoks, and the Northern Valley Yokuts. At the time of European contact, each tribe occupied the western, eastern, and southern portions of the county, respectively. Prehistoric remains are abundant with over 600 archaeological sites countywide having been recorded with the Archaeological Inventory (Pacific Gas and Electric, 2000). The pipeline alignment and associated structures travels through coastlines, wetlands, and stream courses, all of which are generally the most likely areas to contain archaeological sites. The most likely sites anticipated to reside within the pipeline route would consist of shell mounds or middens, sweat houses, cultural utensils, and hunting equipment (Pacific Gas and Electric, 2000).

A majority of the pipeline alignment traverses through urbanized areas, which have been previously disturbed by the construction of railroad tracks, spurs, underground pipelines, and a variety of other urban-related construction activities, such as grading, filling, etc. Previous construction of the existing railroad and utility lines presumably disturbed many prehistoric sites, since these sites are often located near major travel routes, such as the Union Pacific Railroad corridor.

ARCHAEOLOGICAL RESOURCES

Site records and literature searches were performed at the Northwest Information Center (Sonoma State University). These searches included a review of the National Register of Historic Places (NRHP) listings, the State of California Historic Landmarks registers and county and city registers for historic sites. Results of the listed historic and prehistoric archaeological sites are indicated below for the pipeline alignment. Portions of the alignment were previously surveyed

during the pipeline's initial construction. Reconnaissance surveys were conducted in areas where native soils were present, where the built environment did not completely mask the ground surface, and at locations where records indicated were not previously surveyed. Because most of the alignment would be located in along the UPRR grounds visibility during field surveys was frequently severely inhibited.

Native American consultation for this project is an ongoing process. Letters have been sent to the Native American Heritage Commission (NAHC) requesting a search of their Sacred Lands files. Protocols for Native American consultation and involvement will comply with the standard procedures requested by the NAHC and with the recommendations discussed at the February 4, 2000, meeting of NAHC (i.e., continuous consultation with the affected groups and sincere consideration of Native American concerns regarding prehistoric sites and resources). It is assumed that Native Americans will serve as consultants and will be a part of the monitoring team in those areas containing resources that are important to local Native American people. Contact letters have been sent to the Native Americans recommended by NAHC to be contacted for this project.

City of Richmond

Remains from the prehistoric Costanoan culture are found in a number of archaeological sites that tend to be clustered along creeks, marshlands, and bayside coves. Artifacts located along the pipeline route within the city of Richmond include a minor shell midden site that was recorded near San Pablo Creek during pipeline construction. However, due to previous disturbance and lack of additional artifacts, no mitigation was recommended. The pipeline also crosses Wildcat Creek and Rheem Creek, however areas within Richmond that are typically considered archaeologically sensitive tend to be located along San Pablo Bay, west of the pipeline (City of Richmond, 1994).

By 1850, the Richmond area had changed from being a gathering center for prehistoric Native Americans to a European settlement. The oldest historical areas in the city are located in Point Richmond, which is south of the pipeline. Point Richmond began as the westernmost terminus of the Santa Fe Railway Company. Other industries later included oil and brick production, and wine exporting. Six sites are listed in the National Register of Historic Places, none of which are near the existing pipeline alignment.

City of Pinole

Mainly Spanish settlers displaced the Costanoan populations in the City of Pinole by the early 1800s (City of Pinole. 1995). Now the area is largely developed and according to the Contra Costa County General Plan, no sensitive prehistoric resource areas are listed as residing in the area. In addition, no prehistoric sites were reported in this area during original archaeological investigations for the pipeline (Pacific Gas and Electric, 2000). However, the route does follow the shoreline and crosses Pinole Creek, which allows for the possibility of finding subsurface prehistoric deposits if ground-disturbing activities are conducted in the area.

The City of Pinole was established around an early trading facility that was founded by a Portuguese immigrant on the shore of San Pablo Bay, known as the Fernandez Mansion (City of Pinole. 2000). This historic landmark still exists today and is located at the end of Tennent Avenue, which is just south of the pipeline and Union Pacific Railroad.

City of Hercules

Similar to Pinole, the land area encompassing the City of Hercules was inhabited by the Costanoans prior to European contact (City of Hercules. 1998). The pipeline follows the shoreline and crosses Refugio Creek, where prehistoric deposits could potentially reside; however no sites were discovered during the initial construction of the pipeline.

In 1881, the California Powder Works started operation in Hercules, originally producing black powder for dynamite and then other explosive substances during World War II. The historical district known as “Hercules Village” is located just to the south of the pipeline at Railroad Avenue (City of Hercules. 1998).

The Hercules Pump Station is located off San Pablo Avenue in the northeastern section of the City of Hercules. The site is situated on a hilltop on the eastern side of Refugio Valley. Refugio Creek winds through the valley to the west. The station would appear to be a typical location for prehistoric cultural resource sites, but none were reported from surveys and research associated with the initial construction of the pump station (Pacific Gas and Electric, 2000).

City of Martinez

Martinez is located at the base of the rolling hills to the south along the banks of the Carquinez Straits, near the mouth of Alhambra Creek, which once flowed into a ecologically diverse estuary. Native Americans tribes most likely took advantage of the location. An archaeological survey was performed along the northwest end of town near the old town cemetery when the pipeline was initially installed, however, no evidence of any archaeological site was found. It is assumed that there is low potential for Native American sites along the pipeline corridor in this area, due to it being inundated during historical time (City of Martinez. 1995). A few sites have been recorded on the backslopes of the hills to the south.

The city was originally utilized as a trading post in 1849, and by the turn of the century, abundant activity was occurring in the vicinity of the pipeline route, including railroad construction and the development of a fishing and shipping port. John Muir established a home in Martinez, which has been designated a national historic site. Four other sites are listed with the National Register of Historic Places, but none are located within a close proximity to the pipeline alignment (Northwest Information Center, 2000).

4,000-Foot Replacement Section

The immediate vicinity surrounding the 4,000-foot replacement section was examined in more detail, due to the potential for ground disturbing activities during the pipeline’s replacement. A

field inventory performed by Basin Research Associates found no evidence of significant historic or prehistoric archaeological resources within the existing pipeline alignment, which has been disturbed by railroad tracks and prior construction activities. The cultural resource investigation did not cover the northern end of the pipeline replacement section, which extends approximately 300 feet north of the study area to the Martinez Regional Shoreline Park. This portion of the replacement section is largely developed with paved roadways and commercial facilities, thereby making it highly unlikely that any intact cultural deposits would be encountered. Native American sites are unlikely north of the railroad tracks because the area was an inundated marshland in prehistoric times. The central portion (Alhambra Avenue to Ferry Street) of the replacement section was previously investigated for the Martinez Intermodal Station project and no cultural resources were identified within the area of potential effect (City of Martinez, 1994).

A record search was performed for this portion of the pipeline. No local, state, or federal historically or architecturally significant structures, landmarks, or points of interest have been identified within or adjacent to the existing pipeline right-of-way (Northwest Information Center, 2000). Two historic resources were reported within 0.25 mile of Grangers' Wharf and the Southern Pacific Railroad Depot, but they are not within a close proximity of the proposed pipeline replacement section (Northwest Information Center, 2000).

City of Pittsburg

The section of pipeline evaluated ends at the western end of the City of Pittsburg, which is recognized as one of the earliest industrial centers in Contra Costa County. Coal, steel, and canning are some of the industries that contributed to the city's early development. A historical district is located at the core of downtown Pittsburg, known as the New York Landing (City of Pittsburg, 1988). The district is located over a half mile east of the pipeline ending point.

UNINCORPORATED AREAS OF CONTRA COSTA COUNTY

Point Pinole Regional Shoreline Park

This area consists of sections of shoreline between Richmond and Pinole. It represents a potential location for prehistoric sites, due to the intact shoreline. An archaeological site located 0.5 mile west of Pinole at the water's edge was investigated during installation of the pipeline (Pacific Gas and Electric, 2000). The location was recently disturbed by machinery and no archaeological materials were discovered.

El Sobrante

Also located between Richmond and Pinole, El Sobrante is listed as particularly sensitive in the Contra Costa County General Plan with known archaeological sites. It is a likely place to find sites, though they may not be visible on the ground surface.

San Pablo Bay Regional Shoreline Park

This shoreline area is located along the southern end of San Pablo Bay within the cities of Pinole and Hercules. The easternmost section is near the Hercules Village historic landmark described above under the City of Hercules. No prehistoric sites were discovered during pipeline installation, and it is not considered to be a particularly sensitive cultural resource area according to the County Archaeological Sensitivity Map (Pacific Gas and Electric, 2000 and Contra Costa County, 1996).

Rodeo/Crockett

The unincorporated towns of Rodeo and Crockett are situated at the mouth of the Carquinez Strait, approximately 3-miles east of Hercules. Two archaeological sites were investigated during initial pipeline installation. One site was located at Lone Tree Point in Rodeo, near the mouth of Rodeo Creek. A remnant of the site was found on the northern side of the railroad tracks, however, no remains were visible on the inland side where the pipeline route is located (Pacific Gas and Electric, 2000). Construction of the railroad and pre-existing utility lines most likely destroyed a portion of the site. The other archaeological site was located in the town of Crockett, east of the Carquinez Bridge. For the most part, this site was buried by the freeway interchange and industrial complex that occupies the area, though a trace of a shell midden was found well outside the pipeline route (Pacific Gas and Electric, 2000).

The only paleontological deposits described as near the pipeline in the original investigations were also located on the shore, south of Lone Tree Point (Pacific Gas and Electric, 2000). These deposits were not disturbed by installation of the pipeline and are considered to be intact. The area along the coast west of Interstate 80, all the way to the Tosco Corporation property is listed in the Contra Costa County General Plan as extremely sensitive, with known archaeological sites (Contra Costa County Planning Department, 1989).

Carquinez Strait Regional Shoreline Park

The Carquinez Strait Regional Shoreline Park encompasses approximately 2,795 acres of bluffs and shoreline between Crockett and the City of Martinez. One prehistoric site record was investigated during the initial pipeline installation, and is located just east of a T-shaped dock approximately one-mile west of Martinez (Pacific Gas and Electric, 2000). This area is described as highly sensitive, with known archaeological sites. No evidence of the site was found, however, it was suspected that the site is actually located somewhat inland along an intermittent stream. The western portion of the park is not considered as sensitive; however, there is a possibility of cultural resources existing in the area, due to the lack of urbanization. At the northwestern edge of the Shoreline Park lie remnants of former brickworks, a grain wharf, and a resort, which all date back to the turn of the century (Contra Costa County, 1996).

Port Costa

The existing pipeline alignment traverses the shoreline through this unincorporated town and county lands to the east. No sites were mentioned in the original pipeline cultural resource investigation, but it is considered as a highly sensitive area with known archaeological sites documented in the Contra Costa County General Plan. Port Costa is one of the oldest towns in Contra Costa County and in the mid-1850s it was the largest port in the world for the export of farm goods.

Avon

This area is largely urbanized, and includes an operating oil refinery and chemical production plant. The pipeline alignment crosses through Pacheco Creek/Slough and other altered waterbodies, however, this area is not considered a sensitive area, as development most likely has disturbed any archaeological sites.

Port Chicago/Nichols

The pipeline passes through the U.S. Naval Weapons Station (Port Chicago), approximately a half-mile inland from the shoreline. No sites were observed along the pipeline route during its initial installation. Military bases often have land that has remained undeveloped, therefore this area could potentially contain sites associated with the various waterways and wetlands in the area.

Bay Point

Bay Point is located to the east of the U.S. Naval Weapons Station. A majority of the area in which the pipeline passes through was noted as sensitive for prehistoric cultural resources in the City of Pittsburg General Plan. Considering the industrial history of Pittsburg, there is a high possibility of finding historical resources somewhere in the vicinity of the pipeline, however, the pipeline travels through mainly marshland up to the Pittsburg Power Plant. One historic site is situated near the north end of Broadway Avenue. Because there was no mention of it in the original investigations for the pipeline, there is a high probability that it is outside of the pipeline's area of environmental effect (Pacific Gas and Electric, 2000).

PALEONTOLOGICAL RESOURCES

Paleontologists consider all vertebrate fossils to be of significance. Fossils of other types are considered significant as well if they represent a new record, new species, an oldest occurring species, the most complete specimen of its kind, a rare species worldwide, or a species helpful in the dating of formations. However, even a previously designated low potential site may yield significant fossils. The Contra Costa County Planning Department has prepared a general sensitivity map for the County and that mapping was used for the current study.

Paleontological information was obtained from available geologic maps, a review of previous environmental studies, and examination of records at Sonoma State University. Other resources considered in the determination of paleontologic potential are regional geologic reports, and site-specific field surveys. Geologic maps (available through the U.S. Geological Survey [USGS] or California Division of Mines and Geology [CDMG]) show the surface expression of geologic formations along with other geologic features such as faults, folds, and landslides.

Geologic formations in which fossils are found range in thickness from a few feet to hundreds of thousands of feet. Even though a geologic formation may be known to contain fossils, the fossils are not usually distributed uniformly. If the fossils were part of a bay environment, for example, a scattered layer of shells may be preserved over large areas. If, on the other hand, a whale died in this bay, fossilized whalebones might only be found in one small area of less than a few hundred square feet. In addition, fossil-bearing formations are frequently discontinuous. Although sedimentary formations are initially deposited one atop the other, much like a layer cake, over time the layers are squeezed, tilted, folded, cut by faults and vertically and horizontally displaced, so that today, any one rock unit does not usually extend in a simple horizontal layer. In addition, because paleontological resources usually are deeply buried, their presence in an area is difficult to predict from surface inventories and existing geological maps. Even in cases where a fossil-bearing formation is found in a surface outcrop, the fossil-bearing unit may occur at the surface for only a short distance and from this evidence its depth or lateral extent would be difficult to predict. The following types of paleontological resources are known to exist in California:

- True Fossils. Lithified or replaced remains of plants and animals preserved in a rock matrix (e.g., microfossils, shells, animal bones and skeletons, and whole tree trunks);
- Trace Fossils. Molds, casts, tracks, trails and burrow impressions made in soft clays and muds which subsequently were turned to stone, preserving the images of past life (e.g., shells, footprints, leaf prints, and worm tubes);
- Breas. Seeps of natural petroleum that trapped extinct animals and preserved and fossilized their remains.

The only potential for the project to disturb paleontological resources is during construction of the replacement section in Martinez. The entire replacement section would be constructed on intertidal bay deposits. As indicated above, these types of geological formations are not conducive to the formation of true fossils, trace fossils, or breas.

REGULATORY SETTING

FEDERAL REGULATORY OVERSIGHT

Federal regulations and policies pertain to those actions that involve federal funding, federal licensing, or federal permitting. Examples may include federal grants or licensing (FERC and

ICC) and federal permits associated with vegetation and wetlands (U.S. Army Corps of Engineers [Corps] Section 404 permits). If it is determined that the 4,000-foot pipeline replacement section will require a Preconstruction Notification to the U.S. Army Corps of Engineers, SPBPC would be required to obtain a Nationwide 12 permit. The need for this permit is not presently clear, as the replacement section may be routed along existing bridges, rather than bored under any wetlands.

Section 106 Review

Section 106 of the National Historic Preservation Act (NHPA), and its amendments effective June 1999, requires that all federal agencies review and evaluate how their actions or undertakings may affect historic properties. Review under Section 106 is designed to ensure that historic properties are considered throughout the various stages of federal project planning and execution. Under Section 106, historic properties are those prehistoric and historic resources that are listed or eligible for listing in the National Register of Historic Places. The review process is administered by the Advisory Council on Historic Preservation and the State Historic Preservation Officer (SHPO). Recent changes to the Section 106 process have somewhat increased the role and authority of the SHPO and reduced the role of the Advisory Council.

For actions specific to the proposed project, the Section 106 process may apply if there is a later requirement for a Corps Section 404 permit for river and stream crossings or other waterways under the Corps' jurisdiction.

STATE REGULATORY OVERSIGHT

With the CPUC as the lead agency, California policies and regulations are the primary source of regulations and guidelines for the project.

State Historical Building Code

In California, the State Historical Building Code (SHBC) provides some degree of flexibility to owners of historic structures towards meeting building code requirements. The SHBC standards and regulations are performance-oriented rather than prescriptive unlike most housing codes which are more prescriptive. Jurisdictions must use the SHBC when dealing with qualified historical buildings, structures, sites, or resources in permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related reconstruction, change of use, or continued use of a historic property. The State Historical Building Safety Board has adopted the following definition for a qualified historical house or resource:

A qualified historical building or structure is any structure, collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state, or Federal governmental jurisdiction. This should include designated structures declared eligible or listed on official national, state, or local historic registers or official inventories such as the National Register of Historic Places, State Historic Landmarks, State

Points of Historical Interest, and officially adopted city or county registers or inventories of historical or architecturally significant sites, places, or landmarks.

Under the provisions of the SHBC, new construction or modifications, such as placing a generating station or other fiber optic facility in a historic building must conform to prevailing codes, although the elements of the existing structure are given the flexibility of reasonable and sensitive alternatives. The alternative building standards and regulations encompassed by the SHBC are intended to facilitate the renovation in a manner that assists in the preservation of original or restored architectural elements and features, encourages energy conservation, provides a cost-effective approach to preservation, and ensures the safety of occupants.

Local Regulatory Oversight

The policies and regulations of the various counties as they apply to historical resources in the project area are limited. Each affected county has policies (ordinances and General Plans) that mimic CEQA and also reflect local policy on the preservation and enhancement of cultural resources.

Contra Costa County General Plan

The Contra Costa County General Plan (1996) addresses policies and procedures to mitigate impacts to prehistoric and historic cultural resources. These policies and procedures were intended to provide direction in the event of the discovery of archaeological resources during development or construction activities. The Contra Costa County General Plan outlines the following policies, which pertain to historic and archaeological resources located within the county:

Policy 9-28 - Areas which have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.

Policy 9-29 - Buildings or structures that have visual merit and historic value shall be protected.

Policy 9-30 - Development surrounding areas of historic significance shall have compatible and high quality design in order to protect and enhance the historic quality of the area.

Policy 9-31 - Within the Southeast County area, applicants for subdivision or for land use permits to allow non-residential uses shall provide information to the County on the nature and extent of the archaeological resources that exist in the area. The County Planning Agency shall be responsible for determining the balance between the multiple use of the land with the protection of resources (Contra Costa County, 1996).

City of Richmond

The City of Richmond General Plan contains a set of polices within the Conservation Element that provides guidance for the preservation of local historical and archaeological resources. Policies that would be applicable to the Proposed Project include:

Policy OSC-E.1 - Require archaeology reconnaissance surveys for all projects within an archaeological sensitivity area. When cultural resources are located, measures to deal with the historic resource shall be recommended by a qualified archaeologist (Archaeological Sensitivity areas are identified on the Archaeology map prepared by the California Archaeological consultant, 1981, and is on file in the Planning Department).

Policy OSC-E.2 - Protect notable historic, archaeological, and cultural sites from destruction (City of Richmond, 1994).

City of Hercules

The City of Hercules General Plan contains a set of polices related to the preservation of local historical and archaeological resources. Policies that would be applicable to the Proposed Project include:

Policy 12a - Prehistoric Resources shall be identified and preserved to the extent feasible. If previously unknown subsurface cultural resources are discovered during excavation activities on identified parcels or elsewhere in the study area, excavation would be temporally halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedures described in Program 12a.2, outlined in the Parks and Open Space Element of the General Plan (City of Hercules, 1998).

The City of Hercules Zoning Ordinance identifies an Historic Town District, which contains specific design standards for the district, however, after further evaluation, it has been determined that the pipeline alignment does not pass through this district.

East Bay Regional Park District

Shoreline Regional Park is within the East Bay Regional Park District. Ordinance 38 provides the regulatory framework used by the Regional Park District to govern park uses within each of the parks under its jurisdiction. Chapter VIII of Ordinance 38 outlines policies for the protection of Important Park Features. Section 806 of Chapter VIII pertains specifically to Archaeological Features within park boundaries. Section 806 specifically states that: “No person shall damage, injure, collect or remove any object of paleontological, archaeological or historical interest or value located on District parklands. In addition, any person who willfully alters, damages, or defaces any object of archaeological or historical interest or value or enters a fenced and posted archaeological or historical site shall be arrested or issued a citation pursuant to Penal Code Section 622-1/2.”

City of Martinez

Chapter 22.47 of Title 22 of the City of Martinez Zoning Code pertains to the preservation of structures and districts, which significantly contribute to the cultural and architectural heritage of the City. The ordinance bestows the Martinez Planning Commission with the responsibility of preserving the architectural heritage of the City of Martinez. It gives the Commission the authority to conduct surveys of structures, maintain a register of cultural and historic resources, and adopt guidelines for the designation of such resources. The ordinance requires the Commission to adopt prescriptive standards to be used in reviewing applications for permits to alter, remove, or destroy historic or cultural resources, or contributing structure to a historic district. From available maps, the project alignment does not intersect with any local historic district and as indicated in the Basin and Associates Report, no historic structures reside within project alignment. Consequently, Chapter 22.47 of the City of Martinez Zoning Code would not apply to this project.

CULTURAL RESOURCE IMPACT DISCUSSION

The greatest impact to cultural resources and, more specifically, to archaeological and paleontological resources in the ground, would occur as a result of construction-related activities from trenching operations involved with the installation of pipeline along 4,000-foot replacement section in the city of Martinez and other ground-disturbing activities. Excavation into a significant resource could compromise the significance of an historic or archaeological site, disturb the integrity and context, unearth human remains, impair the scientific value of the resource, or otherwise damage non-renewable resources. However, ground-disturbing activities associated with placement of the pipeline would be linear and relatively narrow. As a result, only a narrow section of the alignment, approximately 10 to 20 feet, would be exposed to trenching activities.

The original cultural resource investigation conducted for the pipeline in 1974 concluded, “no archaeological values of significance would be affected by the proposed pipeline.” Ground disturbance, however, can uncover buried sites that were not visible during the original investigation.

- a) The definition of “historical resource” includes archaeological resources listed in or formally determined eligible for listing in the California Register and, by reference, the National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, and local registers (Sections 5020.1(j) and 5024.1 of the Public Resources Code). Two historic land grants were found within the vicinity of the pipeline alignment, the Rancho Las Juntas east of the Arroyo Del Hambre and the Rancho Canada Del Hambrey Las Bolsas to the west of the 4000-foot replacement section. The record research gave no indication of historical archaeological sites or historic structures in the project area dating back to these occupants.

Historic maps dating 1870 to 1883 indicate that areas to the east and west of the Martinez Intermodal Station are considered to be highly sensitive for both surface and buried historic cultural resources based on the abundance of activity historically, including construction of the railroad, nearby Grangers' Wharf, and land reclamation. However, most of the pipeline construction would be within areas previously disturbed by construction of the railroad and paved roads. The archaeological field inventory conducted by Basin Research Associates concluded that no evidence of prehistoric or historically significant archaeological resources was observed within the disturbed railroad rights-of-way and paved roadways adjacent to the railroad (Basin Research Associates, 2000).

As currently proposed, no standing historical resources (buildings or structures) will be directly affected by the proposed project.

Impact V.1: Potentially undiscovered surface or subsurface historical resources could be damaged and/or destroyed by trenching activities proposed as part of the pipeline replacement. Therefore, the project could cause substantial adverse changes to the significance of historical resources. This is recognized as a potentially significant impact. However, this impact could be reduced to a less-than-significant with the incorporation of the following mitigation measures:

Mitigation Measure V.1a: SPBPC shall appoint a cultural resources specialist, or specialists, at least 15 days prior to the start of project-related vegetation clearance ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas. SPBPC shall provide the CPUC mitigation monitor with the name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).

At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.

At least 10 days prior to the replacement of a designated cultural resources specialist, SPBPC shall obtain the CPUC mitigation monitor's approval of the proposed replacement cultural resources specialist.

Mitigation Measure V.1b: In the event that previously unidentified historic resources are encountered, the new owner (SPBPC) shall evaluate such resources for California Register of Historical Resources eligibility and conduct data recovery.

The cultural resources specialist shall ensure that the evaluations are supervised by individuals meeting the Secretary of the Interior's proposed Historic Preservation Qualification Standards (United States Department of the Interior 1997) for each particular resource type. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.

For resources determined to be significant, the cultural resources specialist will prepare a resource-specific Data Recovery Plan to mitigate any significant project-related effects. Upon approval of this plan by the CPUC mitigation monitor, mitigation measures will be implemented prior to any project activities within 100 feet of the resource's boundary.

Mitigation Measure V.1c: Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.

All construction personnel involved in activities that may uncover prehistoric resources will be trained in the identification of prehistoric resources, which could include flaked stone, projectile points, mortars, pestles, and soil containing shell and bone, or human burials. Historic resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits. Construction personnel involved in activities that may uncover paleontological resources will also be trained in the identification of paleontological resources, which could include true fossils, trace fossils, and/or breas as defined under the above Paleontological Resources subsection. The level of training for construction activities should be sufficient such that the workers would know when to call their supervisors to investigate objects that may be a cultural resource. Supervisors would receive sufficient training to determine when a cultural resources specialist should be contacted to identify any found objects. If cultural resources were encountered during construction, the crew would halt work in the area and not collect or disturb the materials until the cultural resource specialist, appointed under Mitigation Measure V.1a, has evaluated the location and determined an appropriate mode of action.

- b) Section 21083.2 of the of the Public Resources Code defines an archaeological resource as a archaeological artifact, object, or site, which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that

it: (1) contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person. Appendix K of the CEQA Guidelines goes beyond Section 21083.2, suggesting additional criteria to guide the Lead Agency in making a determination of uniqueness. These include that the resource be at least 100 years old and possess “substantial stratigraphic integrity” (i.e., is substantially undisturbed); and the resource involves “important” research questions that historical research has shown can be answered only with archaeological methods.

According to the records research conducted by Sonoma State, two recorded archaeological sites, a lithic scatter and a bedrock milling site, are located on the slopes to the southwest of the project site, and a large habitation reported along the banks of the arroyo to the south in the vicinity of City Hall. However, based on historic reconstructions of the bay shore and marsh margins, the project area was inundated during prehistoric times. Given the environmental setting, there is a low potential for significant Native American sites in the project area. However, pedestrian surface survey as a method in identifying cultural resources is not effective when the original ground surface is not exposed, is obscured by vegetation, or has been covered by natural or cultural fill.

Impact V.2: Trenching or boring through these resources, if significant undiscovered resources were present, would cause an adverse change to their significance. Therefore, the project would have the potential to cause adverse changes to the significance of currently unknown unique archaeological resources. This is considered a potentially significant impact.

Mitigation measure: Implement Measures V.1a, V.1b, and V.1c.

Significance after mitigation: Less than significant.

- c) **Impact V.3: Installation of the new pipeline segment along the 4,000-foot replacement section would involve shallow excavations primarily in pre-disturbed soils within the UPRR easement and city streets. Because significant fossil discoveries can be made even in areas designated as having low potential, excavation activities for the pipeline could possibly unearth significant paleontological resources contained within intertidal sedimentary deposits. While this is unlikely, should such resources be encountered, this would be a significant impact. This impact would be reduced to a less-than-significant level with the incorporation of the following mitigation measure:**

Mitigation Measure V.2: SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as needed. In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4000-foot replacement section during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.

Significance after mitigation: Less than significant.

- d) **Impact V.4:** Trenching, boring, or other subsurface excavation involved with the project could potentially disturb or destroy human remains from both prehistoric and historic time periods, including those interred outside of formal cemeteries. This considered a potentially significant impact. This impact would be reduced to a less-than-significant level with the incorporation of the following mitigation measures:

Mitigation Measure V.3: If human remains are found at any time along the entire pipeline alignment or during project-level vegetation clearance; ground disturbance and grading; site or project mobilization; site preparation or excavation activities; implementation of erosion control measures; or the movement and/or parking of heavy equipment or other vehicles onto or over the project surface, SPBPC and its contractors shall stop all work within 100 feet of the find (Debbie Treadway, 2001). The cultural resources specialist will be notified immediately and will, in turn, immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.

If the human remains are determined to be Native American in origin, the Contra Costa County coroner will notify the Native American Heritage Commission within 24 hours of the find. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may make recommendations to the SPBPC and its contractors for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Where conditions A, B, and/or C under Section 15064.5 (e) (2) occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Significance after mitigation: Less than significant.

REFERENCES

Basin Research Associates. 2000, Archaeological Resources Assessment – Pipeline Replacement Project North of the City Limits of the City of Martinez, Contra Costa County.

City of Hercules, 1998. City of Hercules General Plan.

City of Hercules, 2000. Online. <http://www.ci.Hercules.ca.us/>

City of Martinez, 1994. Martinez Intermodal Station Project Draft Environmental Impact Report.

City of Martinez, 1995. Martinez General Plan.

City of Pinole. 1995, City of Pinole General Plan.

City of Pinole. 2000. Online. <http://www.ci.pinole.ca.us/info.html>.

City of Pittsburg, 1988. Pittsburg General Plan.

City of Richmond, 1994. Richmond General Plan, Conservation Element

Contra Costa County, 1996. Contra Costa County General Plan 1995-2010.

Contra Costa County Planning Department, 1989. Historic Resources Inventory, Contra Costa County.

Debbie Treadway, 2001. California Native American Heritage Commission. Verbal Correspondence on June 21, 2001.

National Register of Historic Properties Database, 2000. Online. <http://www.cr.nps.gov/nr/research/nris.htm>.

Northwest Information Center, 2000, Cultural Resource Record Search for the Pipeline along the Union Pacific Railroad in Martinez, Contra Costa County.

Pacific Gas and Electric Company, 2000. Proponents Environmental Assessment to Establish market Value for and Sell its Richmond-to-Pittsburg Fuel Oil Pipeline and

Hercules Pump Station Pursuant to Public Utilities code Section 367 (B) and 851.
Application Number 00-05-035.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

In general, geologic materials consisting of inter-tidal marshland deposits, recent, unconsolidated alluvium and older, more consolidated bedrock underlie the existing pipeline corridor. The estuarine sediments found along the shorelines of Contra Costa County are soft, water-saturated mud, peat, and loose sands. The organic, soft, clay-rich sediments along the San Francisco and San Pablo Bays are referred to locally as Bay mud and can present a variety of engineering challenges due to its inherent low strength, compressibility, and saturated conditions. Bay mud and peat are subject to differential settlement under load and can cause slumping and landslides in sloped areas. Under seismically induced stress, Bay mud can fail causing lateral displacement. In some cases, especially in areas underlain by saturated sand deposits or artificial fill, intertidal areas underlain by Bay mud are susceptible to ground failure associated with liquefaction. Alluvium, eroded from the upland areas adjacent to the bay margin, is generally interfingered with or adjacent to the intertidal marshland deposits and consists of consolidated and

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SETTING

FUEL OIL TRANSPORT

The pipeline was designed to deliver fuel oil between 1,200 to 3,000 gallons per minute (gpm). Fuel oil is more viscous and less flammable than diesel or gasoline, and is often used for heating residential buildings. To allow for efficient transport, the oil is heated to temperatures ranging from 150 to 200 degrees Fahrenheit. Regular transportation of fuel oil through the pipeline ceased in 1982 through the pipelines and Hercules Pump Station continued to contain hazardous liquids. The pipeline was then maintained to operate on a stand-by basis and quantities of oil were occasionally moved through the pipeline to verify its integrity, until the 4,000-foot section

of the pipeline in Martinez was removed in 1998. However, this event did not mark the end of maintenance activities on the remaining 34-miles of pipeline. Instead, cleaning pigs were run through the pipeline in 1998 and 1999 to remove any residual oil. To minimize pipeline corrosion, the pipeline was then filled with an inert gas where the pipeline is above the water table, or in sections below the water table, water treated with corrosion inhibitors. The pipeline is also equipped with cathodic protection devices to protect against rust and corrosion, and cathodic readings on the pipeline are taken weekly. Pipeline control and communications equipment is checked twice a month and the entire pipeline route is inspected at least twice a month. In addition to routine maintenance, the pipeline is hydrostatically tested and checked with a smart-pig device every five years. A smart pig can detect pipe-wall deterioration through corrosion by measuring reductions in pipe-wall thickness; the most recent smart-pig test was conducted in 1995. Based on maintenance procedures and the results of the most recent smart-pig test, the integrity of the pipeline is sound and could be re-activated without the need for repair or modification.

A leak detection system was incorporated into the pipeline's design. The system can detect drops in pressure along the pipeline route that indicate a potential fuel oil leak. In the unlikely event of a pipeline leak, remote control isolation valves, located no more than 10 miles apart, are installed along the length of the pipeline. These valves assure rapid response and minimize fuel oil loss. These valves are currently inspected once every six months as required by regulation to insure proper function.

OPERATION OF THE HERCULES PUMPING STATION

Hazardous materials stored at the Hercules Pump Station include fuel oil and cutter stock (a light cycle oil with properties similar to fuel oil) in aboveground storage tanks (ASTs). Diesel fuel is also stored in an AST. The ASTs are built in conformance with National Fire Protection Agency (NFPA), state, and federal standards, and were recently inspected by the Rodeo-Hercules Fire Marshall for regulatory compliance. In addition, a storm water drainage collection system funnels surface water runoff from ASTs and the immediately surrounding area through an oil/water separator and into a holding basin. Facilities at the Hercules pump station are used to move cutter stock through the pipeline prior to fuel oil transport, and to pre-heat fuel oil. Pipeline monitoring and communications systems, such as the leak detection system and remote control isolation valves, are currently operated from the Hercules Pump Station. A firewater pump building and water tank are also located on-site.

A Phase II investigation was conducted in February and March 2000 by Geomatrix at the Hercules Pump Station to determine if soil or groundwater have been impacted by facility operations in anticipation of the PG&E divestiture. Laboratory analytical results indicate low concentrations of petroleum hydrocarbons are present in limited areas of the facility. Specifically, total petroleum hydrocarbons as diesel (TPHd) in soil was detected in concentrations up to 500 milligrams per kilogram (mg/kg). Total petroleum hydrocarbons as oil (TPHo) in soil was detected in concentrations up to 1,100 mg/kg. TPHd and total petroleum hydrocarbons as gasoline (TPHg) were detected in groundwater in concentrations up to 66 micrograms per liter

($\mu\text{g/L}$) and 290 $\mu\text{g/L}$, respectively. In addition, concentrations of benzene (1.7 $\mu\text{g/L}$), toluene (19 $\mu\text{g/L}$), ethylbenzene (2.6 $\mu\text{g/L}$), and total xylenes (12 $\mu\text{g/L}$) were detected in groundwater.

Should the Hercules Pump Station be redeveloped and regraded, constituent concentrations may require that soil generated by these activities be remediated onsite or disposed of at an off-site facility. However, redesign of Hercules Pump Station is not part of the proposed project. Concentrations of constituents in groundwater are below the respective California Department of Health Services Maximum Contaminant Levels (MCLs), with the exception of benzene (MCL for benzene is 1 $\mu\text{g/L}$).

PIPELINE REPLACEMENT

PG&E has obtained a 20-foot permanent easement from the City of Martinez and East Bay Regional Park System to allow for the installation of the replacement section. According to information supplied by PG&E (PEA, pg. 3-7), the 4,000-foot replacement section will be designed to the latest American Petroleum Institute Standard (APIS) and the size and grade of the pipe would be consistent with the extant section (16-inch outside diameter, 0.281-inch wall thickness, material grade X-46). To minimize potential disturbance by the general public, the pipeline would be located a minimum of 42-inches below ground. SPBPC would follow standard construction procedures for below ground utility work, such as notifying Underground Service Alert (USA) to minimize the potential for damage to existing underground utilities, and obtain encroachment permits from both the City of Martinez and the East Bay Regional Park System for construction activities.

The proposed pipeline route has not been assessed for the potential to encounter hazardous materials during construction, although a portion of the pipeline would be located near the recently constructed Martinez Intermodal Station, which was previously assessed prior to construction. There are several contaminated areas within the vicinity of the Martinez Intermodal Station, as noted in the Martinez Intermodal Station Project Final Environmental Assessment. These included the Union Pacific Railroad (UPRR) Corporation Yard, which is contaminated from a diesel tank removal in 1987 and the City of Martinez Corporation Yard (underground waste oil contamination in 1987). However, both of these locations are south of the UPRR tracks and are not directly adjacent to the proposed 4,000-foot replacement section (Pacific Gas and Electric Company, November 2000).

DEFINITIONS

Hazardous Materials Hazardous materials are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties: toxic (causes human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials), and reactive (causes explosions or generates toxic gases). Hazardous materials have been and are commonly

used in commercial, agricultural, and industrial applications as well as in residential areas to a limited extent.

Hazardous Waste A hazardous waste is any hazardous material that is discarded, abandoned, or is to be recycled. The criteria that render a material hazardous also make a waste hazardous (California Health and Safety Code, Section 25151). If improperly handled, hazardous materials and wastes can result in public health hazards if released to the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of constituents higher than certain regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of characteristics that could cause soil or groundwater to be classified as hazardous waste.

REGULATORY SETTING

HAZARDOUS WASTE HANDLING

The California Environmental Protection Agency (Cal EPA), Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. In Contra Costa County, investigation or remediation of contaminated sites is performed under the direction of the local oversight program (LOP), the Contra Costa County Health Department. The LOP oversees sites in cooperation with the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB), and Cal EPA.

Site remediation or development may also be subject to regulation by other agencies. For example, if dewatering of a site were required during construction associated with pipeline replacement, subsequent discharge to the stormwater system or sewer system could require a permit from the San Francisco Bay Region (RWQCB), or Contra Costa Sanitary District, respectively.

WORKER SAFETY

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the work place. The California Division of Occupational Safety and Health (Cal OSHA) and the federal Occupational Safety and Health Administration are the agencies responsible for assuring worker safety in the workplace. Cal OSHA assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices. At sites known to be contaminated, a Site Safety Plan must be prepared to protect workers. The Site Safety Plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site (National Institute for Occupational Safety and Health, 1985).

CONTRA COSTA COUNTY AND CITY HAZARDOUS MATERIALS POLICIES

The Contra Costa County General Plan contains hazardous materials policies, as does the City of Pinole. Although other cities along the pipeline's route do not contain specific hazardous materials policies in the respective General Plans, many have Hazardous Waste Management Plans containing implementation measures in the event of a hazardous materials spill.

The Contra Costa County Hazardous Waste Management Plan is the primary planning document for hazardous waste produced by facilities within the county. This plan outlines the procedures that county regulatory and response agencies use for managing, monitoring, containing, and removing hazardous materials from the site of an actual or threatened accidental release. The plan also identifies the agencies within the county responsible for the effective management of hazardous materials produced or generated. In addition, the County Office of Emergency Services (OES) has prepared emergency and disaster plans and procedures. Relevant Contra Costa County General Plan policies regarding hazardous materials include:

- **10-61** Hazardous waste releases from both private companies and from public agencies shall be identified and eliminated.
- **10-62** Storage of hazardous material and wastes shall be strictly regulated.
- **10-64** Industrial facilities shall be constructed and operated in accordance with up-to-date safety and environmental protection standards.
- **10-67** To the greatest possible extent, new fuel pipelines should not be routed through centers of population nor should they cross major disaster evacuation routes.
- **10-68** When an emergency occurs in the transportation of hazardous materials, the OES shall be notified as soon as possible.
- **10-69** Industry should be encouraged to utilize underground pipelines, rail, and water transportation of hazardous materials to the greatest extent feasible to take advantage of the greater separation from the general public provided by these modes of transportation.

Policies set forth for hazardous materials by the City of Pinole require:

- proper storage and disposal of hazardous materials,
- evaluation of new development sites which may have involved hazardous materials prior to development, and
- support measures to responsibly manage hazardous waste to protect public health, safety, and the environment.

SCHOOLS

Existing schools near the existing pipeline route were built either prior to construction of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station or while the pipeline and pump station were operating. There are no schools within 0.25 miles of the proposed route for the replacement section in Martinez. Therefore, the only known school that could be affected by the project is a proposed school near the Hercules Pump Station. Construction of that school would be subject to the state's school siting regulations and policies in the City of Hercules General Plan's Waste Management Plan. These would include:

CALIFORNIA CODE OF REGULATIONS, TITLE 5

The site (school) shall not be near an above-ground water or fuel storage tank or within 1,500 feet of the easement for an above or below-ground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.

CITY OF HERCULES GENERAL PLAN, HAZARDOUS WASTE MANAGEMENT PLAN

Prior to the start of any construction on any parcel that is bordered by a pipeline right-of-way or easement, the City shall consult with the Rodeo-Hercules Fire Protection District and the operator(s) of the affected pipeline(s) regarding the adequacy of safety procedures for pipeline accidents.

The proposed school would comply with state and local regulations, reducing potential hazards associated with operations at the Hercules Pump Station to a less than significant impact.

HAZARDS AND HAZARDOUS MATERIALS IMPACTS DISCUSSION

a,b) Pipeline construction activities would require the use of certain hazardous materials such as fuels, oils, solvents and glues. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. However, the on-site storage and/or use of large quantities of materials capable of impacting soil and groundwater are not typically required for a project of proposed size and type. The use of construction best management practices typically implemented as a condition of building and encroachment permits issued by local jurisdictions for construction would minimize the potential negative effects to groundwater and soils. These could include the following:

- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;

- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Current and future fuel oil storage and transport utilizing the Hercules Pump Station would be conducted in accordance with federal, state, and local rules, regulations, and policies. The US Department of Transportation Office of Pipeline Safety (OPS) would be the agency primarily responsible for safety oversight of the operations of the pipeline. In California, OPS has delegated the responsibility for conducting periodic safety inspections of oil pipelines to the state Office of the Fire Marshal. With this safety oversight regime in place, potential hazards to the public caused by any future operation of the project would be reduced to a less than significant level.

- c) Impacts on Local Schools.

Pipeline Replacement

There are no schools within 0.25 miles of the 4,000-foot replacement route in Martinez.

Fuel Oil Transport

The pipeline is located within 0.25 miles of one school in Richmond (Verde Elementary), two schools in Crockett (John Swett High and Carquinez Middle), two schools in San Pablo (Lake Elementary and Seaview Elementary), and two schools in Rodeo (Garretson Heights and St. Patrick's). The proposed project does not include changing the type of material to be transported through the pipeline, which began operation in the late 1970s, and transportation of fuel oil through the pipeline would comply with Contra Costa County hazardous materials policies. Potential impacts are therefore considered less than significant.

Operation of the Hercules Pump Station

The Hercules Pump Station is within approximately 1,000-feet of a proposed 8-acre school site. The school is called for in the City of Hercules' General Plan, but has not yet received its needed approvals by the Hercules School District and the city's Planning Commission or City Council. However, the proposed school would comply with school siting restrictions in the California Code of Regulations as described below, and applicable policies in the City of Hercules General Plan's Waste Management Plan, as described above.

- d) The existing pipeline passes through or adjacent to sites that are included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese list), and one Cortese site is found in the easement for the UPRR and Ferry

Street in Martinez, directly along the alignment of the future 4,000-foot replacement section of the pipeline.

A search of the 1994 list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese list) found the following sites that were on properties along the alignment or adjacent to the alignment of the existing Richmond-Pittsburg pipeline:

- Southern Pacific Pipelines, Castro & Hensley, Richmond
- Rheem Pacific Packaging Corporation, 801 Chesley Avenue, Richmond
- Richmond Maintenance Yard, 845 Brookside Avenue, Richmond
- Hercules Properties, Ltd., 560 Railroad Avenue, Hercules
- Chevron, 400 Parker Avenue, Rodeo
- Unocal, 401 Parker Avenue, Rodeo
- Mannon Estate, Rodeo Muffler, 650 Parker Avenue, Rodeo
- Fire Station #2, 679 Parker Avenue, Rodeo
- Creative Fencing, 670 San Pablo Avenue, Rodeo
- C & H Sugar Company, 830 Loring Avenue, Crockett
- Southern Pacific, 401 Ferry Street, Martinez
- Shell Oil Company, 1800 Marina Vista Way, Martinez
- Shell, Kantor's Furniture, 1801 Marina Vista Way, Martinez
- Shell Martinez Pump Station, Marina Vista Way
- Landsea Terminals, Inc., 2801 Waterfront Road, Martinez

Movement of oil through the existing pipeline would not affect any contaminated materials reported properties in the vicinity of the pipeline, and the approval of the project would not create a hazard to the public or the environment from materials that may still be present at these listed sites.

The site at 401 Ferry Street in Martinez is at a location that could be disturbed by the construction of the replacement section for the pipeline. The site was listed for the presence of gasoline. The site was reviewed January 23, 1997, and no remediation was deemed necessary.

A search of available environmental records (out to a two-mile radius) on hazardous materials around the Cortese site at 401 Ferry Street in Martinez identified only one other site within the 20-foot easement along the future location of the replacement section. This site at 209 Berrellesa Street, appeared on the Haznet List for waste oil and mixed oil from Al's Auto Retail. The site is now inactive. A site from the Leaking Underground Storage Tank (LUST) Incident Reports lies approximately 200-feet north of the railroad. Remedial action has been completed and contaminated soil has been excavated. The site was closed on the LUST Reports in 1999.

There is the potential for pipeline replacement trenching or boring construction activities to encounter impacted soil or groundwater, as the pipeline route is located adjacent to areas with previously identified contamination, such as in the vicinity of the Martinez Intermodal Station..

Impact VII.1: If the 4,000-foot replacement section of pipeline encounters soil or groundwater contaminated by previous activities in the area, excavation or extraction of groundwater could expose construction workers and the public to potentially hazardous conditions.

Mitigation Measure VII.1: Prior to construction SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the replacement pipeline route to ascertain the potential for construction activities to encounter impacted soil and/or groundwater, and submit the Phase I Environmental Site Assessment to the CPUC staff for review and approval by the CPUC mitigation monitor. Should the Phase I indicate the pipeline route would likely disturb impacted materials, a Phase II Environmental Site Assessment shall be conducted to quantify levels of contamination along the pipeline route, and establish appropriate measures to protect construction workers and the general public from exposure to impacted materials. SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval. In addition, should Phase I or Phase II activities determine that construction activity will involve trenching or tunneling through potentially impacted areas, SPBPC shall implement the following mitigation measures:

Mitigation Measure VII.1a: An environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities.

The contractor shall be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. The OSHA-specified method of compliance will be dependent upon the severity of impact to soil or groundwater, as determined by the Phase I and II investigations.

Mitigation Measure VII.1b: During construction SPBPC shall comply with all applicable regulatory agency requirements including those set forth by Contra Costa County and the California DTSC regulations regarding the storage, and transportation of impacted soil and groundwater.

Impacted soil generated by remediation and construction activities will be contained on-site and sampled prior to disposal at an appropriate facility, or potential re-use at the project site. Impacted groundwater generated during construction dewatering will be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the

storm drain or sanitary sewer to levels which are acceptable to the San Francisco Bay Region (RWQCB), or Contra Costa Sanitary District, respectively.

Significance after mitigation: Less than significant.

- e,f) The project is not located within two miles of a public airport or public use airport, and is not located in the vicinity of a private airstrip.
- g) No emergency response plan or evacuation plan has been identified for the project area, but construction of the 4,000-foot pipeline sections could restrict exit routes from the adjacent Martinez Regional Shoreline Park. According to materials supplied by PG&E, SPBPC would obtain necessary encroachment permits from the City of Martinez prior to the onset of construction associated with pipeline installation activities. In addition, SPBPC would consult with the City of Martinez Fire Department regarding any proposed road closures or detours to minimize access disruption, as discussed in Traffic and Transportation.

Impact VII.2. Construction of the 4,000-foot replacement section of the pipeline in the City of Martinez may temporarily restrict evacuation of the Martinez Regional Shoreline Park.

Mitigation Measure: Implement Mitigation Measure XV.1.

Significance after mitigation: Less than significant.

- h) Construction associated with pipeline replacement would occur within an urbanized area of Martinez. Operation of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station would comply with Contra Costa hazardous materials policies, and not expose people or structures to wildland fires.

REFERENCES

Biagi, Allen, Fire Marshall, Rodeo-Hercules Fire Department, telephone conversation, March 15, 2001.

California Code of Regulations, Title 5.

National Institute for Occupational Safety and Health and Occupational Safety and Health Administration, *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*, October 1985.

Pacific Gas and Electric Company, *Richmond to Pittsburg Pipeline and Hercules Pump Station Proponent's Environmental Assessment*, November 8, 2000.

unconsolidated coarse-grained sediments and finer-grained silts and clays. The areas of the pipeline that are located on intertidal deposits extend from Richmond to Hercules and from southern Port Costa to the Pittsburg Power Plant.

The portions of the pipeline between Hercules and Crockett are located on bedrock formations consisting of sandstone, conglomerate, and claystone. The Hercules Pump Station is supported on engineered artificial fill and bedrock formations consisting of sandstone, conglomerate, and claystone.

The pipeline segment from Crockett to Port Costa (unincorporated areas) is underlain by marine mudstone, sandstone, and conglomerate that is part of the Great Valley Sequence. The inherent strength and stability of the Great Valley Sequence bedrock units provides suitable foundation material with stable slopes, however, this bedrock is susceptible to landsliding in certain areas where the bedrock is excessively weathered, sheared, fractured, or contorted.

The 4,000-foot replacement section in Hercules is located on alluvial deposits. In Pittsburg, the pipeline generally runs along the border between the intertidal marshland and alluvial materials.

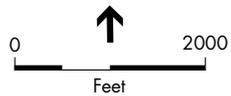
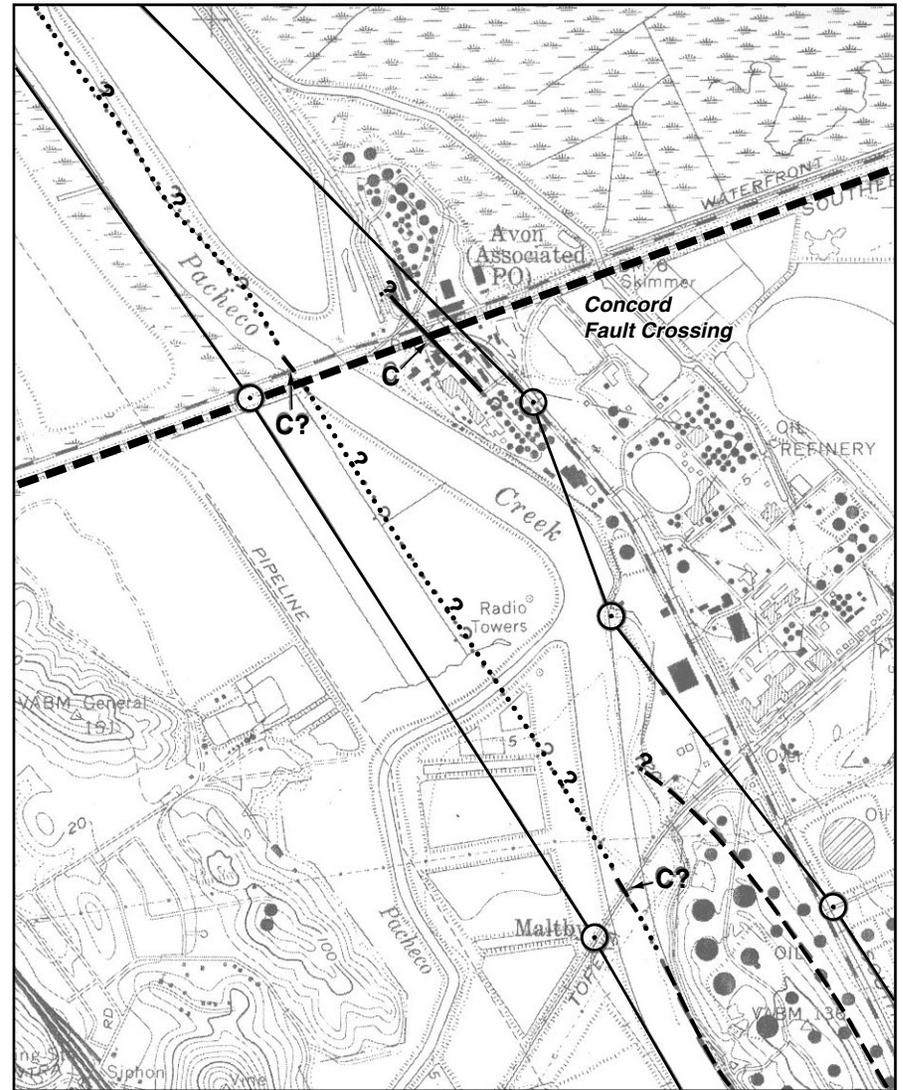
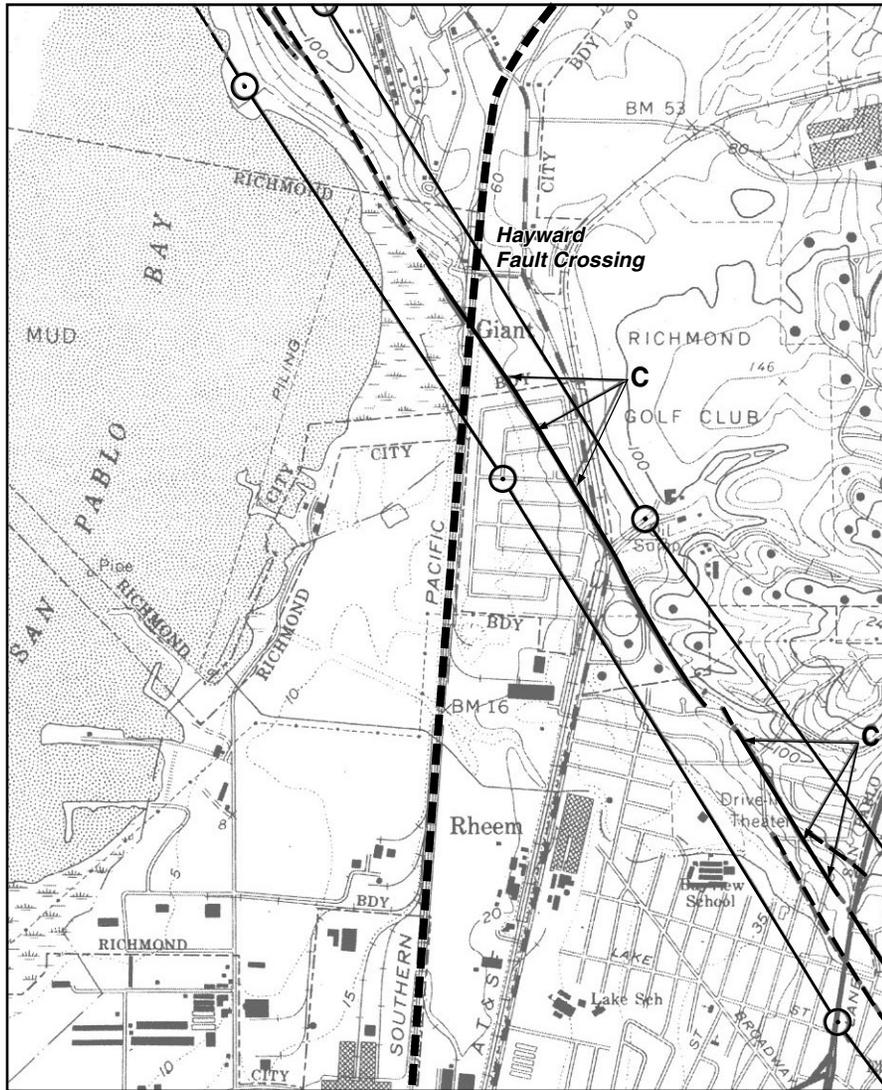
SEISMICITY

The fuel oil pipeline is located in the San Francisco Bay Area, a region containing both active and potentially active faults and intense seismic activity. The 1997 Uniform Building Code (UBC) locates the entire Bay Area within Seismic Risk Zone 4. Areas within Zone 4 are expected to experience maximum magnitudes and damage in the event of an earthquake (Lindenburg, 1998). The U.S. Geological Survey (USGS) Working Group on California Earthquake Probabilities has evaluated the probability of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area within the next 30 years. The result of the evaluation indicated a 70 percent likelihood that such an earthquake event will occur in the Bay Area between 2000 and 2030 (USGS, 1999).

REGIONAL FAULTS

The pipeline crosses the active Hayward and Concord faults northwest of the City of San Pablo and east of the City of Martinez, respectively (**Figure 3**). The combined southern and northern segments of the Hayward fault, as well as the San Andreas fault and Calaveras fault, are considered by the USGS to pose the greatest threat of generating at least one earthquake with a magnitude 6.7 or greater earthquake over the 30 years (USGS, 1999).

The pipeline is also located near other active faults, such as the Clayton segment of the Marsh Creek-Greenville fault located 5 miles south, the Napa fault located 7 miles north, and the San Andreas fault located 20 miles west. The Hercules Pump Station is located approximately 2 miles from the Hayward fault. In addition, the existing pipeline, the proposed 4,000-foot replacement section, and the Hercules Pump Station cross or are located immediately adjacent to numerous potentially active faults such as the Franklin, Pinole, and Southampton faults.



— — — — — PG&E Richmond to Pittsburg Pipeline



Alquist-Priolo Fault Rupture Zones

These are delineated as straight line segments that connect encircled turning points so as to define earthquake fault zone segments. Fault traces are delineated by a solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historical offset indicated by C for displacement by creep or possible creep.

Figure VI-1
Alquist-Priolo Fault Rupture Zones

GEOLOGIC HAZARDS

LANDSLIDES

A landslide is a mass of rock, soil, and debris displaced down-slope by sliding, flowing, or falling. The susceptibility of land to slope failure is dependent on the slope and geology as well as the amount of rainfall, excavation or seismic activities. Steep slopes and down-slope creep of surface materials characterize areas most susceptible to landsliding. Landslides are least likely in topographically low alluvial fans and at the margin of the San Francisco Bay.

SOIL EROSION

Soil erosion is the process whereby soil materials are worn away and transported to another area either by wind or water. Rates of erosion can vary depending on the soil material and structure, placement and human activity. The erosion potential for soils is variable throughout the project area. Soil containing high amounts of silt can be easily erodible while sandy soils are less susceptible. Excessive soil erosion can eventually lead to damage of building foundations, roadways and dam embankments. Erosion is most likely on sloped areas with exposed soil; especially where unnatural slopes are created by cut and fill activities. Soil erosion rates can therefore be higher during the construction phase.

EXPANSIVE SOILS

Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

SEISMIC HAZARDS

Surface Fault Rupture

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake’s seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Future faulting is generally expected along different strands of the same fault (CDMG, 1997). Ground rupture is considered more likely along active faults, which are referenced above.

Ground Shaking

Ground movement intensity during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. Areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments such as artificial fill. The composition of underlying soils in areas

located relatively distant from faults can intensify ground shaking. As the majority of the pipeline is located in unconsolidated estuarine and alluvial sediments, ground-shaking effects would be amplified during an earthquake.

Liquefaction

Liquefaction is a phenomenon whereby unconsolidated and/or near saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in the temporary fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables, and buildings with shallow foundations. Liquefaction can occur in areas characterized by water-saturated, cohesionless, granular materials at depths less than 40 feet (ABAG, 1996). In addition, liquefaction can occur in unconsolidated or artificial fill sediments such as those located in reclaimed areas along the margin of San Francisco Bay. The depth of groundwater influences the potential for liquefaction in this area: the shallower the groundwater, the higher potential for liquefaction. Liquefaction potential is highest in areas underlain by Bay fills, Bay mud, and unconsolidated alluvium.

Seismically-Induced Landslides

As with landslides that occur due to static forces (described above) earthquakes can generate slope failures due to seismic ground motion dislodging slope material. The susceptibility of land (slope) failure during an earthquake is dependent on the level of ground shaking, underlying geology, thickness of alluvial material, degree of saturation.

REGULATORY BACKGROUND

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT

The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near fault traces to reduce the hazard of fault rupture and to prohibit the location of most structures for human occupancy across these traces. Cities and counties must regulate certain development projects within the zones, which includes withholding permits until geologic investigations demonstrate that development sites are not threatened by future surface displacement (Hart, 1997). Surface fault rupture is not necessarily restricted to the area within an Alquist-Priolo Zone.

SEISMIC HAZARDS MAPPING ACT

The Seismic Hazards Mapping Act was developed to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones

and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site must be conducted and appropriate mitigation measures incorporated into the project design. The California Division of Mines and Geology has not yet completed a preliminary Seismic Hazards Map for the areas encompassed by the project.

CALIFORNIA BUILDING CODE

The California Building Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, which is a portion of the California Building Standards Code (CBSC, 1995). Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable (Bolt, 1988).

Published by the International Conference of Building Officials, the Uniform Building Code is a widely adopted model building code in the United States. The California Building Code incorporates by reference the Uniform Building Code (UBC) with necessary California amendments. About one-third of the text within the California Building Code has been tailored for California earthquake conditions (ICBO, 1997).

GEOLOGY AND SOILS IMPACTS DISCUSSION

- a-i) Portions of the pipeline corridor are located within an Alquist-Priolo Earthquake Fault Zone, as defined by the California State Department of Conservation, Division of Mines and Geology (CDMG) (Figure 3). The pipeline crosses the active Hayward and Concord faults northwest of the City of San Pablo and east of the City of Martinez, respectively. The potentially active Franklin, Pinole, and Southampton faults are not zoned as Earthquake Fault Zones under the Alquist-Priolo Act. Although these faults are susceptible to fault rupture, especially as secondary movement triggered by a nearby active fault, they are considered less of a seismic hazard than other active Bay Area faults because of their lower probability of activity and low potential to generate surface fault rupture.

In the event of an earthquake on the Hayward fault, sudden offset is expected to be approximately 5 feet of overall horizontal displacement (lateral offset of 3 feet and compression of 4 feet) as estimated by Harding-Lawson Associates (HLA) in 1974. HLA determined that lateral fault offset during an event on the Concord fault would be approximately 2 feet with negligible vertical component of movement. Where the pipeline crosses the Hayward and Concord faults, it is contained within an over-sized, reinforced concrete conduit to provide unrestrained movement for the pipe, thereby reducing overstress caused by sudden offset. Sufficient clearance for the pipe is provided so the pipe can move without being constrained by the walls of the conduit. With this

design, the pipeline is subjected to horizontal and vertical displacements of the conduit but is not directly subjected to ground deformation (Bechtel, 1974).

The pipeline crosses the Hayward and Concord faults at angles less than 90 degrees. Because these faults exhibit relative lateral movement, axial elongation or compression can occur as the pipeline is stretched or compressed by surface displacements during an earthquake. The pipeline is designed to compensate for axial elongation or compression through flexibility provided by a U-shaped pipe configuration. Appropriate stress and strain evaluations were also incorporated into the design of the pipeline and conduit to ensure that the pipe would withstand dynamic loads from lateral offset of the faults.

Lateral movement of a fault trace not associated with an earthquake, known as tectonic creep, can also result in measurable displacement across a fault and eventual damage to structural features placed across the fault. The maximum estimated tectonic creep, or slip rate across the northern Hayward fault is 9 (+ 1) millimeters (0.354 inches) per year (USGS/CDMG, 1996). Tectonic creep on the Hayward fault was estimated by HLA (in 1974) at approximately 3 inches in 10 years of both lateral offset and compression. Tectonic creep on the Concord fault was estimated to result in 4 inches in 10 years of lateral offset, and 1 inch in 10 years of elongation. Bechtel incorporated design features for the pipeline that would compensate for the potential tectonic creep, which included placing the pipes in concrete conduits that would compensate for the movement. HLA recommended that tectonic creep rate and deformation at the Hayward and Concord fault crossings be monitored regularly as creep rates could increase or decrease significantly in the future. P.G.&E. found no documents that record monitoring of tectonic creep. Although U-bends compensate for displacement, axial elongation, or compression caused by fault movement, and thus far, PG&E reports no problems attributable to creep, the pipeline's present ability to withstand future offset generated by tectonic movement or sudden earthquake displacement cannot be fully determined, because the amount of pipeline distortion from historical creep is unknown. For example, if tectonic creep on the Hayward fault was to occur at the estimated 9 millimeters per year, it is conceivable that since the pipeline construction in 1974, this fault segment could have undergone up to 9 inches of displacement. As of 1974, street curbs built across the Concord fault in the City of Concord were observed to have moved 15 centimeters (6 inches) since 1949 (SFBCDC, 1974).

Impact VI.1: Although PG&E reports no problems attributable to tectonic creep, the pipeline's present ability to withstand future offset generated by tectonic movement or sudden earthquake displacement cannot be fully determined, because the amount of pipeline distortion from historical creep is unknown. Therefore, an assessment of historical and cumulative tectonic creep and an inspection of creep compensating design features is required at the pipeline-fault crossings to determine the current ability of the pipeline to accommodate future distortion from lateral or vertical offset, elongation, or compression in the event of continued tectonic creep or displacement during a characteristic earthquake on the Hayward and Concord

faults. The following mitigation measure would ensure that the existing flexibility of the pipeline is sufficient to withstand a substantial seismic event on the aforementioned faults.

Mitigation Measure VI.1: Prior to operation of the pipeline, the new owner (SPBPC) shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings. A civil or geotechnical engineer licensed by the State of California, with expertise in seismic design and structural seismic response shall conduct this evaluation. The evaluation shall include a review of available geotechnical, engineering, and construction design and testing information to determine original pipeline bending and compression/elongation capabilities at the fault crossings. Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's. This evaluation shall be submitted to the CPUC mitigation monitor. Should this evaluation determine that tectonic creep has rendered the pipeline unable to withstand a major seismic event on the Hayward or Concord fault, or to withstand the further seismic creep expected along the two faults during the expected operating lifetime of the pipeline, SPBPC shall undertake repair or modification of the pipeline accordingly, and submit documentation to the CPUC mitigation monitor showing these repairs or modifications have been completed. In accordance with federal regulation (Title 49, Section 195, et al.), the pipeline will be inspected on a regular basis, and immediately following a seismic event or any other event that may effect the safety of the pipeline system or pump station. The findings of these inspections would be reported to the State Fire Marshall, which in California assumes responsibility for enforcement of the above regulations for the federal Department of Transportation.

In addition to the above mitigation measure, remote control isolation valves are installed on either side of the Concord fault crossing, and immediately northwest of the Hayward fault crossing to stop the flow of oil through the pipeline. When the control system detects a significant loss of pressure, as would be the case during a pipeline rupture, these isolation valves would activate and close, thus reducing the fuel oil loss at the rupture. The specially designed concrete conduit encasement of the pipeline at fault crossings, U bends, inspections required through Mitigation Measure VI.1 and remote isolation valves would reduce impacts associated with fault rupture and subsequent pipeline displacement on the Hayward fault or Concord faults.

Significance after mitigation: Less than significant.

- a-ii) In the event of an earthquake on any of the aforementioned faults, the pipeline and Hercules Pumping Station would be subject to strong ground shaking. Segments of the pipeline that extend over intertidal marshland sediments, such as Bay Mud, would likely experience the strongest movement because these soft, saturated sediments tend to amplify the ground movement. For example, the pipeline segment that crosses Hastings Slough is likely to experience a greater peak ground acceleration than the a segment

supported by bedrock during the same seismic event. The tendency for soft, saturated sediments to amplify ground shaking was observed during the 1989 Loma Prieta earthquake where measured peak ground acceleration in the soft Bay mud and artificial fill sediments near the San Francisco Airport was 0.3 g while the bedrock on Yerba Buena Island measured peak ground acceleration of 0.06 g. The maximum peak ground acceleration recorded during the Loma Prieta event was 0.64 g at the epicenter.

HLA's 1974 geotechnical and seismic study evaluated potential seismic ground motion that could be generated in Bay mud and peat materials underlying Hastings Slough during a major Bay Area earthquake. HLA computed peak ground surface accelerations as high as 0.68 g in the Hastings Slough and recommended that the trestle supporting the pipeline be founded on friction piers driven to depths below the loosely consolidated sediments into more competent and denser sediments. As a result, the segment of the pipeline crossing Hastings Slough, which is most susceptible to amplified ground shaking, is supported by several 65-foot long, 10-inch square precast, prestressed, concrete piles spaced 55 feet apart. This design is expected to tolerate peak ground acceleration and ground movement generated by a characteristic earthquake on the primary active Bay Area faults. In addition, the existing pipeline's design meets the American Petroleum Institute (API) and industry standards that consider effects of seismic ground shaking in the design parameters of fuel and oil facilities. In any major seismic event, ground motion could be excessive and generate movement beyond what some structural elements could tolerate, resulting in minor structural damage such as broken welds, loosened anchoring structures or minor linear distortions to the pipeline itself. This type of damage would be detected during post-earthquake pipeline inspections and repaired in a timely manner to avoid extended delays in pipeline service or in the worse case, pipeline leakage. As mentioned above, remote control isolation valves are installed on either side of the Concord fault crossing, and immediately northwest of the Hayward fault crossing to stop the flow through the pipeline in the event of a major leak caused by earthquake damage. Considering previous seismic and geotechnical evaluation, resulting design and construction of the pipeline and support structures, and safety elements such as isolation valves and routine inspections, the impacts related to potential pipeline rupture due to earthquake ground shaking is reduced to a less than significant level.

Similar to the pipeline, the Hercules Pumping Station is likely to experience strong ground shaking during earthquakes on the Hayward fault or other major Bay Area active faults. Seismic ground shaking could cause damage to operating systems and to structural elements of the pump station resulting in temporary service interruptions. However, because the pump station facility buildings and major pipeline-related equipment was designed to building codes, API, and industry standards in place when it was constructed, major damage resulting in permanent closure of the facility is not anticipated. As would be expected in any major earthquake, building structures could experience minor structural damage, furniture and equipment could topple, or pumping

systems may be distressed resulting in minor leakage. Complete structural collapse or major injuries would be less likely at the pumping station given that it was designed and constructed to appropriate building codes and industry standards. The Hercules Pump Station is equipped with a secondary containment system for all above-ground storage tanks, so in the unlikely event of a tank rupture resulting from seismic ground shaking or other ground failure, tank contents would be captured to avoid leakage into the environment. Although the potential for seismic ground shaking to occur at the pumping station is unavoidable, the risk of excessive, permanent damage or major injury to workers is anticipated to be relatively minor, therefore, ground shaking hazards are considered less than significant. The 4,000-foot pipeline replacement section would be located in an area subject to strong seismic ground shaking. Similar to the existing pipeline segments and facilities described above, the 4,000-foot replacement segment could be subjected to damage occurring as a result of a major seismic event. Significant damage resulting in pipeline rupture or long-term service interruptions would occur if the seismic event generated ground motions exceeding what the pipeline and support structure could tolerate. While complete pipeline failure is not anticipated, seismic ground motion could cause damage requiring temporary service disruption, and post-earthquake inspections. Damage could include broken welds or minor linear distortion. Seismic ground shaking along the 4,000-foot replacement segment is unavoidable but appropriate site evaluation, engineering analysis and structural design, as addressed by Mitigation Measure VI.2 discussed below, could reduce the potential for damage caused by earthquakes.

Impact VI.2: The 4,000-foot pipeline replacement section could be subjected to strong ground shaking during a seismic event, potentially resulting in pipeline rupture or long-term service interruption.

Mitigation Measure VI.2: Prior to commencing construction activities, the new owner (SPBPC) shall prepare a geotechnical report for the 4,000-foot replacement route in Martinez that includes an analysis of ground shaking effects, liquefaction potential, earthquake-induced settlement, and other seismic hazards and provide recommendations to reduce these hazards. The geotechnical and seismic evaluation shall be conducted by a California-registered geotechnical engineer and include appropriate evaluation of anticipated ground motion using currently accepted seismic parameters and methods. Subsurface exploration and soil testing, where appropriate, shall be conducted to assess the soil and bedrock conditions along the proposed pipeline easement. Where applicable, structural and seismic design parameters shall conform to the current Uniform Building Code (UBC) and the API standards. The results of the geotechnical evaluation shall be submitted to the CPUC mitigation monitor. Based on the geotechnical study, recommendations of the geotechnical engineer shall be incorporated into the design and construction of the pipeline segment. In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC mitigation monitor showing these recommendations were implemented.

Significance after mitigation: Less than significant.

The pipeline is likely to be susceptible to liquefaction hazards in locations where the pipeline crosses estuarine soils with high water table conditions, such as through portions of Richmond and in Hastings Slough. Liquefaction of sediments could result in settlement or distortion of the pipeline causing substantial damage to the pipeline, particularly in Hastings Slough where the pipeline crosses through marshland. As mentioned above, liquefaction occurs when ground motion suddenly decreases the strength of cohesionless saturated sediments (i.e. sand) by collapsing the grain structure. Hastings Slough is underlain by saturated Bay mud with scattered locations of cohesionless sand that were found to be shallow and somewhat dense, therefore, ground failure due to liquefaction was not considered probable at Hastings Slough (Bechtel, 1974). Review of the soil exploration logs provided in the 1974 HLA report supports the finding that although cohesionless materials are present at relatively shallow depths in the slough, they are underlain by progressively denser cohesive clays (older Bay mud) to the maximum depth explored of about 55 feet. However, if liquefaction were to occur in localized areas in Hastings Slough, it is unlikely to cause ground failure capable of damaging the pipeline because the pipeline is supported by driven piles which extend through the loose, saturated Bay mud and peat deposits, and penetrate the underlying stiff, consolidated clays. The denser cohesive clays provide the friction necessary to support the piers. Given that the pipeline support piers are deep enough not to be affected by liquefaction, impacts related to liquefaction ground failure are considered less than significant.

The Hercules Pumping Station is unlikely to experience liquefaction, due to its foundation on Tertiary formations consisting of hard marine sandstone and shale overlain by soft soils non-marine units, estuarine soils, and engineered artificial fill. Further, because the pumping station site soils and slopes were engineered prior to construction, it is expected that if previous geotechnical site evaluations identified potentially liquefiable soils they were removed and replaced with engineered material prior to construction. The pumping station was constructed in compliance with applicable state and local codes and to API guidelines where appropriate. Liquefaction hazards on the pumping station site are considered less than significant.

Impact VI.3: The 4,000-foot pipeline replacement route in Martinez would be subject to liquefaction hazards.**Mitigation Measure: Incorporation of Mitigation Measure VI.2.****Significance after mitigation: Less than significant.**

- a-iv) Although the majority of the pipeline is located in flat areas along the shoreline, several parts of Richmond, Pinole, Hercules, Rodeo, Martinez, and Pittsburg are filled reclaimed areas with high landslide potential. In addition, many parts of Crockett and Port Costa

are over 26 percent in slope and have inherent slope instability. An assessment of the pipeline route was conducted by HLA prior to pipeline construction for the purpose of identifying areas of potential slope instability. Recommendations were then provided by HLA for relocation of the pipeline to avoid or minimize pipeline susceptibility to slope failure hazards. These recommendations were incorporated into final pipeline routing. In most cases, the pipeline easement is situated on a flat slope cut bench (i.e. railroad right of way) and the pipeline placed at sufficient distance from the slope to avoid potential damage. Appropriate engineering evaluation and the subsequent rerouting of the pipeline away from potentially unstable slopes reduced potential landslide impacts to a less than significant.

The Hercules Pump Station is located on an engineered, artificial slope. Proper slope stability analysis and engineering design can overcome the factors that cause landsliding, such as saturation, oversteepening, or removal of lateral support. Geotechnical materials testing and analysis performed prior to pump station construction included recommendations for slope construction and insured that the factors of safety in the engineered slope were within acceptable design standards and were determined to be capable of supporting the required loads. Based on stability analysis, various engineering elements are then incorporated into design of fill areas and engineered fill slopes. Therefore, considering analysis and design elements were incorporated into the facility design, the potential for slope failure would be considered a less than significant impact at the Hercules Pumping Station.

- b) Fuel oil transport and operation of the Hercules pump station would not result in soil erosion or loss of topsoil. Construction activities associated with installation of the pipeline replacement section would involve trenching or boring, and could potentially result in soil erosion if exposed soils were subject to heavy winds or rains. The use of construction best management practices typically implemented as part of construction would minimize potential soil erosion to a less than significant level.
- c) See discussion regarding Questions a-iii, a-iv, above.
- d) **Impact VI.4: Portions of the 4,000-foot replacement section may be located in areas with expansive soils.**

Soil conditions would be assessed during the geotechnical investigation required by **Mitigation Measure VI.1**. Expansive soil conditions underlying the existing pipeline do not pose a concern because site geologic investigation and site preparation completed prior to construction of the pipeline was sufficient to eliminate or correct soil conditions that would have the tendency to harm the pipeline. Incorporation of geotechnical recommendations for the new 4,000-foot segment would reduce potential impacts associated with expansive soils.

Mitigation Measure: Incorporation of Mitigation Measure VI.1.

Significance after mitigation: Less than significant.

- e) The project would not include the installation of septic tanks or alternative wastewater disposal systems.

REFERENCES

- Association of Bay Area Governments (ABAG), *Excerpts from CDMG DRAFT Study Guidelines* <http://www.abag.ca.gov/Bayarea/eqmaps/liquefac/lqguide.html>, 1996.
- Bechtel, *Concord Fault, Hastings Slough Fuel Oil Pipeline Crossings*, Prepared for Pacific Gas and Electric Company, 1974.
- Bolt, B., *Earthquakes*, W.H. Freeman and Company, New York, New York, 1988.
- California Building Standards Commission, *California Building Code, Title 24, Part 2*, 1995.
- California Department of Conservation, Division of Mines and Geology, *Earthquake Planning Scenario for a Magnitude 7.5 Earthquake on the Hayward Fault in the San Francisco Bay Area*, Special Publication 78, 1987.
- California Department of Conservation, Division of Mines and Geology, *Geologic Map of the Santa Rosa Quadrangle*, Regional Geologic Map Series, Map No. 2A, Scale 1:250,000, second Printing, 1999.
- California Department of Conservation, Division of Mines and Geology, *The Loma Prieta (Santa Cruz Mountains) California, Earthquake of 17 October 1989* Special Publication 104, 1990.
- California Department of Conservation, Division of Mines and Geology, in cooperation with the United States Geological Survey, *Probabilistic Seismic Hazard Assessment for the State of California*. CDMG Open-File Report 96-08 and USGS Open-file Report 96-706, 1996.
- Ellen, S.D., Wentworth, C.M., *Hillside Materials and Slopes of the San Francisco Bay Region, California*, U.S. Geological Survey Professional Paper 1357, 1995.
- Harding Lawson Associates, *Summary Report: Point Richmond – Antioch Fuel Oil Pipeline, Pacific Gas and Electric Company, Contra Costa County, California*, November 12, 1974.
- Hart, E.W., *Fault Rupture Hazard Zones in California: Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps*, California Division of Mines and Geology, Special Publication 42, 1990, revised and updated, 1997.
- Helley, E.J., LaJoie, K.R., *Flatland Deposits of the San Francisco Bay Region, California*. U.S. Geological Survey Professional Paper 943, 1979.
- International Conference of Building Officials, *Uniform Building Code*, ICBO, Whittier, California, 1994, updated, 1997.
- Lindeburg, M., *Seismic Design of Building Structures: A Professional's Introduction to Earthquake Forces and Design Details*, Professional Publications Inc., 1998.

Pacific Gas and Electric Company, *Richmond to Pittsburg Pipeline and Hercules Pump Station Proponent's Environmental Assessment*, November 8, 2000.

San Francisco Bay Conservation and Development Commission, *Engineering Criteria Review Board minutes*, Pacific Gas and Electric Company Fuel Oil Pipeline, Richmond to Antioch, BCDC Application no. 2-74, February 26, 1974.

U.S. Geological Society (USGS) Working Group on California Earthquake Probabilities (WG99), *Earthquake Probabilities in the San Francisco Bay Region: 2000-2030 – A Summary of Findings*, Open-File Report 99-517, 1999.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VIII. HYDROLOGY AND WATER QUALITY –				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The approximately 35-mile pipeline is located in Contra Costa County, California and primarily follows the San Francisco Bay shoreline between the cities of Richmond and Pittsburg. All of Contra Costa County's water drains either directly or indirectly into the Bay-Delta system. Water from the western, urbanized portion of the County drains directly into San Francisco or San Pablo Bay, while that from the northern and eastern portions drain into Suisun Bay and the Delta river

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IX. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

The Pipeline is located primarily either within the Union Pacific Railroad right-of-way or within public street right-of-ways, and passes through the communities of Richmond, Hercules, Pinole, and Martinez, and unincorporated areas of Contra Costa County, including Rodeo and Crockett. The pipeline ranges in size from 12 inches to 16 inches.

The Hercules Pump station is located on 44.2 acres of land generally bounded by San Pablo Avenue, John Muir Parkway, I-80 and undeveloped lands to the north. The station includes aboveground storage tanks, transformers, underground containment tanks, and open water-holding evaporation ponds. The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would also extend westward across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land can be used for residential and commercial uses, as well as construction of a new school. The City has completed an EIR on the proposed Specific Plan, but has not yet adopted it into the General Plan.

The proposed project consists of the sale of a pipeline and pump station that have not been in regular use for approximately 19 years, although the pipeline has been maintained to provide standby capability and has been used for emergency transmissions. Most of the pipeline is located with the Union Pacific Railroad right-of-way or public roadway right-of-ways.

CITY OF RICHMOND

The Richmond General Plan, adopted August 1994, governs land use designations in the City of Richmond. A segment of the project's pipeline runs through the City of Richmond, originating in an area west of Castro Street, and travelling along Castro Street to the Richmond Parkway, where it moves north, crosses Castro Street and enters the Union Pacific Railroad right-of-way. The pipeline initially passes through land designated by the Richmond General Plan as *Heavy*

Industry. The General Plan describes *Heavy Industry* as a land use that “accommodates a wide variety of industrial uses including, but not limited to, oil refining, contractors’ storage yards, warehouses, machine shops, co-generation plants, and other ‘heavy’ industrial type uses. Most patently obnoxious uses are in this category and require conditional use permits” (p. LU-8).

As the pipeline crosses Richmond Parkway and enters the Union Pacific Railroad right-of-way, it enters land designated by the General Plan as *Light Industry*, which permits industrial office/flex uses, and “warehousing, distribution centers, commercial nurseries and related establishments which have limited external impact on the surrounding area” (p. LU-7). Moving further to the north, for a short period the pipeline borders lands designated *Low Density Residential* near the North Richmond area, or lands to be used for single-family residences, townhouses and duplexes. However, the pipeline and the railroad right-of-way remain primarily in lands designated for either *Light Industry* use or *Heavy Industry* use until crossing Rheem Creek.

At Rheem Creek, the land use designations become more diverse and as the pipeline and the railroad right-of-way move northward and then northeastward, adjacent land uses include:

- *Industrial/Office Flex*,
- *Light Industry*,
- *Low Density Residential* (Parchester Village area),
- *Preservation/Resource Area, Recreation Lands* (Pt. Pinole Regional Shoreline Park),
- *Public & Institutional* (West County Detention Facility), and
- *Regional Office/Shopping* (with lands designated for *Light Industry* and *Heavy Industry* on the other side of the tracks).

As the pipeline leaves the City of Richmond, the pipeline leaves the Union Pacific right-of-way and parallels Cypress Avenue along the western edge of the City of Pinole, further inland than the railroad right-of-way.

For just over a mile, in a northern section of the City of Richmond, the Union Pacific right-of-way and the pipeline form the western boundary of the North Richmond Shoreline Specific Plan area. Adopted in June, 1993, the North Richmond Shoreline Specific Plan’s land use goals are intended to “provide fuller utilization of the plan area for a range of land uses, with emphasis given to employment-generating uses, recreational uses, and preservation of natural resource areas” (p. 22). The Plan’s objectives include “[e]ncouraging the continuation of those existing industrial and commercial uses in the plan area which contribute to the achievement of city and county land uses and economic goals” (p. 22). The railroad right-of-way and the pipeline border lands designated by the Specific Plan as:

- *Heavy Industrial* (southern portion of Specific Plan area, below Richmond Parkway),
- *Office/Industrial Flex* (mid-portion of the Specific Plan area near the railroad tracks, including a portion of Rheem Creek), and

- *Natural Conservation Area* (northern portion of the Specific Plan area, including Giant Marsh, the Model Airplane Field and the southern portion of the Point Pinole Regional Park).

The Richmond General Plan contains policies that guide development in the City of Richmond.

The following policies are relevant to the pipeline:

North Richmond Shoreline Specific Plan:

6. Recognize the unique character of the North Richmond Shoreline Area and guide development of the area in a manner that improves its overall image benefits community residents and allows for a reasonable level of development within a framework of conservation and public access to the Bay.

Safety Element:

SF-B Minimize the risks to people, property and the environment due to fire hazards and the use and storage of hazardous materials.

The Richmond Zoning Ordinance, adopted January 1, 1997, also places the pipeline adjacent to or within several zoning districts. Section 15.04.015 *Interpretation – Purpose and Conflict* of the Zoning Ordinance (p. 12) states:

- A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- B. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties.
- C. Where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations, or by easements, covenants or agreements, the provisions of this chapter shall control.

The pipeline passes through or is adjacent to the following City of Richmond zoning districts:

- *SFR-3 Single Family – Low Density* (north of the intersection of Richmond Parkway and Castro Street; south of the North Richmond area);
- *M-3 Heavy Industrial* (east and west of the tracks north of Maas Avenue; northern tip of the City of Richmond);
- *M-2 Light Industrial* (east of the tracks bordering the City of San Pablo);
- *M-1 Industrial/Office Flex* (west of the tracts, also north of Maas Avenue; and north of Rheem Creek);
- *CRR Community & Regional Recreational* (west of the tracks, near Rheem Creek; west of Parchester Village; and the Point Pinole Regional Shoreline Park area);

- *C-3 Regional Commercial* (adjacent to the Richmond Parkway, between the west side of the tracks and the Point Pinole Regional Shoreline Park area); and
- *PA Planned Area* (northern tip of the City of Richmond, south side of the tracks).

The City of Richmond considers a pipeline to be a conditional use, and the pipeline has a Conditional Use Permit. Section 15.04.910.070 of the Zoning Ordinance states that “[a] Conditional Use Permit and its conditions shall be recorded by the applicant and run with the land. An endorsed copy of the recorded CUP shall be kept on file at the Planning Department” (p. 192). As an existing use, the pipeline can be used at any time (Jacobson, 2001).

CITY OF PINOLE

The Pinole General Plan, adopted in 1995, governs land use designations in the City of Pinole. The pipeline runs along the western edge of the City of Pinole, within Pinole’s sphere of influence, outside of the Union Pacific right-of-way, and parallel to Cypress Avenue. The pipeline re-enters the Union Pacific right-of-way along the eastern edge of Wilson Point Park and continues east through the northern edge of the City of Pinole. The pipeline passes through lands designated by the City of Pinole’s General Plan as:

- *Public Facilities* (Seaview Elementary School, located south of the City of Pinole, within Pinole’s sphere of influence on the inland side of the tracks);
- *Low Density Residential* (located on the inland side of the tracks; includes residential development and treatment plants);
- *Parks and Recreation and San Pablo Bay Conservation Area* (Wilson Point Park, located on both sides of the tracks, along the eastern side of the City of Pinole within the Pinole sphere of influence; San Pablo Bay Regional Park, in northern Pinole, mostly on the Bay side of the tracks; Bayfront Park, located in northwestern Pinole on the Bay side of the tracks).

The Pinole General Plan contains policies that guide development in the City of Pinole. The following policies are relevant to the pipeline segment in the City of Pinole.

Policy LU7.8: Use of Railroad Right-of-Way. Ensure that new land uses will be designed to be compatible with potential future use of the railroad corridor as a more heavily used transitway through noise attenuation, setbacks, and appropriate access. Evaluate surplus right-of-way for appropriate uses that are compatible with being located near the railroad right-of-way.

Policy LUIP-22: Coordination with the Railroads. Contact the Atchison Topeka and Santa Fe and Southern Pacific railroads about the potential to develop unused railroad right-of-way and modify the land use map to reflect desired land use designations.

The City of Pinole’s Zoning Ordinance replicates the land uses designated by the General Plan, and none of the land uses specifically permit a pipeline. The pipeline would likely be considered

under Section 17.36 *Special Uses* (Dowswell, 2001), and the City of Pinole probably granted a use permit for the pipeline at some point in the past (Dowswell, 2001). The City of Pinole is concerned only that the pipeline not interfere with the San Francisco Bay Trail, which will also use the Union Pacific Railroad right-of-way in the Pinole area. (Dowswell, 2001).

CITY OF HERCULES

The City of Hercules General Plan governs land use designations in the City of Hercules. A segment of the project's pipeline runs through the City of Hercules and the project's pump station is also located within the City of Hercules along the east side of San Pablo Avenue. The pump station is located on land designated by the General Plan for industrial use. Industrial uses are "intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing." The General Plan also states: "The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk" (p. 11-32).

The pipeline enters the City of Hercules from the City of Richmond in the Union Pacific right-of-way until it leaves the right-of-way, and runs underground in a southeast direction through developed and undeveloped lands, crossing Linus Pauling Drive and Alfred Nobel Drive to the pump station. The pipeline passes alongside lands designated *Public-Park* (San Pablo Bay Regional Park), *Waterfront Commercial*, *General Commercial*, and *Planned Office – Research and Development*, and *Specific Plan*.

The pump station is also located in the City of Hercules, in an area designated by the City of Hercules General Plan as *Industrial*, and is adjacent to an area designated *Planned Commercial Industrial-Specific Plan*. From the pump station, the pipeline is located underground within the San Pablo Avenue right-of-way, passing areas on the west side of San Pablo Avenue that are designated *General Commercial*, *Planned Office – Research and Development*, and *Industrial*, and *Specific Plan*. ~~Industrial uses are "intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing."~~ ~~The General Plan also states: "The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk"~~ (p. 11-32).

The General Plan contains the following policy relevant to the pipeline and pump station:

Policy 13A: Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.

The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would expand across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land is designated *Specific Plan*, with residential and institutional uses. The project site is zoned *Industrial*. City also proposes to amend the Zoning Regulations so that the areas immediately adjacent to the pump station would be within *SP-R-MH Residential Medium High Density* and *SP-R/RF Retail/Residential Flex* zoning districts. Further north, portions of the site would be adjacent lands are zoned *SP-S School* and *SP-R-Z Residential Z-Lot*.

The General Plan and Zoning Ordinance were amended specifically for the New Pacific Properties project, which anticipates construction of an estimated 763 single-family homes, 117 multi-family units, 65,000 sq. ft of residential/retail flex, an elementary school, parks, trails and roadways. The New Pacific Properties project flanks San Pablo Avenue, and consists of two subareas: the coastal subarea, located west of San Pablo Avenue, and the inland subarea located east of San Pablo Avenue. The inland subarea is located adjacent to the pumping station, and would include mixed uses, the elementary school, and the more dense single-family development areas.

The City of Hercules issued a limited use permit for the pump station and the pipeline in August 1976. The permit states that “[s]torage of liquids other than residual fuel oil and displacement oil as described in the project Environmental Impact Report must be approved by the City Council of the City of Hercules” (City Council Resolution, August 9, 1976). Under the Hercules Zoning Ordinance, industrial uses are reserved for “appropriately located areas for heavy and light industrial uses consistent with the General Plan and the character of Hercules”; and are to “[p]rovide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk” (p. 29).

CONTRA COSTA COUNTY – UNINCORPORATED AREAS

The Contra Costa County General Plan, as amended to 1995, governs land use designations in unincorporated areas. After the pipeline leaves the City of Hercules, it enters unincorporated areas of Contra Costa County and the community of Rodeo via Parker/San Pablo Avenue. The pipeline continues in the Parker/San Pablo Avenue right-of-way to Crockett, where the pipeline passes under Crockett streets along the Carquinez Strait. As San Pablo Avenue crosses I-80, the pipeline re-enters the Union Pacific Railroad right-of-way. The Union Pacific Railroad tracks and the pipeline flow the coast through the Carquinez Strait Regional Shoreline Park, through Port Costa, to the City of Martinez. After it leaves the City of Martinez, the pipeline passes under I-680 (at the Benicia Bridge) and into the City of Pittsburg.

The Contra Costa County General Plan designates land use in unincorporated areas, including Rodeo, Crockett, Port Costa and the Port Chicago area. These land uses include:

- *CO – Commercial* (as San Pablo Avenue enters Rodeo from Hercules);
- *SH – Single Family Residential, 5 to 7.2 units per acre* (as San Pablo Avenue enters Rodeo from Hercules, throughout Rodeo);
- *PS – Public/Semi-Public* (along San Pablo Avenue near the Library; near the intersection of San Pablo Avenue and I-80);
- *PR – Parks and Recreation* (near the northeastern edge of the Lone Tree Point Regional Shoreline; Carquinez Strait Trail at Cummings Skyway; Carquinez Strait Regional Shoreline Park; the Martinez Regional Shoreline Park; the Point Edith State Wildlife Area);
- *MH – Multiple Family Residential, High, 21 to 29.9 units per acre* (Rodeo, as San Pablo Avenue curves to the east; Crockett);
- *AL – Agricultural Lands* (south of San Pablo Avenue in western Crockett);
- *OS – Open Space* (north of San Pablo Avenue in western Crockett; areas along the shoreline between Crockett and Port Costa; areas northeast of Benicia along the shoreline; the Port Chicago area; the Bay Point Wetlands area near the Port Chicago Highway).

Contra Costa County permits underground pipelines in unincorporated street right-of-ways with an encroachment permit. Underground pipelines are permitted in the railroad right-of-way.¹ The pipeline owner would be required to apply for a CUPA permit and disclose the amount of hazardous material stored on-site, as well as provide updated contact information.

CITY OF MARTINEZ

The Martinez General Plan, as amended to January 1995, governs land use designations in the City of Martinez and in adjacent lands within its sphere of influence. Through the City of Martinez, the pipeline is located within the Union Pacific Railroad right-of-way through or adjacent to lands designated by the General Plan, as follows:

- *Open Space/Conservation Use Land* (including the Carquinez Strait Regional Shoreline Park; and the Martinez Waterfront/Regional Shoreline Park);
- *Industrial* (lands located along the shoreline between Shell Dock and I-680); and
- *Retail and Services* (lands located inside the northwestern boundary).

The pipeline and the Union Pacific Railroad right-of-way pass through several zoning districts, governed by the City of Martinez Zoning Ordinance, including the following:

- *OS-P, Open Space – Prezoned District* (along the eastern boundary of the City of Martinez, within the City's sphere of influence);

¹ Contra Costa County indicates that it would require a formal letter and a \$200 fee for a determination of whether the project would require any applications (Allen, 2001).

- *M OS/RF, Mixed Use District – Open Space/Recreational Facilities* (areas along the shoreline in northern Martinez; area along Alhambra Creek);
- *OS, Open Space* (cemetery south of the tracks in northeastern Martinez);
- *L-1, Light Industrial* (areas immediately adjacent to the tracks in northeastern Martinez);
- *H-1, Heavy Industrial* (areas adjacent to the tracks in areas northwest of Martinez, within its sphere of influence);
- *ECD-H-1, Environmental Conservation District-Heavy Industrial* (areas adjacent to the tracks northwest of Martinez, within its sphere of influence).

CITY OF PITTSBURG

The Pittsburg General Plan, dated September 1988, governs land use designations in the City of Pittsburg and in adjacent lands within its sphere of influence. In addition, Pittsburg is currently circulating an Environmental Impact Report (EIR) on its proposed General Plan 2020 that would replace the 1988 document.

The Union Pacific Railroad right-of-way and the pipeline enter the City of Pittsburg’s sphere of influence and skirts the northeastern perimeter of the City of Pittsburg, ending in an area just north of the City of Pittsburg and southwest of the Pittsburg Power Plant. The right-of-way passes through wetland areas, designated by the General Plan as the Northwest River Area, a Special Management Area, also designated as a UT - Utility area. As stated in the General Plan, the UT – Utility designation “[i]ncludes the area of the PG&E power plant, the City and County sewer facilities, and facilities owned by the City water district and private water companies” (p. 16).

The Pittsburg General Plan designates the Northwest River Area as a subarea for which a specific Plan should be prepared (p. 11) as appropriate. The Plan states: “The Plan designates sufficient industrial land to allow existing industrial uses to be continued and expanded. The riverfront area includes PG&E’s large holdings and power plant, which are designated as Utility on the Plan. Large areas of the riverfront are designated as Open Space for the preservation of the [sic] major natural resources, including large areas of environmentally sensitive wetlands found in that area” (p. 11).

The Pittsburg’s proposed *General Plan 2020* would designate the area near the PG&E Power Plan as *Utility*, but would change the designation of the eastern portion of the *Utility* area to *Open Space*.

The pipeline appears to be outside of the boundaries of the City of Pittsburg, and therefore is outside the boundaries of the City of Pittsburg Zoning Map (Sheet No. 15).

REGIONAL PLANS

The pipeline also runs through several regional planning or project areas, including the San Francisco Bay Trail, and areas within the jurisdiction of the Bay Conservation Development Commission (BCDC).

San Francisco Bay Plan. The San Francisco Bay Plan is maintained and administered by BCDC as part of the McAteer-Petris Act adopted in 1969. The objectives of the Bay Plan are to “[p]rotect the Bay as a great natural resource for the benefit of present and future generations” and to “[d]evelop the Bay and its shoreline to their highest potential with a minimum of Bay filling. BCDC’s jurisdiction extends to all areas in the San Francisco Bay subject to tidal action; all shoreline areas within 100-feet of the Bay; all diked salt pond or managed wetlands maintained between 1966 and 1969; and specific waterways.

In addition, BCDC controls all dredging and fill in the San Francisco Bay.

The San Francisco Bay Plan states that “Pipeline terminal and distribution facilities near the Bay should generally be located in industrial areas but may be located elsewhere if they do not interfere with, and are not incompatible with, residential, recreational, or other public uses of the Bay and shoreline.” The Plan also states: “Types of development that could not use the Bay as an asset (and therefore should not be allowed in shoreline areas) include: (a) refuse disposal (except as it may be found to be suitable for an approved fill); (b) use of deteriorated structures for low-rent storage or other nonwater-related purposes; and (c) junkyards.”

The pipeline appears to be within BCDC’s jurisdiction in areas of North Richmond (also subject to the North Richmond Shoreline Plan), Crockett (unincorporated Contra Costa County), in the City of Martinez and in areas near the Pittsburg Power Plant (unincorporated Contra Costa County). In the North Richmond area, the pipeline passes through lands designated by the San Francisco Bay Plan as Waterfront, Park, Beach and Tidal Marsh. Land in the Crockett and Martinez area appears to be subject to tidal action.

SAN FRANCISCO BAY TRAIL PLAN

Senate Bill 100, passed in 1987, authorized the Association of Bay Area Governments (ABAG) to develop a plan and alignment for the San Francisco Bay Trail. The San Francisco Bay Trail Plan, adopted by ABAG in 1989, includes a proposed alignment. The Plan is dependent on local jurisdictions for implementation.

The proposed alignment of the Bay Trail appears to either cross or share the right-of-way with the pipeline in the Hercules and Pinole area. In the cities of Hercules and Pinole, the proposed alignment of the Bay Trail follows San Pablo Avenue, as well as the Union Pacific Railroad right-of-way.

LAND USE IMPACT DISCUSSION

- a) The pump station and the pipeline are existing structures that have not been deactivated, but that have been maintained in standby condition, and have been used for emergency purposes. While operation of the pump station may result in additional noise or other impacts, the proposed project would not make any physical changes to the existing pump station structure. (The impacts of the project on noise and air quality levels are discussed in other sections of this Initial Study.)

The City of Hercules anticipates construction of residential and retail structures, and a school near the Hercules Pump Station. The EIR for the proposed development project notes (p. 5.5-17):

“The City shall condition approval of development proposals on the New Pacific Properties site on the provision of adequate buffers between proposed sensitive receptors on the site and existing or approved industrial uses on adjacent sites. Adequate buffers shall also be provided between such uses within the site. “Sensitive receptors” include but are not limited to residential, education and recreational uses. “Approved” refers to specific projects that have been approved, specific uses that have been approved as part of an overall development plan (such as a specific plan), or uses that may be developed “by right” on a parcel without additional discretionary approvals. The width of the buffers shall be determined on the basis of information regarding the types of uses, the hazardous materials handled and wastes generated, environmental conditions (wind pattern, surface and ground water flows, soil characteristics, any reported contamination and status of remediation). The width of the buffers shall be intended to avoid significant environmental impacts.”

The area nearest the pump station would be developed for multi-family and retail uses, while a potential school site has been identified toward the center of the Specific Plan area, accessible from San Pablo Avenue. However, as noted above, proposed development would require adequate buffers between adjacent industrial uses and any development in the Specific Plan area. The existing Richmond to Pittsburg Fuel Oil Pipeline does not cross the proposed development site, but is located within the San Pablo Avenue right-of-way. West Contra Costa Unified School District’s school siting requirements would require that the school be set back from the fuel line easement, which includes the entire Pump Station site (see *New Pacific Properties Specific Plan Draft Environmental Impact Report*, Appendix 1.0).

The existing pipeline runs through or adjacent to several residential areas along the public right-of-way, and along the railroad right-of-way throughout Contra Costa County, established when the pipeline was operational. After pipeline and pump station operations are recommenced, the project would not constitute a physical barrier to established or contemplated communities.

Impact IX.1: Construction of the 4,000-foot replacement section of the pipeline in the City of Martinez may temporarily restrict access to the Martinez Regional Shoreline Park. This could be a potentially significant impact.

Implementation of mitigation measures I.1 and IV.2 would assure that construction of the replacement section of the pipeline would not result in a physical barrier to the Park.

Mitigation Measure: Implement Mitigation Measures I.1 and IV.2.

Significance after mitigation: Less than significant.

Impact IX.2: Maintenance of the pipeline could potentially limit access to the San Francisco Bay Trail because of a lack of alternative space. This could be a potentially significant impact.

In some areas, the pipeline may be very close to or include a small portion of the San Francisco Bay Trail in the area near the City of Pinole's city limits. The following mitigation measure would assure that the Trail remains accessible during any potential maintenance operations. Mitigation measure IX.2 would lessen the potential for the project to create a physical barrier between the project and the San Francisco Bay Trail to a less than significant level.

Mitigation Measure IX.2: For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the City of Pinole relevant jurisdiction in which the Pipeline is located. The purchaser shall assure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.

Significant after mitigation: Less than significant.

- b) The proposed pipeline would not substantially conflict with land uses designated by local General Plans and Zoning Ordinances. The pipeline is an existing use that has not been used on a daily basis, but has been used intermittently and has been regularly maintained in standby condition. In general, the path of the existing pipeline was designed to skirt existing development as much as possible, and is located within an existing right-of-way. The proposed replacement section in Martinez skirts development completely, and its construction is compatible with local plans and zoning ordinances. In general, the existing pipeline and the proposed replacement section passes through industrial and commercial areas and alongside existing unpopulated open space areas. When the pipeline does briefly pass through residential areas, these residential areas are also located in close proximity to

existing storage tanks and/or refineries (as in Crockett and unincorporated areas of Contra Costa County, outside of Hercules and Pinole).

The City of Hercules has indicated that it based its decision to designate land for a new school on its understanding that the pump station would eventually be demolished (Fleischer, 2001). However, the City of Hercules Specific Plan EIR states:

The industrial uses adjacent to the project do not require any additional buffer measures. The North Shore Business Park adjacent to the coastal subarea is zoned for Planned Office-Research & Development Mixed use, and is subject to zoning ordinance performance standards that prohibit new uses that generate substantial safety or toxic or hazardous material impacts. . . . The PG&E property adjacent to the inland subarea contains an idle facility for transfer and storage of petroleum products. There are no hazardous or acutely hazardous materials or hazardous wastes present at the business park facilities or the PG&E property in quantities that would require a special buffer. The current and any future tenants of the business park and PG&E property are also subject to strict hazardous materials management programs.

Based on an analysis of the project and adjacent uses, the types of buffers, setbacks and design features already incorporated into the Hercules Pump Station site design could allow the City to site the school without violating state school siting regulations or the city's General or Specific Plans.

The school siting criteria used by the West Contra Costa Unified School District would not specifically prohibit the proposed location of the school, but would require adequate setbacks and buffers, as well as safety precautions. The school site could also be exchanged with other potential land uses within the Specific Plan area.

BCDC would likely require SPBPC to obtain an amended permit for construction of the replacement section, and would require a construction period that would protect endangered species, measures to prevent non-native species, a site restoration and monitoring plan, and adequate safety measures (Fleischer, 2001).

Impact IX.3: The pipeline may be located under a portion of the San Francisco Bay Trail. This could be a potentially significant impact.

Mitigation Measure: Implement Mitigation Measure IX.2.

While the pipeline may be located under a portion of the San Francisco Bay Trail, **Mitigation Measure IX.2** would lessen any potential conflict between maintenance operations and use of the Bay Trail.

Significance after mitigation: Less than significant.

The proposed project would therefore not conflict substantially with applicable land use, plans and policies adopted for the purpose of avoiding or mitigating and environment effect.

- c) As discussed in Section IV, *Biological Resources*, above, the project would not conflict with any Habitat Conservation Plans.

Impact IX.4: Construction of the pipeline replacement section in Martinez has some potential for conflict with a natural community conservation plan. This could be a potentially significant land use impact.

Mitigation Measure: Implement Mitigation Measure IV.1.

Significance after mitigation: Less than significant.

REFERENCES

- Allen, Donna, Planner, Contra Costa County, personal communication, March 19, 2001.
- Association of Bay Area Governments, *San Francisco Bay Trail*,
<http://www.abag.ca.gov/bayarea/baytrail/baytrail.html>, accessed March 12, 2001.
- Bay Conservation and Development Commission, *San Francisco Bay Plan*,
http://www.bcdc.ca.gov/commlib/bayplan/ld1_TOC.htm, accessed March 8, 2001.
- City of Hercules, City Council Resolution, August 9, 1976.
- City of Hercules, *Hercules General Plan*, [no date]
- City of Hercules, *New Pacific Properties Specific Plan Draft Environmental Impact Report*, December, 1999.
- City of Hercules, *New Pacific Properties Specific Plan Environmental Impact Report Comments and Responses*, March 6, 2000.
- City of Hercules, *Zoning Ordinance*, October 13, 1998.
- City of Martinez, *General Plan*, as amended to January 1995.
- City of Martinez, *Zoning*, [no date].
- City of Pinole, *City of Pinole General Plan*, 1995.
- City of Pinole, *City of Pinole Zoning Ordinance*, as amended to 1998.
- City of Pittsburg, *Pittsburg General Plan*, September, 1988.
- City of Richmond, *City of Richmond Zoning Ordinance*, January 1, 1997 (as amended to April 1999).
- City of Richmond, *North Richmond Shoreline Specific Plan*, June 1993.
- City of Richmond, *Richmond General Plan*, August 1994.
- Contra Costa County, *Contra Costa County General Plan*, July 1996.
- Dowswell, David, City Planner, City of Pinole Planning Department, personal communication, March 7, 2001.

Fleischer, Deborah, *Summary of Agency Consultations*, March 6, 2001.

McBride, Janet, Project Manager, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

Pacific Gas and Electric Company, *Proponent's Environmental Assessment*, November 8, 2000.

Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

channels, eventually flowing in San Pablo and San Francisco Bays. The south-central portion of the County is within the Alameda Creek drainage basin, which drains south to Alameda Creek and then west to San Francisco Bay. The San Francisco Bay Delta system (including San Pablo Bay) is generally regarded as the most important water body in the California. It is used extensively for both recreational and commercial purposes, and supports diverse flora and fauna. Water from about 40 percent of land in California drains into the Bay and comprises most of the State's agricultural and urban supplies.

Substantial areas within Contra Costa County are subject to flooding. According to records maintained by the Federal Emergency Management Agency (FEMA), the majority of the County's creeks and shoreline areas lie within the 100-year flood zone, an area subject to flooding in a storm which has a 1% annual probability of being equaled or exceeded. In the West and Central County, these areas include portions of the shoreline in the vicinity of Richmond, Hercules, Rodeo, Crockett, and Martinez.

The pipeline crosses several creeks and associated watersheds, most of which flow northward or westward and drain into San Pablo Bay and Suisun Bay. Historically, this area included extensive marsh plains that fringed the bay. However, street and railroad construction, as well as channelization, damming, and realignment of creeks have drastically altered the natural drainage patterns. Industrial and commercial facilities now occupy large areas of former marsh.

RICHMOND

Wildcat Creek and San Pablo Creek drain large areas of the Berkeley hills and empty into saltwater marshes of San Pablo Bay. Wildcat Creek enters the Castro Creek channel before it empties into San Pablo Bay. San Pablo Creek has its own outlet into the bay. The pipeline crosses under San Pablo Creek and Wildcat Creek approximately 1.5 miles from their respective outlets into Suisun Bay. The pipelines at both crossings are at sufficient depth to have no impact on the flow in the creeks.

PINOLE

The major watershed in Pinole is Pinole Creek. This creek generally parallels the route of Pinole Valley Road and Tennent Avenue. The pipeline crosses under the creek approximately 0.25 mile from the creek's outlet into Suisun Bay. The pipeline is buried at sufficient depth to have no impact on the flow in the creek.

HERCULES

Refugio Creek is the major watershed crossed by the pipeline in Hercules. Pinole Creek and Rodeo Creek also drain small portions of the area surrounding the pipeline, near the southern and northern city boundaries, respectively. The pipeline crosses under Refugio Creek at its outlet into Suisun Bay. The Hercules Pump Station is located approximately 0.1 mile from Refugio Creek. The pipeline is buried at sufficient depth to have no impact on the flow in the creeks.

The area surrounding the pump station is primarily paved with concrete or asphalt and includes small patches of graveled areas. The existing drainage system for the pump station is comprised of diked catch basins, drainage channels, and an impounding basin, lined with an impermeable material to prevent oil seepage into the soil and into the groundwater. This system is the secondary containment for the oil and fuel tanks. Runoff enters the impounding basin and if an oily residue is present, the oil and water are separated, the oil is discharged into a concrete-lined pit, and the remaining water is discharged into two holding/evaporation ponds. Surface water runoff from the pump station is minimal and flows to the existing drainage system.

MARTINEZ

Alhambra Creek is the major drainage system crossed by the pipeline in Martinez. This creek is an intermittent stream draining 15.1 square miles of generally rugged topography. The creek headwaters are located in Briones Regional Park and the creek outlets into Carquinez Strait. The 4,000-foot pipeline replacement section may be installed under Alhambra Creek approximately 0.5 mile from its outlet into Carquinez Strait, where the topography is tidal estuary. It will be buried at sufficient depth to have no impact on the flow in the creek. Water levels rise and fall in the creek in response to tides in Carquinez Strait. The 4,000-foot pipeline replacement section crosses a minor drainage of Alhambra Creek that has associated wetland vegetation.

PITTSBURG

In Pittsburg, the major watershed crossed by the pipeline is Lawlor Creek, which drains into Suisun Bay approximately 0.75 mile from the pipeline crossing. Most runoff is conveyed by natural channels except for storm drains located in developed areas and culverts under Highway 4. The Kirker Creek watershed, which encompasses 14.6 square miles, is east of the Pittsburg Power Plant. This creek drains into the New York Slough approximately 3.5 miles from the power plant. The existing drainage system for Kirker Creek is largely composed of open channels fed by a combination of street runoff and underground storm drains. The pipeline has been buried at sufficient depth to have no impact on the flow in the creeks, or storm drains.

REGULATORY SETTING

The California State Regional Water Quality Control Board (RWQCB), San Francisco Bay Region, is the government agency responsible for protecting the health of the San Francisco Bay. A water quality control plan, or “basin plan,” has been prepared to guide water pollution control activities in the Bay. The basin plan identifies the beneficial uses of the Bay that must be protected, including non-contact recreation; wildlife habitat; preservation of rare and endangered species; estuarine habitat; warm freshwater and cold freshwater fish habitat; fish spawning and migration; industrial service supply; navigation; and commercial and sport fishing.

Contra Costa County Flood Control and Water Conservation District administers flood and storm water throughout the county. The District develops drainage plans for entire watersheds that cross-jurisdictional boundaries.

HYDROLOGY AND WATER QUALITY IMPACTS DISCUSSION

- a) The issues are limited to a) construction impacts resulting from the 4,000-foot replacement pipeline section, and b) draining and disposal of water treated with corrosion inhibitors from pipeline prior to use. Municipalities in the San Francisco Bay Area are required by the Clean Water Act to develop storm water management programs to control the discharge of pollutants from construction sites. Mitigation, in the form of following Best Management Practices for erosion and sediment control, will reduce construction impacts (see **Mitigation Measure VIII.1**). In addition, water drained from the pipeline may need to be treated prior to entering the waste stream. Implementation of the following mitigation measure will reduce the potential for the project to create significant impacts to hydrological resources during construction or dewatering activities.

Impact VIII.1: Construction of the 4,000-foot replacement pipeline section could result in erosion and sedimentation of storm water originating from the project site. Spills and leaks of oils or petroleum hydrocarbons from construction equipment could also adversely impact storm water quality.

Mitigation Measure VIII.1: SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board and implement measures to prevent erosion and to control sediment and otherwise prevent stormwater pollution. The general construction permit requires the preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify appropriate stormwater pollution best management practices to reduce pollutants in stormwater discharges from the construction site both during and after construction. Measures and practices include, but are not limited to, the following:

General Practices

- An environmental training program shall be conducted to communicate appropriate work practices, including spill prevention and response measures. Implementation of work practices should be monitored.
- All storm drains, drainage swales and creeks located along the 4,000-foot pipeline alignment shall be identified. All construction personnel and subcontractors shall be made aware of the locations of drainage pathways to prevent pollutants from entering them.
- Leaks, drips and other spills shall be cleaned up immediately.
- Protect all storm drain inlets using filter fabric cloth or other best management practices to prevent sediments from entering the storm drainage system during construction activities.
- Otherwise protect stormwater runoff from potential pollutant sources.

Erosion Prevention and Sediment Control

- To the extent possible, the area of construction shall be restored to preconstruction conditions.
- Mulching, seeding, and/or other suitable stabilization measures to protect exposed areas shall be implemented, during and after construction.

- **Protect drainage courses, creeks, and catch basins with straw bales, silt fences and/or temporary drainage swales.**
- **Conduct routine inspections of erosion control measures especially before and immediately after rainstorms, and repair if necessary.**

General Site Maintenance

- **Designate specific areas of the construction site, well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance.**
- **Accidental releases of drilling mud shall be cleaned up immediately.**
- **Spill kits shall be maintained on site during the construction project for small spills.**

SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.

Significance after mitigation: Less than significant.

- b) Usable groundwater resources are not extensive. The average depth to groundwater varies from 5 to 30 feet, and may be as close as 0.5 feet to 2 feet during the winter. Regionally, groundwater flow is in a northerly direction toward the San Pablo Bay and Suisun Bay. Neither PG&E nor SPBPC have proposed any activity that would affect quantity, quality or flow of groundwater resources. Therefore, the project will not impact groundwater supplies.
- c) **Impact VIII.2: Construction of the 4,000-foot pipeline replacement section could change drainage patterns in project area resulting in increasing run-off.**

The proposed construction of the 4,000-foot replacement section could affect existing stormwater and non-stormwater runoff conditions. The planned boring activities associated with construction of the replacement section would not alter the course of any waterway, and use of standard boring and filling practices would not substantially alter existing drainage patterns along the replacement section. Any increase in runoff caused by construction activities would be minimal due to the limited size and temporary nature of construction.

Mitigation Measure: Implementation of Mitigation Measure VIII.1.

Significance after mitigation: Less than significant.

- d) **Impact VIII.3: Construction of the 4,000-foot pipeline replacement section could alter drainage patterns, resulting in on- or off-site flooding.**

Mitigation Measure: Implementation of Mitigation Measure VIII.1.

Significance after mitigation: Less than significant.

- e) Because the project would not involve any covering of permeable ground, it would not cause an increase in runoff. Therefore, the project would not create or contribute additional runoff water.
- f) **Impact VIII.4: Construction activities could impact water quality of local creeks or infiltrate the soil.**

Construction could temporarily alter drainage patterns near these waterways and could result in siltation. In addition, the possibility of accidental release of drilling mud into waterways during drilling or boring activities could impact water quality.

Mitigation Measure: Implementation of Mitigation Measure VIII.1.**Significance after mitigation: Less than significant.**

- g) Although various segments of the pipeline alignment lie within a 100-year flood hazard area, no housing is proposed as a part of this project.
- h) The lower reach of Alhambra Creek is tidally influenced. Floods occur along the lower reach of the creek primarily because of channel capacity, development in the flood plain, tidal backwater effects, and severe storms. Moderate storms, such as the five-year event, can also cause flooding in the lower portion of the creek. During moderate and severe storms, the Union Pacific Railroad crossing acts as a constriction to drainage, causing flooding. The creek does not flow during dry summer months.

The 4,000-foot pipeline replacement section would follow standard US Department of Transportation Office of Pipeline Safety practices and would be buried at least 6 feet below ground level, and therefore would not interfere with flood flows.

- i) As explained in d), g) and h) above, the project would not substantially alter drainage, and would not be an impediment to flooding, and therefore would not expose people or structures to the possibility of flooding.
- j) Because it is not located near any active or dormant volcano, and is located far from the ocean, the likelihood of inundation from seiche, tsunami, or mudflow is negligible.

REFERENCES

Pacific Gas and Electric Company, 2000. Proponents Environmental Assessment to Establish Market Value for and Sell its Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station Pursuant to Public Utilities code Section 367 (B) and 851. Application Number 00-05-035.

City of Martinez, *General Plan*, as amended to January 1995

Contra Costa County, *Contra Costa County General Plan*, July 1996.

Federal Emergency Management Agency, Flood Hazard Map, prepared by ESRI.

<http://mapserver2.esri.com/cgi-bin/hazard.adol?z=i&c=-122.141994%2C38.021411&p=1&d=0&s=0&cd=p&Map.x=214&Map.y=146>

Brady and Associates. 1992. *North Richmond Shoreline Specific Plan Environmental Report*.

California Regional Water quality Control Board, San Francisco Bay Region. 1995. *Water Quality Control Plan San Francisco Bay Basin (Region 2)*.

City of Hercules. 1998. *City of Hercules General Plan*.

Bay Area Stormwater Management Agencies Association, *Blueprint for a Clean Bay*, 1999.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

CONTRA COSTA COUNTY

Within unincorporated Contra Costa County, the only existing mineral resource near the Pipeline is located near Port Costa, approximately one mile west of the pipeline. This area has a long history of mining, which began at the turn of the century and included mining to support a brick manufacturing operation. Mining and brick production have been continuous from 1905 to the present, under several ownerships. A lightweight shale aggregate facility was also constructed in 1966. This operation is unique to the county and is one of only a few in the state. The mining area is still in use and is now surrounded by the Carquinez Strait Regional Shoreline Park (Contra Costa County, 1996).

CITY OF RICHMOND

Three unidentified parcels in west Richmond have been recognized in the Richmond General Plan as having mineral resources of statewide or regional significance. The mineral deposits on these parcels consist of sandstone and shale. Materials from this type of deposit can be used as construction material, such as Portland cement concrete, asphaltic concrete (blacktop), railroad ballast, stucco, and fill. The Pipeline is not located on any of these resources (City of Richmond, 1994).

CITIES OF PINOLE AND MARTINEZ

No mineral resources have been identified in the Pinole and Martinez areas, including the area surrounding the 4,000-foot replacement section (City of Martinez, 1995 and City of Pinole, 1995).

CITY OF HERCULES

No significant mineral deposits have been identified by the California Department of Conservation, Division of Mines and Geology for the Hercules area or in the vicinity of the Hercules Pump Station. However, Hercules does have areas that have been identified as

containing mineral deposits with a significance that cannot be evaluated from available data (these types of deposits are labeled “MRZ-3 zones”). According to the *Hercules General Plan*, the guidelines provided by the Surface Mining and Reclamation Act of 1975 state that for MRZ-3 zones:

Prior to permitting a use which would threaten the potential to extract minerals classified by the State Geologist as MRZ-3, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the statewide or regional significance of the mineral deposits known or inferred to be located therein. The results of such an evaluation shall be transmitted to the State Geologist and to the State Mining and Geology Board for review and comment (City of Hercules. 1998).

MRZ-3 zones have been mapped for the hills to the north and south of Highway 4, east of Interstate 80 (I-80) (approximately two to three miles east of the pipeline), and the hilly area north of John Muir Parkway to the west of I-80 (on the north side of the Hercules Pump Station). However, according to the *Hercules General Plan*, “there is no information to suggest that these areas have extractable minerals of commercial value such that existing and planned land uses would be of less benefit to the community and region.” (City of Hercules. 1998)

CITY OF PITTSBURG

According to the Pittsburg General Plan, the Division of Mines and Geology maintains data regarding current mineral resources in the San Francisco Bay Area. In Pittsburg, the pipeline is located in an area where adequate information has determined that no significant mineral deposits are present, or the resources have been judged unlikely to contain significant deposits (City of Pittsburg. 1988).

REGULATORY SETTING

State Regulatory Oversight

The primary State law concerning conservation and development of mineral resources is the California Surface Mining and Reclamation Act (SMARA) of 1975, as amended to date. SMARA is found in the California Public Resources Code (PRC), Division 2, Chapter 9, Sections 2710, *et seq.*

Depending on the region, natural resources can include geologic deposits of valuable minerals used in manufacturing processes and the production of construction materials. The Surface Mining and Reclamation Act (SMARA) was enacted in 1975 to limit new development in areas with significant mineral deposits. SMARA calls for the state geologist to classify the lands within California based on mineral resource availability. In addition, the California Health and Safety Code requires the covering, filling, or fencing of abandoned shafts, pits and excavations (Cal. Health & Safety Code §§ 24400-03.). Furthermore, mining may also be regulated by local government, which has the authority to prohibit mining pursuant to its general plan and local zoning laws.

SMARA states that the extraction of minerals is essential to the continued economic well-being of the State and to the needs of society, and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The reclamation of mined lands will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, and reclamation operations and the specifications therefore may vary accordingly. *PRC § 2711*.

Oil operations in California are regulated by the Division of Oil and Gas in the Department of Conservation (Cal. Pub. Res. Code § 3000 *et seq.*).

Local Regulatory Oversight

Contra Costa County

Contra Costa County has established mineral resource policies to ensure the continued viability of mineral extraction operations while minimizing impacts on surrounding land uses and the environment. The applicable policies are as follows:

- 8-56. Incompatible land uses shall not be permitted within the mineral resource impact areas identified as containing significant sand and gravel deposits. Incompatible uses are defined as land uses inherently incompatible with mining and/or uses that require a high public or private investment in structures, land improvements, and landscaping that prevent mining because of higher economic value of the land and its improvements (Contra Costa County, 1996).
- 8-57. Future development in the vicinity of valuable mineral resource zones shall be planned and designed to minimize disturbance to residential areas or other sensitive land uses, and to permit the safe passage of quarry trucks (Contra Costa County, 1996).

City of Richmond

The City of Richmond's General Plan contains the following policy that relevant to the extraction of locally important mineral resource:

- Policy OSC-D4. Protect the mineral resources, which have been classified and/or designated mineral resources from urban encroachment and development incompatible with mining (City of Richmond, 1994).

City of Pittsburg

The City of Pittsburg, through its General Plan and Zoning Ordinance permits mining and mineral processing in Open Space districts. The city requires that a use permit be acquired prior to any mineral resource extraction and processing (City of Pittsburg, 1988).

MINERAL RESOURCES IMPACT DISCUSSION

- a,b) According to available Division of Mines and Geology and Contra Costa General Plan Maps three areas located in Port Costa, the City of Richmond, and Hercules (near the existing Hercules Pump Station) have been identified as occupying significant or potentially significant mineral resources that are of value for both the state and the region. Each of these areas lies outside of the existing pipeline alignment and access to them would not be impaired as a result of the sale of the Pipeline. Additionally, no mineral resources are mapped in the vicinity of the 4,000-foot replacement section. Therefore, the sale of the Pipeline would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan Maps. Furthermore, the sale of the Pipeline would not result in the loss of availability of a known mineral resource classified MRZ-2 by the State Geologist. As a result, no impact to existing mineral resources is expected through the sale of the Pipeline.

REFERENCES

- City of Hercules, 1998. City of Hercules General Plan.
- City of Martinez, 1995. Martinez General Plan.
- City of Pinole, 1995. City of Pinole General Plan.
- City of Pittsburg, 1988. Pittsburg General Plan.
- City of Richmond, 1994. Richmond General Plan, Volume One – Goals, Policies, Guidelines, Standards, and Implementation Programs and Volume Two – Technical Appendix.
- Contra Costa County, 1996. Contra Costa County General Plan 1995-2010.
- California Surface Mining and Reclamation Act (SMARA) of 1975, California Public Resources Code (PRC), Division 2, Chapter 9, Sections 2710, *et seq.*
- Cal. Pub. Res. Code § 3000 *et seq.* California Public Resources code Section 3000.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

Noise is defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain. Pressure waves traveling through air exert a force registered by the human ear as sound. Human response to noise is subjective and can vary greatly from person to person. Factors that can influence individual response include intensity, frequency, and time pattern of the noise; the amount of background noise present prior to the intruding noise; and the nature of work or human activity that is exposed to the noise. The adverse effects of noise include interference with concentration, communication, and sleep. At the highest levels, noise can induce hearing damage.

Environmental noise is usually measured in A-weighted decibels (dBA).¹ Environmental noise typically fluctuates over time, and different types of noise descriptors are used to account for this variability. Typical noise descriptors include maximum noise level (L_{max}), the energy-equivalent

¹ A decibel (dB) is a unit of sound energy intensity. Sound waves, traveling outward from a source, exert a sound pressure level (commonly called “sound level”) measured in dB. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels.

noise level (L_{eq}), and the day-night average noise level (DNL).² The noise level experienced at a receptor depends on the distance between the source and the receptor, presence or absence of noise barriers and other shielding features, and the amount of noise attenuation (lessening) provided by the intervening terrain.

EXISTING NOISE LEVELS

Transportation sources, such as automobiles, trucks, trains, and aircraft, are the principal sources of ambient noise. Industrial and commercial equipment and operations also contribute to the ambient noise environment in their vicinities. The approximately 35-mile underground pipeline is located in Contra Costa County between the cities of Richmond and Pittsburg. The pipeline follows the San Francisco Bay shoreline and traverses the jurisdictions of the cities of Richmond, Pinole, Hercules, Martinez and Pittsburg. Between Richmond and Hercules the pipeline is located within or in close proximity to the UPRR right of way. Train pass-by events constitute the major noise sources along this section of the pipeline. According to the Contra Costa General Plan, noise levels generated by rail activities are approximately 70 to 77 dB at 100 feet from the railway centerline. At the pump station in Hercules, the noise environment is mainly influenced by traffic on nearby I-80 and San Pablo Avenue, both of which are characterized as major noise sources in the Contra Costa County General Plan. A noise measurement study conducted in the City of Hercules in December 1996 showed a L_{dn} of 65 dBA and L_{eq} of 61 dBA at a metering station located 90 feet from the centerline of San Pablo Avenue near Linus Pauling Drive, adjacent to the pump station. Traffic on San Pablo Avenue was the main source of noise.

SENSITIVE RECEPTORS

The 35-mile long pipeline alignment would cross through primarily non-residential land uses along its length. Some construction noise could be expected from the replacement of the 4,000-foot section in Martinez and from day-to day maintenance activities along the pipeline. Construction of the replacement pipeline in the City of Martinez would occur within land uses designated for industrial uses and as open space. There are no residential land uses adjacent to the construction area. However, one permanent source of noise is associated with the pump station in Hercules. The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would expand across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land is designated *Specific Plan*, with residential and institutional uses. The City also proposes to amend the Zoning Regulations so that the areas immediately adjacent to the pump station would be within residential zones. Further north, portions of the site would also have residential and

² The maximum noise level (L_{max}) refers to the highest instantaneous noise level observed in a given period. L_{eq} , the energy-equivalent noise level (or "average" noise level), is the equivalent steady-state continuous noise level which, in a stated period of time, contains the same acoustic energy as the time-varying sound level that actually occurs during the same period. DNL, the day-night average noise level, is a weighted 24-hour noise level. With the DNL descriptor, average noise levels (in terms of L_{eq}) between 10:00 p.m. and 7:00 a.m. are adjusted upward by 10 dBA to take into account the greater annoyance of nighttime noise as compared to daytime noise. All L_{max} , L_{eq} and DNL values reported herein reflect A-weighted decibels unless stated otherwise.

institutional uses. These would be the sensitive receptors that could be most affected by the resumption of operations at the Hercules pump station.

REGULATORY SETTING

As a general matter, federal and state agencies regulate mobile noise sources, and local agencies regulate stationary noise sources and activities. Federal and state agencies regulate noise from mobile sources by establishing and enforcing noise standards on vehicle manufacturers. Local agencies regulate noise through three principal means: enforcement of local noise ordinances; implementation of noise-related policies contained in the local general plan, such as noise / land use compatibility guidelines; and enforcement of noise-related conditions on permit approvals.

The sale of the Pipeline, by itself will not result in any changes to the ambient noise environment. However, following completion of the sales transaction, the new owner (SPBPC) is expected to return the pipeline to active service. Construction hour limitations and construction equipment noise standards, as specified by the local General Plan Noise Element and Noise Ordinance would be applicable to construction activities along the missing 4,000-foot section of the pipeline in Martinez, which would be replaced. Transportation of oil would involve operation of a stationary noise source at the pump station, which would be located in the city of Hercules. Resumption of oil movements at the Hercules pump station will reactivate the existing noise source in the area, but the project would not require any local permits to which noise-related conditions could be attached. Other than that, conducting routine maintenance operations along the 35-mile pipeline would involve some minor and temporary noise sources and would not raise any long-term issues related to local noise ordinance standards or general plan policies. The relevant standards and policies for the applicable jurisdictions are provided below.

The noise element of the Contra Costa County General Plan does not have established noise standards for new projects. The county uses the State of California Land Use Noise Compatibility Matrix as shown in Table XI-1 for land use planning. The normally acceptable maximum noise level varies from a CNEL of 60 dBA for residential areas to 75 dBA for industrial land uses. After a detailed noise analysis has been conducted and required insulation features are included in the project design, the maximum conditionally acceptable noise level could be as high as 70 dBA for residential areas and 80dBA for industrial areas. Construction activities are required to be concentrated during daytime hours of the working day to provide relative quiet during the more sensitive evening and early morning periods.

The City of Richmond's General Plan has also adopted the State of California Land Use Noise Compatibility Matrix as a standard for reviewing projects. The matrix is as shown in Table XI-1. The city's noise ordinance restricts construction activities to daytime hours between 7 a.m. to 7 p.m. on weekdays and 8.30 a.m. to 6 p.m. on weekends and legal holidays. The ordinance also establishes maximum acceptable exterior noise levels, which range from 60 dBA for residential areas to 75 dBA for heavy industrial land uses, as measured at the property line, within the city of Richmond.

**TABLE XI-1
STATE OF CALIFORNIA LAND USE NOISE COMPATIBILITY MATRIX**

Land Use Category	Community Noise Exposure Ldn or CNEL, dB
Residential – Low Density Single Family, Duplex, Mobile Homes	50 to 60 = Normally acceptable 55 to 70 = Conditionally acceptable 70 to 75 = Normally unacceptable 75 to 85 = Clearly unacceptable
Residential – Multifamily	50 to 65 = Normally acceptable 60 to 70 = Conditionally acceptable 70 to 75 = Normally unacceptable 75 to 85 = Clearly unacceptable
Transient Lodging – Motels, Hotels	50 to 65 = Normally acceptable 60 to 70 = Conditionally acceptable 70 to 80 = Normally unacceptable 80 to 85 = Clearly unacceptable
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 to 70 = Normally acceptable 60 to 70 = Conditionally acceptable 70 to 80 = Normally unacceptable 80 to 85 = Clearly unacceptable
Auditoriums, Concert Halls, Amphitheaters	50 to 70 = Conditionally acceptable 65 to 85 = Clearly unacceptable
Sports Arena, Outdoor Spectator Sports	50 to 70 = Conditionally acceptable 70 to 85 = Clearly unacceptable
Playgrounds, Neighborhood Parks	50 to 70 = Normally acceptable 67.5 to 75 = Normally unacceptable 72.5 to 85 = Clearly unacceptable
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 to 75 = Normally acceptable 70 to 80 = Normally unacceptable 80 to 85 = Clearly unacceptable
Office Buildings, Business, Commercial and Professional	50 to 70 = Normally acceptable 67.5 to 77.5 = Conditionally acceptable 75 to 85 = Normally acceptable
Industrial, Manufacturing, Utilities, Agriculture	50 to 75 = Normally acceptable 70 to 80 = Conditionally acceptable 75 to 85 = Normally acceptable

The General Plan for the City of Pinole also uses the State of California Land Use Noise Compatibility Matrix (shown in Table XI-1) as a standard for reviewing projects. The goal for maximum outdoor and indoor noise levels in residential areas are an Ldn of 60 dBA and 45 dBA respectively.

The General Plan for the City of Hercules uses an Ldn of 60 dBA as the maximum acceptable outdoor noise level in residential areas. Table XI-2 shows Land Use compatibility matrix for community noise environments in the city of Hercules. Table XI-3 shows the maximum acceptable noise exposure to stationary noise sources as measured at the property line of the receiving land use.

**TABLE XI-2
LAND USE COMPATIBILITY MATRIX FOR COMMUNITY NOISE ENVIRONMENTS
IN THE CITY OF HERCULES**

Land Use Category	Exterior Noise Exposure Ldn or CNEL, dB
Residential, Hotels, and Motels	50 to 60 dBA = Normally Acceptable 60 to 75 dBA = Conditionally Acceptable 75 to 85 dBA = Unacceptable
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	50 to 65 dBA = Normally Acceptable 65 to 80 dBA = Conditionally Acceptable 80 to 85 dBA = Unacceptable
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches	50 to 60 dBA = Normally Acceptable 60 to 75 dBA = Conditionally Acceptable 75 to 85 dBA = Unacceptable
Office Buildings, Business Commercial and Professional	50 to 70 dBA = Normally Acceptable 70 to 80 dBA = Conditionally Acceptable 80 to 85 dBA = Unacceptable
Auditoriums, Concert Halls, Amphitheaters	50 to 70 dBA = Conditionally Acceptable 70 to 85 dBA = Unacceptable
Industrial, Manufacturing, Utilities, and Agriculture	50 to 70 dBA = Normally Acceptable 70 to 85 dBA = Conditionally Acceptable

The City of Martinez does not have a noise element in the General Plan. There are no specific construction-related noise standards in the Noise Ordinance. Therefore, the State of California Land Use Noise Compatibility Matrix as shown in Table XI-1 would be used as a standard for reviewing this project.

The City of Pittsburg uses the State of California Land Use Noise Compatibility Matrix (shown in Table XI-1) as a standard for reviewing projects. Stationary noise sources in Pittsburg are

**TABLE XI-3
MAXIMUM ACCEPTABLE NOISE EXPOSURE TO STATIONARY NOISE SOURCES
(MEASURED AT THE PROPERTY LINE OF THE RECEIVING LAND USE)**

	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Leq, dBA	50	45
Maximum Level, dBA	70	65
Maximum Level, dBA – Impulsive Noise	65	60

regulated through conditions of approval for local permits. With respect to noise / land use compatibility, the City recognizes 65 and 70 DNL as the maximum level of noise that is normally acceptable for residential and parks, respectively (City of Pittsburg, 1990). The City seeks to minimize noise impacts by protecting residential and park uses from new noise sources that would increase noise by 3 DNL or generate 60 DNL or more at the property line, excluding ambient noise levels.

NOISE IMPACT DISCUSSION

- a) The project would involve temporary noise sources associated with construction and long-term noise sources associated with operation of the pump station at Hercules. Such noise sources are typically regulated on the local level through enforcement of noise ordinances, implementation of general plan policies, and imposition of conditions of approval for permits.

Construction of the 4,000-foot replacement pipeline in the City of Martinez would occur within land uses designated for industrial uses and as open space. There are no residential land uses adjacent to the construction area. During the construction period, noise levels generated by operation of construction equipment would vary depending on the particular type, number, and duration of use of various pieces of construction equipment. The types of equipment that would be used would include jackhammers, pneumatic tools, front-end loaders, hydraulic backhoes and excavators, air compressors and off-road trucks. Such equipment typically generates between 75 and 90 dBA at 50 feet (U.S. Department of Transportation, 1995) and would be a significant impact on the ambient noise environment. However, at any one location along the construction route, the duration of noise impacts would be relatively brief, given that construction would proceed in a linear fashion along the route.

As discussed earlier, the City of Martinez, in which pipeline replacement would occur, does not have specific construction-related noise standards. However, under the requirements of Mitigation Measure XI.1 below, SPBPC would require its contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. Given compliance with this and other mitigation measures described below, the impact

would be mitigated to a less than significant level and project construction would not expose persons to or generate noise levels in excess of standards established in local general plans or noise ordinances, or applicable standards of other agencies.

Over the long-term, the project would activate an existing noise source due to the resumption of operations at the existing pump station in the City of Hercules. The equipment associated with noise at the pump station includes two fuel oil heaters and two pumps. Once operations are recommenced, noise from the pump station would permanently increase the ambient noise level in the vicinity of the pump station, compared to the present baseline. The noise levels will be similar to those when PG&E operated the station. However, the pump station is located and has been approved for operation within an area designated for industrial use. Recently, the City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station currently designated for Planned Commercial Industrial uses. The City proposes to amend the General Plan and the Zoning Regulations so that the land is designated *Specific Plan*, with residential and institutional uses. This would introduce sensitive receptors in the immediate vicinity of the pump station that could potentially be affected by noise generated from equipment at the pump station.

However, the pump station is an existing structure approved for operation in its current location. The proposed operation of the pump station and the pipeline would not change the existing, undeveloped land in the City of Hercules in the vicinity of the project. Future development in the vicinity has not yet been approved and would be required to consider the existence of the pipeline and pump station, and any future operation. Operation of the pump station would not be in violation of the noise standards set forth in the General Plan for industrial land uses. Therefore the project would not expose persons to or generate noise levels in excess of standards established in the local general plan and consequently the impact would be less than significant.

Impact XI.1: Short-term construction-related activities and long-term operation of the pump station would expose persons to or generate noise levels in excess of applicable, established local regulations.

Mitigation Measure XI.1: During construction of the 4,000-foot replacement section in Martinez, the new owner (SPBPC) will implement the following measures:

- **Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday ~~Saturday~~, or more restrictive hours required by permits and ordinances as specified by the City of Martinez.**
- **Obtain an encroachment permit from the City of Martinez specifying how construction would be sequenced to minimize potential construction impacts.**

- **Conduct regular equipment and maintenance and install mufflers (as appropriate) on all construction equipment to control noise.**
- **Shield and orient compressors and other small stationary equipment such that equipment exhaust would face away from noise sensitive buildings and land uses.**
- **Use existing natural and manmade features (e.g., landscaping, fences) to shield construction noise whenever possible.**

The CPUC's mitigation monitor shall ensure compliance with the above measures during construction.

Significance after mitigation: Less than significant.

- b) The project would involve temporary sources of ground borne vibration and ground borne noise during construction from operation of heavy equipment and long-term sources during its operational phase from operation of pumps at the Hercules pump station. During construction of the 4,000-foot replacement section of the pipeline, operation of heavy equipment would generate localized ground borne vibration and ground borne noise that could be perceptible at any sensitive uses in the immediate vicinity of the construction route. However, because the pipeline replacement would take place in an area designated for industrial uses where there are no nearby receptors, and because the duration of impact at any one location would be very brief and would occur during less sensitive daytime hours, the impact from construction-related ground borne vibration and ground borne noise would not be significant.

Over the long-term, operation of the Hercules pump station could generate ground borne vibration and ground borne noise in the immediate vicinity. Because of the setbacks included in the original design of the pump station, ground borne vibration and ground borne noise from the operations at the station would not be perceptible by nearby sensitive receptors. Therefore, the impact would be less than significant and no mitigation is required.

- c) As described under Impact a) the project would activate an existing source of noise at the Hercules pump station; because the pipeline is buried, and because fuel oil pipelines do not create audible sound during operations, noise at other locations along the existing pipeline route and the replacement section in Martinez would not increase as a result of recommencing operation of the pipeline. Although recommencing operations at the pump station would result in an increase in ambient noise levels at the site over existing conditions, this increase would be consistent with the ambient noise standards established by the City of Hercules for industrial land uses. Therefore, the impact would be less than significant and no mitigation is required.

- d) The project would result in temporary and intermittent noise increases due to construction. The effect of this noise would depend upon how much noise would be generated by the equipment, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those sensitive uses. Project construction would involve use of equipment that would typically generate noise levels in the 75 to 90 dBA range within 50 feet. The section of the pipeline that would be replaced would be predominantly located in areas designated for industrial uses and as open space.

However, with implementation of **Mitigation Measure XI.1** above, construction equipment would be well muffled and the residual impact of project construction would occur only during the less sensitive daylight hours, and thus would not disrupt sleep. This mitigation would reduce the potential to create a substantial temporary or periodic increase in ambient noise levels to a less than significant level.

Impact XI.2: Construction-related activities would lead to a substantial temporary or periodic increase in the ambient noise levels in the project vicinity above levels existing without the project.

Mitigation Measure: Implementation of Mitigation Measure XI.1.

Significance after mitigation: Less than significant.

- e) The project is not located within two miles of a public airport and is not within an airport land use plan area.
- f) The project is not located in the vicinity of a private airstrip.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XII. POPULATION AND HOUSING –				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The Association of Bay Area Governments (ABAG) estimates that population growth in Contra Costa County, from 1990 to 2000, will exceed 17 percent. From 2000 to 2010, population growth will slow slightly to approximately 14 percent; and from 2010 to 2020, population growth will slow even further to approximately 8.5%. Population growth in the areas through which the pipeline passes is described in table XII-1.

**TABLE XII-1
ESTIMATED POPULATION GROWTH
RICHMOND PIPELINE AREAS**

Area	Percentage Increase in Population		
	1990-2000	2000-2010	2010-2020
Hercules ¹	15.2%	15.4%	17.0%
Martinez	15.4%	7.5%	3.9%
Pinole	4.8%	3.6%	2.1%
Pittsburg	9.4%	19.7%	13.4%
Richmond	9.6%	7.6%	4.7%
Rodeo-Crockett	10.3%	7.9%	4.4%
Contra Costa County	17.2%	14.3%	8.5%

¹ Includes sphere of influence for all areas, except Rodeo-Crockett, which includes the subregions near both the unincorporated areas of Rodeo and Crockett.

SOURCE: Association of Bay Area Governments, *Projections 2000*; ESA

There are currently an estimated 353,983 housing units in Contra Costa County, with 65,708 housing units, or approximately 19 percent in unincorporated areas that include the communities of Rodeo and Crockett. The cities of Hercules, Martinez, Pinole, Pittsburg and Richmond contain

an estimated 82,473 housing units, or 23 percent of the housing stock in Contra Costa County. The average vacancy rate for Contra Costa County is approximately 5.09 percent, and the vacancy rate in unincorporated Contra Costa County is approximately 5.85 percent. Vacancy rates for the cities of Hercules, Martinez, Pinole, Pittsburg and Richmond range from 3.51 percent in Martinez to 6.38 percent in Pittsburg.

POPULATION AND HOUSING IMPACTS DISCUSSION

- a) In most areas through which the pipeline passes, anticipated population growth is less than growth anticipated for the county. Anticipated growth in both Hercules and Pittsburg will keep pace with or exceed population growth rates throughout the county. Growth in the areas through which the pipeline passes are limited by local and regional general plans and other land use documents, which limit land density and the uses for which land can be put to use.

The Richmond pipeline and pump station are existing structures that have in the past and would in the future be used to transport fuel oil. While the pipeline has not been in regular use since 1982, the pipeline has been maintained to provide stand-by capability in case of natural gas supply interruptions or similar situations. As recently as 1991, the pipeline was used to transport natural gas. Following 1991, use of the pipeline has been limited to maintaining the integrity of the pipeline. A staff has remained at the Hercules pump station for testing and maintenance.

While use of the pipeline would likely be to transport fuel oil, the end of use of the fuel oil has not been determined. Given the current short supplies of energy producing fuel, the fuel would most likely be used to meet existing and current anticipated future demand for refinery operations, and emergency transport.

The Richmond pipeline and pump station would therefore not, of itself, induce population growth, directly or indirectly, but would most likely be used to meet current and currently the anticipated future demand estimated by ABAG.

- b) See discussion for IX.b (Land Use), above. The existing Richmond pipeline currently passes underground, alongside some existing residential areas in the Richmond, Pinole, Rodeo and Crockett areas, within a railroad or public street right-of-way. In addition, in the City of Hercules, the pump station is located adjacent to an area for which the land use designation may be changed from *Planned Commercial Industrial* to residential uses. (See Section IX. *Land Use Plans and Policies*.)

However, the Richmond pipeline is located primarily within existing right-of-ways, underground, as an easement. The pipeline does not run under any space currently occupied by residential structures. Areas in which the pipeline is not within an existing right-of-way (particularly in Hercules where the pipeline leaves the railroad right-of-way and enters the pump station) are not designated for nor occupied by residential uses.

Although the pipeline may be used on a more regular basis, the pipeline would be one of several located within public right-of-ways, and would be set back from residential uses in the railroad right-of-way.

Only minor changes to the pipeline and pump station are anticipated as a result of the proposed project. The project would require construction in the City of Martinez to replace a missing segment of the pipeline, but the missing segment would be replaced along an existing right-of-way and along or under existing waterways. No housing would be displaced by the replacement.

The Richmond pipeline and pump station would therefore not require displacement of any existing housing.

- c) See discussion for XII.a, above. No persons occupy structures located over the pipeline, or the 4,000-foot section that will be replaced. The proposed project would not result in either the displacement of residential structures or displacement of people.

REFERENCES

Association of Bay Area Governments, *Projections 2000*, December 1999.

City of Hercules, *Hercules General Plan*, [no date].

Contra Costa County, *Contra Costa County Population and Housing Estimates, January 1, 2000*, <http://www.co.contra-costa.ca.us/depart/cd/recycle/population-housing.htm>, accessed March 20, 2001.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

FIRE PROTECTION

The pipeline and pump station are located in areas served by several fire protection and emergency medical response service providers.

The Contra Costa County Fire Protection District is governed by the Contra Costa County Board of Supervisors, and provides fire protection services to Antioch, Briones Hills, Clayton, Concord, Lafayette, the Mt. Diablo Area, Martinez, Oakley, Pleasant Hill, San Pablo, Walnut Creek, and nearby unincorporated areas. This District has over 30 stations; each station averages 2 to 4 engines and three firefighters, one of which is a paramedic. Stations 12, 13 and 14 are located in the City of Martinez and Station 70 is located in the City of San Pablo.

The Crockett-Carquinez Fire Protection District is governed by the Contra Costa County Board of Supervisors, and provides fire protection services and emergency medical response in the Crockett area, including the Port Costa area. Its station is located at 746 Loring Avenue, Crockett.

The Rodeo-Hercules Fire Protection District is an independent district that provides fire protection services and emergency medical response for the City of Hercules and the Rodeo area. Its station is located at 1680 Refugio Valley Road, Hercules.

The Pinole Fire Department provides fire protection services and emergency medical response to the City of Pinole and the Tara Hills area. It also provides back up for the adjacent cities of

Hercules, Crockett, Rodeo, San Pablo and Richmond. Its station is located at 880 Tennent Avenue, Pinole.

The Richmond Fire Department provides fire protection services and emergency medical response to the City of Richmond, and automatic mutual aid to the cities of El Cerrito, San Pablo, Pinole and El Sobrante. The Department is staffed by 97 firefighters and 6 non-sworn personnel, and equipped with seven engines, two trucks, two rescue vehicles, and a hazardous materials unit. The Department's headquarters are located at 330 – 25th Street, Richmond.

POLICE PROTECTION

The pipeline and pump station are located in the following police jurisdictions:

Agency	Local Address	Jurisdiction	Approximate Staffing Levels
Richmond Police Department	401 – 27 th Street Richmond, CA	City of Richmond and sphere of influence	186 officers; 79 civilian personnel
Pinole Police Department	880 Tennent Avenue Pinole, CA	City of Pinole and sphere of influence	20 officers and personnel
Hercules Police Department	111 Civic Drive Hercules, CA	City of Hercules and sphere of influence	20 sworn personnel; 11 civilian personnel; 2 volunteers
Martinez Police Department	525 Henrietta Street Martinez, CA	City of Martinez and sphere of influence	61 staff, including sworn personnel, reserve officers, a SWAT team, and civilian personnel
Pittsburg Police Department	65 Civic Avenue Pittsburg, CA	City of Pittsburg and sphere of influence	70 sworn personnel; 22 civilian personnel
Military Traffic Management Command	U.S. Naval Weapons Station	Port Chicago	Unknown
California Highway Patrol	1501 Blum Street Martinez, CA (Part of Golden Gate Communications Center)	Statewide: traffic law information on freeways; dignitary protection; protection of State property	94 uniformed officers; 12 non-uniformed personnel
Contra Costa County Sheriff	651 Pine Street Martinez, CA	Unincorporated Contra Costa County	657 sworn personnel; 281 civilian personnel (eight stations)
East Bay Regional Park District Police Department	17930 Lake Chabot Road Castro Valley, CA	42,000 acres of District parks in Contra Costa County; 50,000 acres in Alameda County	55 sworn personnel, volunteers and civilian personnel

PARKS

The underground Richmond pipeline passes through and/or adjacent to the following public parks:

Park	Location (Jurisdiction)	Size	Location of Pipeline	Recreational Facilities
Bay Point Wetlands	Contra Costa County (near Port Chicago) (East Bay Regional Park District)	131 acres	Adjacent to the southern boundary	Not open to the public (tidal marsh)
Pt. Edith State Wildlife Area	Contra Costa County (near Port Chicago) (California Department of Fish and Game)	760 acres	Adjacent to the southern boundary	None
Carquinez Strait Regional Shoreline Park	Contra Costa County (Crockett) (East Bay Regional Park District)	2,795 acres	Adjacent to the western boundary of one portion of the park; through northern edge of second section of the park	Trails (hiking, bicycle, horseback riding)
Lone Tree Point Regional Park	Contra Costa County (Rodeo) (East Bay Regional Park District)	10 acres	Adjacent to the southeastern tip	Picnic facilities, open space
Martinez Regional Shoreline Park	Martinez (East Bay Regional Park)	344 acres	Adjacent to the southern boundary	Trails, marina, recreational facilities, play fields
Pt. Pinole Regional Shoreline Park	Pinole, Richmond and San Pablo (East Bay Regional Park District)	2,315 acres	Through the southwestern area, and adjacent to the southern boundary	Trails (hiking, bicycle, horseback riding, fishing pier)
San Pablo Bay Regional Shoreline Park	Contra Costa County, Pinole, Hercules (East Bay Regional Park District)	212 acres	Through three unconnected portions of the park	Open space
Shell Marsh	Contra Costa County (East Bay Regional Park District)	202 acres	Adjacent to the northern boundary	Not open to the public
Wilson Point Regional Park	Contra Costa County (near Pinole) (East Bay Regional Park District)	Less than 30 acres	Through the southern portion of the park, parallel to Cypress Avenue	Trails, beach
Lefty Gomez Ballfield Complex	Contra Costa County (Rodeo)	Less than 20 acres	Adjacent to the western boundary	Playing fields

Park	Location (Jurisdiction)	Size	Location of Pipeline	Recreational Facilities
Montara Bay Park and Community Center	Contra Costa County (near Richmond)	Less than 20 acres	Adjacent to the western boundary	Community center, play area

SCHOOLS

In Contra Costa County, public education for kindergarten through 12th grade is administered by 18 school districts in 232 schools that serve approximately 154,000 students. In addition, over 80 private schools offer primary and/or secondary classes.

The pipeline passes near several schools, listed below. The school nearest the underground pipeline is Seaview Elementary School, located at 2000 Southwood Drive in unincorporated Contra Costa County.

School	Location	Approximate No. of Students	School District	Approximate Closest Point to Pipeline
Lake Elementary School	2700 – 11 th Street San Pablo, CA	420	West Contra Costa Unified School District	0.25 miles
Peres Elementary School	719 – 5 th Street Richmond, CA	590	West Contra Costa Unified School District	0.40 miles
Seaview Elementary School	2000 Southwood Dr. San Pablo, CA	350	West Contra Costa Unified School District	500 feet
Verde Elementary School	907 Giaramita Street Richmond, CA	360	West Contra Costa Unified School District	1000 feet
John Swett High School	1098 Pomona Street Crockett, CA	700	John Swett Unified School District	1100 feet
Carquinez Middle School	1098 Pomona Street Crockett, CA	480	John Swett Unified School District	1100 feet
Garretson Heights School (currently in use for special programs only)	Garretson Avenue Rodeo, CA	Varies	John Swett Unified School District	1000 feet
St. Patrick School	907 – 7 th Street Rodeo, CA	280	(Private School)	900 feet
St. Catherine of Siena School	604 Mellus Street Martinez, CA	270	(Private School)	0.33 miles
St. Peter Martyr School	425 West 4 th Street Pittsburg, CA	325	(Private School)	0.33 miles

PUBLIC SERVICES IMPACTS DISCUSSION

- a) Fire. The pipeline would not require additional fire protection services outside of those services already available. The pipeline passes through fire protection districts that have established mutual aid agreements with nearby districts. All fire stations are within a few miles of the pipeline and the pump station; the Hercules Fire Station is less than a mile from the pump station. In addition, the pump station is required to adhere to strict safety measures on-site. Use of the pipeline and the pump station would not require the expansion of fire protection facilities or construction of new fire protection facilities.

Police. The pipeline would not require additional police protection services outside of those services already available. The pipeline is underground; the pump station is, and would continue to be, secured by metal mesh fencing topped with barbed wire, a secured entry system, and an alarm system. Use of the pipeline and the pump station would not require the expansion of police protection facilities or construction of new police protection facilities.

Schools. The underground Richmond pipeline passes near one existing school: Seaview Elementary School, located in unincorporated Contra Costa County, within the City of Pinole's sphere of influence. Seaview is a year-round school with approximately 350 students in kindergarten through the sixth grade. However, the pipeline is within the Union Pacific Railroad right-of-way, and is set back from the school by approximately 500 feet, as well as the terminus of two streets. In addition to being used as the right-of-way for the pipeline, the railroad tracks are actively used. There are no schools located within 100 feet of the pipeline.

Use of the pipeline would not, by itself, require the construction of a new or expanded school. The safety of the pipeline is addressed in Section VII., *Hazards and Hazardous Materials*, above. Employees hired as a result of the acquisition of the pipeline and pump station would most likely already live in the Bay Area and, therefore, a new school would not be required for potential new employees or new residents.

Parks.

Impact XIII.1: The pipeline may require maintenance in public parks, recreation areas or designated open space areas, which may result in temporary alteration of public parks.

Temporary alteration of parks, recreation areas or designated open space areas would likely would not constitute a substantial adverse physical impact to the provision of or need for new or physically altered public parks. Nevertheless, the implementation of Mitigation Measure I.1 and IV.2 would lessen the potential impacts of temporary alterations to public parks, recreation areas and open space areas to a less than significant level.

Mitigation Measure: Implement Mitigation Measures I.1 and IV.2.**Significance after mitigation: Less than significant.**

REFERENCES

- On-Line Guide to Bay Area Private Schools*, <http://www.baprivateschools.com>, accessed March 21, 2001.
- California Highway Patrol, <http://www.chp.ca.us>, accessed March 19, 2001.
- City of Hercules, <http://www.ci.hercules.ca.us/Police/HPDHome/index.htm>, accessed March 19, 2001.
- City of Hercules, New Pacific Properties Specific Plan Draft Environmental Impact Report, December, 1999.
- City of Hercules, New Pacific Properties Specific Plan Environmental Impact Report Comments and Responses, March 6, 2000.
- City of Martinez, <http://www.cityofmartinez.org>, accessed March 19, 2001.
- City of Pinole, <http://www.ci.pinole.ca.us>, accessed March 20, 2001.
- City of Richmond, <http://www.ci.richmond.ca.us>, accessed March 20, 2001.
- Contra Costa County Sheriff, <http://www.cocosherriff.org>, accessed March 19, 2001.
- Contra Costa County, <http://co.contra-costa.ca.us>, accessed March 20, 2001.
- Education Data Partnership, *Fiscal, Demographic, and Performance Data on California's K-12 Schools*, <http://www.ed-data.k12.ca.us>, accessed March 20, 2001.
- PG&E, *Proponent's Environmental Assessment*, November 8, 2000.
- Site visit, January 31, 2001.
- Thomas Brothers Maps, *1999 The Thomas Guide: San Francisco, Alameda and Contra Costa Counties*.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

Please see Section XIII.a., above, for a description of parks and recreational areas adjacent to the pipeline or through which the pipeline passes. The City of Richmond encompasses over 45 parks, 10 community centers and a marina; the City of Pinole manages three city parks; the City of Hercules manages six city parks, two community centers and an amphitheater; the City of Martinez manages over fourteen parks, several community centers and a marina; and the City of Pittsburg manages over ten city parks. In addition, the communities of Rodeo and Crockett, as well as other unincorporated areas of Contra Costa County include parks and recreational areas managed by the County.

The following public parks and recreational areas in the vicinity (within 0.5 miles) of the Richmond pipeline, but are not adjacent to or traversed by the pipeline:

Park	Location	Description
Shields Park and Community Center	1410 Kelsey and Gertrude, Richmond <i>(0.10 miles west of pipeline)</i>	Includes community center
North Richmond Ballfield Complex	Filbert Street and Brookside Drive North Richmond, CA <i>(0.40 miles west of pipeline)</i>	Play fields
Parchester Park and Community Center	900 Williams Drive Richmond, CA <i>(0.20 miles east of pipeline)</i>	Includes community center
Montalvin Park	Lettia Road (between Richmond and Pinole) <i>(Less than 0.10 east of pipeline)</i>	Include play fields

Park	Location	Description
Mamie Joseph Park	California Street Rodeo, CA <i>(0.10 miles east of the pipeline)</i>	Small recreational park
Rithet Park	Between Loring Avenue and Winslow Street Crockett, CA <i>(0.005 miles south of pipeline)</i>	Small recreational park
Alexander Park	Pomona Street Crockett, CA <i>(0.10 miles south of pipeline)</i>	Includes a pool and community center
Campfire Girls Park	Winslow Street Crockett, CA <i>(0.005 miles south of pipeline)</i>	Small recreational park
Willow Cove School Park	Hanlon Way Bay Point, CA <i>(0.20 miles south of pipeline)</i>	Linear park
DeAnza Park	Trident Drive Bay Point, CA <i>(0.20 miles south of pipeline)</i>	Small recreational park
California Seasons Park	Seasons Way Bay Point, CA <i>(0.005 miles southeast of pipeline)</i>	Small recreational park

RECREATION IMPACTS DISCUSSION

- a) The proposed project makes use of an existing underground pipeline that passes through several Contra Costa County municipalities, and an existing pump station located in the City of Hercules. The project would require replacement of an underground section of the pipeline located within the City of Martinez. The underground pipeline is located primarily either within the Union Pacific Railroad right-of-way or within public street right-of-ways, and passes through the cities of Richmond, Hercules, San Pablo, Pinole, Rodeo, and Martinez, and unincorporated areas of Contra Costa County, including Crockett. The pump station is located on 44.2 acres of land generally bounded by San Pablo Avenue, John Muir Parkway, I-80 and undeveloped lands to the north. However, the pump station and the pipeline are existing structures. The proposed operation of the pump station and the pipeline would not result in physical changes in the vicinity of the project route, and therefore would not have any impact on any recreation resource that exists near the pump station or along the existing pipeline.

The restarted pipeline and pump station likely would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

- b) The proposed project consists of the operation of a pipeline and pump station that have not been in routine use for approximately 19 years, although the pipeline has been maintained to provide standby capability. The pump station is located in the City of Hercules and the pipeline runs through the cities of Richmond, Hercules, San Pablo, Pinole, Rodeo, and Martinez, and unincorporated areas of Contra Costa County, including Crockett. Most of the pipeline is located within the Union Pacific Railroad right-of-way or public roadway right-of-ways. Once back in operation, only a small crew of workers would be needed for operation and maintenance of the facilities. Therefore, the proposed project would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

REFERENCES

- Bay Conservation and Development Commission, *San Francisco Bay Plan*,
http://www.bcdc.ca.gov/commlib/bayplan/ld1_TOC.htm, accessed March 8, 2001.
- Association of Bay Area Governments Web Site on the San Francisco Bay Trail,
<http://www.abag.ca.gov/bayarea/baytrail/>, accessed March 8, 2001.
- Pacific Gas and Electric Company, *Proponent's Environmental Assessment*, November 8, 2000.
- City of Martinez, *General Plan*, as amended to January 1995.
- Contra Costa County, *Contra Costa County General Plan*, July 1996.
- McBride, Janet, Project Manager, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.
- Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XV. TRANSPORTATION / TRAFFIC— Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

The pipeline generally traverses the UPRR right-of-way between Chevron’s Richmond Refinery and the Pittsburg Pumping Plant. Along the way, the pipeline crosses two major interstate highways, numerous arterials, local roads, rail right-of-way, and bikeways. The conditions of these travel paths are greatly influenced by the employment centers in Contra Costa County, Alameda County, and San Francisco with the major highways and arterials tending to be congested during morning and late afternoon commute periods.

INTERSTATE HIGHWAYS

Interstate 80/Carquinez Bridge

Interstate 80 (I-80) is a major six-lane, north-south freeway that traverses the cities of Richmond, Pinole, Hercules, Martinez, and western Contra Costa County. The pipeline crosses the I-80 right-of-way at the south end of the Carquinez Bridge. I-80 provides a direct route to Sacramento to the north, and San Francisco and Oakland to the south. Caltrans reported an existing average daily traffic volume of approximately 109,000 vehicles per day (vpd) using I-80 at the Carquinez Bridge in 1999, with peak-hour traffic averaging 8,200 vehicles.

Interstate 680

Interstate 680 (I-680) is a major six-lane, north-south freeway that traverses the City of Martinez and central Contra Costa County. I-680 provides a direct route to Concord, Walnut Creek, and San Jose to the south, and Benicia and Fairfield to the north. The pipeline crosses the I-680 right-of-way near the Waterfront Road onramp/offramp in Martinez. Average daily traffic at this interchange was 98,000 vpd in 1999, with peak-hour traffic averaging 7,800 vehicles.

State Route 4

State Route (SR) 4 is a four-lane freeway extending east from I-80 in Hercules through Contra Costa County. Average daily traffic east of I-80 was approximately 27,000 vpd, increasing to approximately 73,000 vpd west of I-680.

ROADS

The existing pipeline crosses or runs within approximately 26 road rights-of-way (not including the interstates previously mentioned). Although several of these roads are arterials or collector roads, most are low speed, low capacity roadways that only provide circulation within neighborhoods and access to adjacent land.

The Hercules Pump Station is located adjacent to San Pablo Avenue. San Pablo Avenue is a six-lane divided arterial in the project vicinity.

Richmond to I-80

Between Chevron's Richmond Refinery and I-80, the pipeline traverses the cities of Richmond, Hercules, Pinole, and unincorporated areas of Contra Costa County. The pipeline enters into 17 road rights-of-way, including five major arterial and collector roads:

- Richmond Parkway – a north-south arterial that provides access between I-580 and I-80 in Richmond
- San Pablo Avenue/Parker Avenue – a north-south arterial that provides access through the cities of Richmond, San Pablo, Pinole, and Hercules
- Market Street – an east-west collector road that provides access from western Richmond to San Pablo Avenue
- Parr Boulevard – an east-west collector road that provides access from the Richmond Parkway to Giant Road in San Pablo
- Tennent Avenue – a north-south arterial that provides access between western Hercules and Pinole to I-80

I-80 to I-680

Between I-80 and I-680 the pipeline traverses unincorporated areas of Contra Costa County and the City of Martinez. The pipeline enters into four road rights-of-way, including one major arterial road, Marina Vista, in Martinez. Marina Vista is a two-way, east-west arterial road that provides access between I-680 and downtown Martinez.

I-680 to the Pittsburg Pumping Plant

Between I-680 and the Pittsburg Pumping Plant, the pipeline traverses unincorporated areas of Contra Costa County, the cities of Martinez and Pittsburg, and the U.S. Naval Weapons Station (Port Chicago). The pipeline enters into five road rights-of-way, including three major arterial roads:

- Waterfront Road – an east-west arterial road that provides access between I-680 and the U.S. Naval Weapons Station (Port Chicago)
- Port Chicago Highway – a north-south and east-west road that provides access between Highway 4 and the U.S. Naval Weapons Station
- Willow Pass Road/West 10th Street – an east-west arterial that provides access between Port Chicago Highway and western Pittsburg

Proposed 4,000-Foot Pipeline Replacement Section

The proposed 4,000-foot pipeline replacement section would cross or be located in parts of Berrellessa Street, Embarcadero, Ferry Street, North Court Street and Joe DiMaggio Drive in the City of Martinez. In the project vicinity, Berrellessa Street is a two-lane roadway providing access across the UPRR tracks and, terminating at the Martinez Regional Shoreline Park. Embarcadero is a two-lane local roadway extending approximately one-quarter mile west from Berrellessa Street, parallel to and north of the UPRR tracks. Ferry Street is a two-lane roadway that provides access across the UPRR railroad tracks, terminating just east of Alhambra Creek. The maximum posted speed limit on Ferry Street north of the UPRR tracks ranges between 10 and 15 miles per hour (mph). North Court Street extends east and north of Ferry Street, providing access through the Martinez Regional Shoreline and terminates at the Martinez Marina. The maximum posted speed limit on North Court Street is 25 mph. Joe DiMaggio Drive is a two-lane roadway extending east from North Court Street through Martinez Waterfront Park, terminating at Joe DiMaggio Fields. The maximum posted speed limit on Joe DiMaggio Drive is 15 mph.

Access between the 4,000-foot replacement section project vicinity from SR 4 is made via Alhambra Avenue, Berrellessa Street, Escobar Street and Marina Vista, or from I-680, via Marina Vista and Escobar Street. These streets are all designated routes in the City of Martinez. South of Marina Vista, Alhambra Avenue and Berrellessa Street operate as a two-way couplet (Berrellessa Street one-way southbound and Alhambra Avenue one-way northbound). West of its connection with Escobar Street, Marina Vista and Escobar Street operate as a two-way couplet

(Marina Vista one-way westbound and Escobar Street one-way eastbound). East of Escobar Street, Marina Vista is a four-lane divided arterial.

Table XV-1, below, presents available daily traffic volumes on roadways in the vicinity of the 4,000-foot pipeline replacement project.

**TABLE XV-1
DAILY TRAFFIC VOLUMES ON ROADWAYS IN THE
VICINITY OF THE 4,000-FOOT PIPELINE REPLACEMENT**

Roadway	Location	Daily Traffic Volume
Ferry Street	north of UPRR tracks	2,510 (two-way)
North Court Street	north of Ferry Street	1,650 (two-way)
Marina Vista	west of Escobar Street	3,860 (one-way westbound)
	west of I-680	10,200 (two-way)
Escobar Street	east of Ferry Street	4,600 (two-way)
Berrellessa Street	south of Escobar Street	3,100 (one-way southbound)
Alhambra Avenue	south of Escobar Street	3,100 (one-way northbound)

SOURCE: Martinez Public Works Department, 24-hour counts, 1988-1996.

RAIL

The majority of the pipeline parallels the UPRR. The UPRR is one of the largest railroads in North America, operating in the western two-thirds of the United States. The UPRR system serves 23 states, linking every major West Coast and Gulf Coast port. Average daily train traffic on the UPRR line within the pipeline corridor is approximately 20 freight trains between Richmond to Martinez, and seven trains per week between Martinez and Pittsburg. Approximately 14 commuter trains per day also use the UPRR rail system.

Two railroad lines carry freight within the pipeline vicinity. The UPRR line (which extends beyond the county) is a high-speed double track between Richmond and Martinez, and carries the most freight traffic of all the railroad corridors in Contra Costa County. The Burlington Northern and Santa Fe (BNSF) railroad corridor roughly parallels the UPRR line between Richmond and Hercules. The BNSF then turns inland toward Martinez where it again closely parallels the UPRR to Pittsburg.

BIKEWAYS

The pipeline crosses approximately 10 bikeways in Contra Costa County. County bikeways include both on-road and off-road paths that are maintained by the county, the various cities, and the East Bay Regional Park District. All of these bikeways are primarily utilized by recreational users and are not widely used for commute purposes.

In the vicinity of the 4,000-foot pipeline replacement section, Alhambra Avenue, Escobar Street and Marina Vista contain Class II bike lanes. Ferry Street contains Class II bike lanes north of the UPRR tracks and Class III bike lanes south of the UPRR tracks.

PUBLIC TRANSPORTATION

Alameda Contra Costa Transit District (AC Transit)

The pipeline route crosses numerous Alameda Contra Costa Transit District's bus routes. AC Transit is the primary public bus system serving 13 cities and adjacent unincorporated communities within 390 square miles along the eastern shores of San Francisco and San Pablo bays. The pipeline crosses approximately five AC Transit bus routes on public streets in Richmond and El Sobrante.

In the vicinity of the replacement pipeline project, the County Connection operates Route 128-Downtown Shuttle Service along Ferry Street, North Court Street and Joe DiMaggio Drive. Other County Connection routes that extend through downtown include Routes 108, 116, 118, and 308.

Amtrak

Amtrak operates trains that provide daily intercity rail passenger service to parts of Contra Costa County. Amtrak trains run along the UPRR lines between Oakland and Martinez into the Sacramento Valley. A combination of UPRR and BNSF tracks run from Martinez to the Central Valley and points south. Passenger stations are located at 401 Ferry Street in Martinez, and 16th at MacDonald Avenue in Richmond.

Bay Area Rapid Transit District (BART)

BART is the primary public mass transit system in Contra Costa County. BART is a 95-mile, rapid transit system serving over 3 million people in Alameda, Contra Costa, San Francisco, and northern San Mateo counties. The pipeline does not cross, and does not run adjacent to, any BART tracks or stations.

Central Contra Costa Transit Authority (County Connection)

The County Connection provides public bus services within central Contra Costa County. The County Connection serves the cities of Clayton, Concord, Danville, Lafayette, Martinez, Moraga, Orinda, Pleasant Hill, San Ramon, Walnut Creek, and unincorporated areas of the central county. Within the area of the Pipeline, the County Connection serves only the City of Martinez. No bus routes cross the pipeline.

Western Contra Costa Transit Authority (WestCAT)

WestCAT has bus routes through Pinole, Hercules, and El Sobrante and operates demand-response Dial-a-Ride service in Pinole, Hercules, Rodeo, and Crockett. WestCAT supports the Martinez Link express bus service, which connects western Contra Costa County with Martinez. The pipeline crosses only one WestCAT bus route on San Pablo Avenue in Rodeo.

PLANS AND POLICIES

The general plans of the cities of Richmond, Pinole, Martinez, and Pittsburg contain no relevant transportation plans or policies.

Contra Costa County

The *Contra Costa County General Plan* contains the following relevant policies:

- Goal 5-V. To protect the existing railroad right-of-way in the county for continued railroad use, utility corridors, roads, transit facilities, trails and other public purposes.
- Policy 5-73. Encroachments into railroad right-of-way by urban uses that would impact current rail operations or preclude future use of the corridors for trails or other public purposes shall be limited.

City of Hercules

The City of Hercules General Plan discusses the possibility of building a new rail station. However, no specific plans for the station are proposed in the document:

- Policy g. Major transmission and fuel lines should be reviewed to ensure compatibility with affected General Plan elements.

TRANSPORTATION/TRAFFIC IMPACT DISCUSSION

CONSTRUCTION

- a) **Construction Vehicle Trip Generation.** A 4,000-foot replacement section of the pipeline would be constructed in Martinez by SPBPC. It is assumed that the replacement pipeline section would be constructed using standard trenching and boring methods. Traffic-generating construction activities related to pipeline replacement installation would consist of the daily arrival and departure of construction workers to each work site; trucks hauling equipment and materials to the work site; and the hauling of excavated spoils from, and import of new fill to, each work site. Based on estimates of manpower per task, it is estimated there would be up to 15 personnel at any one time along the alignment site during construction. Assuming that each worker would travel in his/her own vehicle to and from the site, and that some midday trips would occur, this would result in up to about 20 worker vehicle round trips per day (40 one-way trips).

It is assumed the trench size for open-cut installation would be approximately three feet wide by seven feet deep. It is expected that open trench construction would occur at approximately 100 linear feet per workday, depending on location and conditions. Material excavated from the trench would be stockpiled and could be used as backfill, if of proper quality. However, as a worst-case assumption, for purposes of this analysis, it is assumed that all excavated trench spoils would be hauled off-site, and replaced with imported engineered fill. Using an average haul load of 10 cubic yards (CY) per truck, and assuming no backhauling, this would amount to up to 16 truck haul round trips (32 one-way trips) generated per work day. Accounting for the delivery of pipe and other construction components (which would be shipped on demand to the project site throughout the construction period), the total number of off-site construction truck trips would be approximately 20 round trips (40 one-way trips) per work day.

The proposed pipeline alignment would parallel Joe DiMaggio Drive east of North Court Street, North Court Street between Joe DiMaggio Drive and Ferry Street, and Ferry Street north of the UPRR tracks, and would parallel or be constructed in Embarcadero, west of Berrellesa Street. It would cross three roadways: Berrellesa Street, Ferry Street and North Court Street. The estimated construction right-of-way width, within which all construction activity would occur, would be 50 feet (a 15 to 20-foot permanent easement plus an additional 30-foot temporary easement).

Impact XV.1: Pipeline installation activities would temporarily disrupt existing transportation and circulation patterns in the vicinity. Impacts would include direct disruption of traffic flows and street operations. Lane blockages or street closures during pipeline installation would result in a reduction in travel lanes. Thus, the replacement pipeline installation within or across streets would reduce the number of, or the available width of, travel lanes on roads, resulting in temporary disruption of traffic flows and increases in traffic congestion this impact would be potentially significant but can be reduced to less than significant with the following mitigation measures:

Mitigation Measure XV.1a: Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Mitigation Measure XV.1b: Prior to commencing construction activities, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to construction. As appropriate, traffic control plans shall include the following requirements:

- **Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.**
- **Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.**
- **Schedule truck trips outside of peak morning and evening commute hours.**
- **Limit lane closures during peak hours to the extent possible.**
- **Use haul routes minimizing truck traffic on local roadways to the extent possible.**
- **Include detours for bicycles and pedestrians in all areas potentially affected by project construction.**
- **Open trenches subject to vehicular or pedestrian traffic would be covered at the end of each workday with metal plates capable of accommodating traffic.**
- **Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.**
- **Safety fencing would be installed, where needed, to protect pedestrians from construction areas.**
- **At a minimum, the UPRR safety and engineering guidelines would be maintained when installing pipeline within the railroad right-of-way. All construction crews and project personnel would be trained on UPRR safety guidelines prior to commencing work in the railroad right-of-way.**
- **Construction vehicles and equipment would not cross the tracks except at established public crossings or as specified by UPRR.**
- **Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours for emergency vehicles, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures.**
- **Store construction materials only in designated areas.**
- **Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary.**

- **All roads disturbed during construction would be restored to their preconstruction condition pursuant to franchise agreements with the City of Martinez.**

The traffic control plan shall be submitted to applicable jurisdictions for review and approval.

Significance after mitigation: Less than significant.

- b) Construction-generated traffic would be temporary and therefore would not result in any long-term degradation in operating conditions or level of service on any project roadways. The primary off-site impacts from the movement of construction trucks would include short-term and intermittent lessening of roadway capacities due to slower movements and larger turning radii of the trucks compared to passenger vehicles. The majority of the proposed pipeline construction is within relative proximity to major arterials, state routes and freeways. The use of these routes would minimize the project's effects on traffic flow in the vicinity of the project sites.

As discussed under Construction Vehicle Trip Generation, above, installation of the replacement pipeline could generate up to 20 off-site construction worker vehicle round-trips (40 one-way trips) and 20 off-site truck round trips (40 one-way trips) per day. Traffic would temporarily increase by three percent or less on Ferry Street, Escobar Street, Marina Vista, Alhambra Avenue and Berrellessa Avenue south of Escobar Street. These project-generated trips would not be substantial relative to background traffic conditions, and would fall within the daily fluctuations of traffic for these roadways. The traffic generated by construction activities would be felt the most on Berrellessa Avenue north of the UPRR tracks, Embarcadero; however, given the very low existing traffic activity on these roadways, the temporary increase in trips would not substantially affect traffic flow and operations. The temporary increase in daily traffic on freeways serving the project area, including SR 4 and I-680, would be imperceptible (0.1 percent increase).

Level of service standards for roadways that are part of county Congestion Management Program (CMP) networks are intended to regulate long-term traffic increases from operation of new development, and do not apply to temporary construction projects. As such, the proposed project would not exceed level-of-service standards established by the applicable Congestion Management Agency for designated CMP roadways.

Impact XV.2: Construction-generated traffic could cause a temporary impact to operating conditions or level of service on local roadways.

Following the restrictions of **Mitigation Measure XI.1a**, hours of construction are Monday through Saturday, 7 a.m. to 7 p.m. Most project-related hauling and deliveries would be dispersed throughout the day, thus lessening the effect on peak-hour traffic. Project truck traffic occurring weekdays during the hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.

would coincide with peak-period traffic, and therefore, would have the greatest potential to impede traffic flow.

As specified under **Mitigation Measure XV.1a**, above, SPBPC shall obtain all necessary local and state road encroachment permits, and railroad encroachment permits, prior to construction and would comply with all the applicable conditions of approval. As specified under **Mitigation Measure XV.1b**, the construction contractor would prepare a traffic control plan in accordance with professional engineering standards prior to construction. Examples of specific requirements that shall be included in the traffic control plan are identified under **Mitigation Measure XV.1b**.

Mitigation Measure: Implement Mitigation Measures XV.1a and XV.1b.

Significance after mitigation: Less than significant.

- c) There would be no impact to air traffic patterns or increase in safety risks as a result of the proposed project.
- d) Heavy equipment operating adjacent to or within a road right-of-way would increase the risk of accidents. Construction-generated trucks on project area roadways would interact with other vehicles. Potential conflicts also could occur between construction traffic and bicyclists and pedestrians, particularly in the urban areas and residential neighborhoods.

Impact XV.3: Heavy equipment operating adjacent to or within a road right-of-way could increase the risk of accidents.

As specified under **Mitigation Measure XV.1a**, above, SPBPC would obtain all necessary local and state road encroachment permits, and railroad encroachment permits, prior to construction and would comply with all the applicable conditions of approval. As specified under **Mitigation Measure XV.1b**, the construction contractor would prepare a traffic control plan in accordance with professional engineering standards prior to construction, including compliance with roadside safety protocols, so as to reduce the risk of accident. Examples of specific requirements that shall be included in the traffic control plan are identified under **Mitigation Measure XV.1b**. Thus, implementation of **Mitigation Measures XV.1a and XV.1b** would ensure temporary increases in the potential for accidents would be mitigated to a less than significant level.

Mitigation Measure: Implement Mitigation Measures XV.1a and XV.1b.

Significance after mitigation: Less than significant.

- e) As discussed in items a) & b) above, the proposed project would have temporary effects on traffic flow, particularly with routes within road right of ways. Pipeline installation within

or across streets and temporary reduction in travel lanes could result in delays for emergency vehicle access in the vicinity of the work sites.

Impact XV.4: Pipeline installation within or across streets and temporary reduction in travel lanes could result in delays for emergency vehicle access in the vicinity of the work sites.

As specified under **Mitigation Measure XV.1a**, SPBPC would obtain all necessary local and state road encroachment permits, and railroad encroachment permits, prior to construction and would comply with all the applicable conditions of approval. As specified under **Mitigation Measure XV.1b**, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to construction. The traffic control plan shall require the construction contractor to establish methods for maintaining traffic flow in the project vicinity and minimizing disruption to emergency vehicle access to land uses along the alignment. Specific requirements that shall be included in the traffic control plan are identified under Mitigation Measure XV.1b. Implementation of **Mitigation Measures XV.1a and XV.1b** would ensure potential impacts associated with temporary effects on emergency access would be mitigated to a less than significant level.

Mitigation Measure: Implement Mitigation Measures XV.1a and XV.1b.

Significance after mitigation: Less than significant.

- f) The proposed project will create limited new, temporary parking demand for construction workers and construction vehicles as crews move along the installation alignment. As discussed in item a) and b) above, the project would not generate a substantial number of construction workers at any one location along the alignment; therefore, the amount of parking required would not be significant. Construction along the alignment could also temporarily prevent access to off-street parking adjacent to the alignment, including Waterfront Park and Joe DiMaggio Fields. However, given the proposed rate of new pipeline installation, impacts to access to parking would be relatively brief at any one location along the alignment.

Impact XV.5: Construction of the 4,000-foot replacement section could temporarily prevent access to off-street parking adjacent to the alignment, including Waterfront Park and Joe DiMaggio Fields.

As specified under **Mitigation Measure XV.1a**, above, SPBPC would obtain all necessary local and state road encroachment permits, and railroad encroachment permits, prior to construction, and would comply with all the applicable conditions of approval. As specified under **Mitigation Measure XV.1b**, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to

construction. The traffic control plan shall require the construction contractor to establish methods for minimizing construction effects on parking. Examples of specific requirements that shall be included in the traffic control plan are identified under **Mitigation Measure XV.1b**. Implementation of **Mitigation Measures XV.1a and XV.1b** would ensure potential impacts associated with potential temporary displacement of on-street parking would be mitigated to a less than significant level.

Mitigation Measure: Implement Mitigation Measures XV.1a and XV.1b.

Significance after mitigation: Less than significant.

- g) The proposed project will have no lasting impact on demand for alternative transportation or on alternative transportation facilities. However, pipeline construction could disrupt access to bus stops along the alignment, and slow bus movements, including for County Connection Route 128 which travels along Ferry Street, North Court Street and Joe DiMaggio Drive. Bus routes on streets may need to be temporarily detoured, and bus stops temporarily relocated.

Impact XV.6: Pipeline construction could disrupt access to bus stops along the alignment, and slow bus movements, including for County Connection Route 128 which travels along Ferry Street, North Court Street and Joe DiMaggio Drive. Bus routes on streets may need to be temporarily detoured, and bus stops temporarily relocated.

As specified under **Mitigation Measure XV.1a** above, SPBPC would obtain all necessary local and state road encroachment permits, and railroad encroachment permits, prior to construction and would comply with all the applicable conditions of approval. As specified under **Mitigation Measure XV.1b**, the construction contractor would prepare a traffic control plan in accordance with professional engineering standards prior to construction. The traffic control plan shall require the construction contractor to establish methods for minimizing construction effects on transit service. Examples of specific requirements that shall be included in the traffic control plan are identified under **Mitigation Measure XV.1b**. Implementation of **Mitigation Measures XV.1a and XV.1b** would ensure potential impacts associated with temporary disruptions to transit service would be mitigated to a less than significant level.

Mitigation Measure: Implement Mitigation Measures XV.1a and XV.1b.

Significance after mitigation: Less than significant.

OPERATION

- a-g) Operation of the proposed project would not change existing transportation facilities nor would it create a substantial increase in new traffic. Therefore, operations would not result in any impacts to transportation and traffic. Operation of the Hercules Pump Station would require between one to two workers daily to operate the facility. Occasional maintenance at the Hercules Pump Station and along the pipeline alignment would be required, which would generate temporary sources of traffic. However, this would be infrequent and of limited duration, and therefore, would not result in any long-term traffic impacts.

REFERENCES

- Alameda Contra Costa Transit District. 2000. Online. <http://www.actransit.dst.ca.us/>.
- San Francisco Bay Area Rapid Transit District. 2000. Online. <http://www.bart.gov/>.
- California Department of Transportation. 1998. Online. <http://www.dot.gov/hq/traffops/saferes/trafddata/1998all.html>.
- City of Hercules. 1998. *City of Hercules General Plan*.
- City of Martinez. 1992. *Martinez General Plan*.
- City of Martinez Community Development Department. 1994. *Martinez Intermodal Station Project Draft Environmental Impact Report*.
- City of Pinole. 1995. *City of Pinole General Plan*.
- City of Pittsburg. 1988. *Pittsburg General Plan*.
- City of Richmond Planning Department. 1994. *Richmond General Plan, Volume One – Goals, Policies, Guidelines, Standards, and Implementation Programs*.
- City of Richmond Planning Department. 1994. *Richmond General Plan, Volume Two – Technical Appendix*.
- Contra Costa County. 1996. *Contra Costa County General Plan*.
- County Connection. 2000. Online. <http://www.cccta.org/>.
- Pacific Gas and Electric Company. 1974. *Richmond-Antioch Fuel Oil Pipeline Applicant's Environmental Impact Report*.
- Thomas Brothers. 1999. *The Thomas Guide: Alameda and Contra Costa County Street Guide and Directory*.
- U.S. Department of Transportation and the City of Martinez. 1996. *Martinez Intermodal Station Project Final Environmental Assessment*.
- Union Pacific Railroad. 2000. Online. <http://www.uprr.com/>.

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVI. UTILITIES AND SERVICE SYSTEMS –				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING

The Richmond to Pittsburg Pipeline parallels numerous public utility and service system corridors, including water lines, sewer lines, electric lines, natural gas lines, and communication lines. Several service providers operate these utilities and service systems and provide these resources to residents and businesses in the vicinity of the pipeline.

WATER SERVICE

There are two major water providers in Contra Costa County: the East Bay Municipal Utility District (EBMUD) and the Contra Costa Water District (CCWD).

The EBMUD collects water from the Mokelumne River watershed in the Sierra Nevada and conducts it to the east Bay Area through three 81-mile aqueducts. The EBMUD is the largest water district in Northern California serving approximately 1.2 million people in a 325-square-mile area extending from Crockett on the north, southward to San Lorenzo (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley.

The CCWD takes its water from the Sacramento-San Joaquin Delta, which is the primary source of water for 430,000 residents in central and eastern Contra Costa County. The CCWD supplies treated water to all urbanized areas in central Contra Costa County that are not serviced by EBMUD. The CCWD provides untreated water, or “raw” water, to the cities of Antioch, Pittsburg, and Martinez, and various industrial and agricultural users. The CCWD also sells raw water to the California Cities Water Company (Bay Point) and the Oakley Water District.

SEWER SERVICE

The following eight service districts manage sewer service along the pipeline corridor:

- The Central Contra Costa Sanitary District is an independent local utility that provides wastewater collection and treatment services for over 400,000 residents in all the cities and unincorporated areas of central Contra Costa County from Martinez to San Ramon. The treated wastewater is piped from the treatment plant in Concord, north into Suisun Bay.
- The Crockett-Valona Sanitary District (CVSD) provides wastewater collection and transport services for approximately 3,200 customers in the unincorporated area of Crockett. The sewage is treated at the Joint Treatment Plant, which is partly owned by the CVSD and managed and operated by the C&H Sugar Company. The plant discharges treated effluent into the Carquinez Strait.
- The Delta Diablo Sanitation District operates a sewage treatment plant that treats wastewater from unincorporated Bay Point, the City of Pittsburg, and the City of Antioch. The treatment plant has a capacity of 12.6 million gallons per day. The treated effluent is discharged into the Sacramento-San Joaquin Delta.
- The East Bay Municipal Utility District wastewater system treats domestic, commercial, and industrial wastewater for approximately 600,000 people in an 83-square-mile area of Alameda and Contra Costa counties along the bay’s east shore, extending from Richmond on the north, southward to San Leandro. Each of these communities operates sewer collection systems that discharge into one of five EBMUD intercepting sewers. The 29 miles of interceptors collect wastewater from approximately 1,400 miles of sewers.
- The Mt. View Sanitary District (MVSD) provides wastewater collection and treatment services to approximately 20,000 residents in the unincorporated areas east of the City of Martinez. The MVSD treats an average daily flow of 1.7 million gallons of wastewater.
- The West Contra Costa Sanitary District (WCCSD) operates a sewage treatment plant for the City of San Pablo, parts of Richmond, El Sobrante, Pinole, and other unincorporated areas of western Contra Costa County. The WCCSD plant has the capacity to treat 12 million gallons of wastewater per day.
- The City of Richmond operates a municipally owned sewer collection and treatment system for approximately 50,000 customers in the city.
- The City of Pinole operates a municipally owned sewage treatment plant that treats effluent from both the Pinole and Hercules municipal collection systems. The plant serves a combined population of approximately 34,000, with an average flow of 2 million gallons of wastewater per day.

At the Hercules Pump Station, water is provided by the EBMUD, but the station is not connected to a public sewer system. Sewage from the pump plant's control room restroom drains into a 1,200-gallon septic tank. A pump truck service drains the septic tank as needed.

ELECTRIC AND NATURAL GAS SERVICE

Pacific Gas and Electric Company provides electric service to the Hercules Pump Station and residents and businesses in the cities of Hercules, Martinez, Pinole, Pittsburg, Richmond, and the unincorporated areas of Contra Costa County.

CABLE SERVICE

The American Telephone and Telegraph Company provides cable service to residents and businesses in the cities of Hercules, Martinez, Pinole, Pittsburg, Richmond, and the unincorporated areas of Contra Costa County.

TELEPHONE SERVICE

Pacific Bell provides telephone service and access to local and long distance carriers to the Hercules Pump Station and all of the jurisdictions crossed by the pipeline.

GARBAGE AND RECYCLING SERVICE

The following companies provide garbage and/or recycling services:

- Browning Ferris Industries serves Rodeo, Pleasant Hill, Martinez, and west Pittsburg
- The Crockett Garbage Company serves Crockett and Port Costa
- Richmond Sanitary Service provides garbage and recycling services to the cities of Richmond, Hercules (including the Hercules Pump Station), and Pinole
- Pittsburg Disposal provides garbage and recycling services to the City of Pittsburg
- Pleasant Hill Bay Shore Disposal provides garbage and recycling services to the City of Martinez
- Numerous providers serve the remaining unincorporated areas of Contra Costa County

UTILITIES AND SERVICE SYSTEMS IMPACTS DISCUSSION

a-g) The only potential construction-related impact to utilities and service systems would result from the proposed construction of the 4,000-foot replacement section. Existing landfills would have adequate capacity for the disposal of wastes associated with the 4,000-foot replacement section. As a result, impacts to landfill capacity would be less than significant.

Operation of the pipeline would involve existing services from local utility, communication, water, and solid waste systems, and therefore would not create a need for new systems, supplies, or substantial alterations to power or natural gas, communications systems, local or regional water treatment or distribution facilities, sewer or septic tanks, storm water drainage, solid waste disposal, or local or regional water supplies. As a result, operation of the pipeline would not impact utilities and service systems, and mitigation measures are not required for operation of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station. However, construction activities could inadvertently contact underground facilities during underground construction, possibly leading to short-term service interruptions. While the likelihood of this occurring is remote and this impact is less than significant, the following mitigation measure was proposed by PG&E to further reduce this less than significant impact to an even lower level of significance.

Impact XVI.1: Construction activities could inadvertently contact underground facilities during underground construction, possibly leading to short-term service interruptions.

Mitigation Measure XVI.1: SPBPC shall:

Insure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement. USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.

Where the replacement section crosses or is adjacent to live, overhead electric lines, install signs warning equipment operators of the presence of the line.

Dispose of construction debris at an approved waste disposal site.

Obtain hydrostatic test water from existing municipal sources. Hydrostatic test water would be discharged into a public-owned treatment works or to upland areas (grasslands) using a dewatering structure that would prevent erosion and movement of soil. Test water would not be directly discharged into any stream or wetland.

Significance after mitigation: Less than significant.

REFERENCES

Pacific Gas and Electric Company. 2000. *Proponents Environmental Assessment, Pacific Gas and Electric Richmond to Pittsburg Pipeline, and Hercules Pump Station.*

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulative considerable? (“Cumulative considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF MANDATORY FINDINGS OF SIGNIFICANCE

The proposed project involves the sale of the Richmond to Pittsburg Pipeline and related assets to a new owner (SPBPC). SPBPC would be a CPUC-regulated utility and would need to construct a 4,000-foot replacement section of the pipeline in the City of Martinez in order to be able to fully operate the Pipeline. Outside of the construction of the replacement section of the pipeline, the proposed project involves no other physical changes except recommencing operations at the existing facilities.

- a) As discussed in the Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, and Transportation/Traffic sections of this document, the proposed project has a number of potentially significant temporary impacts associated with the construction of the 4,000-foot replacement section that have some potential to degrade the quality of the environment. Mitigation measures described in these sections (I.1, III.1, IV.1, IV.2, V.1a, V.1b, V.1c, V.2, V.3, VI.1, VI.2, VII.1, VII.1a, VII.1b, VIII.1, IX.2, XI.1, XV.1, XV.2, XV.3, XV.4, XV.5, and XV.6) are considered adequate to reduce these individual impacts to a less than significant level.

As discussed in Biological Resources Section, the project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife

population to drop below self-sustaining levels, nor does it threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The Cultural Resources Section concluded that the project does have some potential to eliminate important examples of the major periods of California history or prehistory; but the mitigation measures imposed in that section (V.1a, V.1b, V.1c, V.2, and V.3) would reduce that potential to a less than significant level.

- b) Although the Pipeline is not presently in routine use and requires that a 4,000-foot section in Martinez be replaced to be fully operational, no substantial change in the Pipeline's operable status will occur as a result of the proposed project; i.e., the Pipeline is operable today and will continue to be operable after the change in ownership. During construction of the 4,000-foot replacement section in Martinez, air emissions from construction equipment could cause a temporary cumulatively significant impact to the local air quality. However, the mitigation measure (III.1) described in the Air Quality section of this document are considered adequate to reduce this impact to a less than significant level. Near the Hercules pump station, a recently proposed residential development and school (See Section IX) have some potential to be impacted by the operation of the Pipeline, but only if these projects are not designed according to existing state and local guidelines. A review of environmental documents for this proposed development indicate that there is sufficient clearance between the Pump Station easement and the proposed development and school project sites such that setbacks and mitigation measures included in the development and school approvals would reduce any resulting cumulative impacts to a less than significant level (found in the environmental document for that project). There are no other known existing or pending pipeline or other projects in the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station project vicinity that when considered together with the proposed project would result in cumulatively considerable impacts.
- c) With the mitigation measures imposed in this document, the proposed sale of the Pipeline and its operation by SPBPC would not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Though oil products are considered as hazardous materials, oil is not explosive and is relatively inflammable compared to other petroleum products, and is toxic only if ingested in large amounts. Therefore, the project's potential to cause adverse effects on humans is related largely to the oil spills that could result if the pipeline or storage tanks at the pump station are ruptured. If the project is approved, SPBPC intends to construct the missing 4,000-foot section in Martinez and operate the pipeline and pump station in accordance with established laws, ordinances, regulations, and standards applicable to the construction and operation of oil pipelines. Prior to installing the 4,000-foot replacement, SPBP will conduct extensive geotechnical studies and design the project to applicable standards in order to prevent ruptures during earthquakes. SPBPC will conduct periodic safety inspections of the pipeline under the supervision of the State Office of the Fire Marshall.

The project could include some potential to affect human health because of temporary air quality effects during construction of the replacement section in Martinez; but mitigation

measures imposed in the air quality section would reduce this potential to a less than significant level.

- d) The proposed project has no potential to achieve short-term environment goals to the disadvantage of long-term environmental goals. As discussed in the Air Quality section, the project has some potential to have a short-term effect on the continued nonattainment of air quality goals in the Bay Area Air Basin, but mitigation measures imposed in the air quality section would reduce this potential to a less than significant level, and would have no effect on achieving long-term air quality goals. As noted in the Biological Resources section, there is some potential for the project to conflict with a local habitat conservation plan that has a long-term goal of protecting wildlife near the route of the 4,000-foot replacement section in Martinez. This potential consists primarily of a possible conflict between construction activities for the replacement section and planned nearby marsh restoration work, but mitigation measures imposed in the Biological Resources section would reduce this potential to a less than significant level, and would have no effect on achieving long-term habitat conservation plan goals.

SECTION 3.0

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

April 19, 2002

Date

Billie C. Blanchard, Public Utilities Regulatory Analyst III
Printed Name

SECTION 4.0

REPORT AUTHORS, PUBLIC AGENCY OUTREACH MEETINGS, AND CONSULTATIONS

4.1 REPORT AUTHORS

4.1.1 LEAD AGENCY

California Public Utilities Commission

Billie C. Blanchard, Environmental Project Manager

4.1.2 CONSULTANTS

Environmental Science Associates

Dail B. Miller – Project Director

Tim Morgan – Project Manager, Utilities and Services Systems

Matthew Trask, Stuart Russell – Aesthetics, Recreation

Clint T. Meyer – Agricultural Resources, Cultural Resources, Mineral Resources

Robert Vranka, Ph.D. – Air Quality

Phillip W. Reiger, Ph.D. – Biological Resources

Jennifer Schulte – Geology and Seismicity

Crystal Stech - Hazardous Materials

Judith Garland, P.E. - Hydrology and Water Quality

Deborah Kirtman – Land Use, Population, Housing, Public Services, Recreation

Jyothi Iyer – Noise, Air Quality

Paul Mitchell - Traffic and Transportation

Iolande Argent – Word Processing

Gus JaFolla – Administrative and Report Production

Perry Jung – Graphics

Alvin L. Franks – Geology, Hazardous Materials

Alvin L. Franks, Ph.D.

Cassidy, Shimko & Dawson - Legal Review

Anna Shimko, Esq., Partner

Public Affairs Management – Public and Agency Outreach

Charles Gardiner – Principal

Elisa Echeverria - Associate

Deborah Fleischer - Associate

4.2 PUBLIC AGENCY OUTREACH MEETINGS AND CONSULTATIONS

The CPUC conducted two meetings to provide the government agencies opportunities to discuss the proposed pipeline sale and identify significant environmental issues that should be considered in the preparation of the Initial Study and Final Mitigated Negative Declaration. The location of these meetings is listed below.

4.2.1 AGENCY MEETINGS

March 5th, 2001

**City of Hercules City Hall
Hercules, California**

Attendees:

Name	Organization	Address
Mike Sakamoto, Erwin Blancatlor, Dennis Tagashira	City of Hercules	111 Civic Drive, Hercules CA 94547
Cate Burkherth, Jack Schreder, Gary Freschi	West Contra Costa County School District	1108 Bissel Avenue, Richmond CA 94801
Jim Townsend	East Bay Regional Parks District	2950 Peralta Oaks Court, Oakland CA 94605
Jim Lopeman	New Pacific Developments	Not available

November 15th, 2001

**City of Hercules City Hall
Hercules, California**

Attendees:

Name	Organization	Address
Ed Balico	City of Hercules	111 Civic Drive, Hercules CA 94547
Gary Freschi	West Contra Costa County School District	1108 Bissel Avenue, Richmond CA 94801
Steve Lawton	City of Hercules	111 Civic Drive, Hercules CA 94547
Michael Sakamoto	City of Hercules	111 Civic Drive, Hercules CA 94547
Dennis Tagashira	City of Hercules	111 Civic Drive, Hercules CA 94547
Jim Townsend	East Bay Regional Parks District	2950 Peralta Oaks Court, Oakland CA 94605
Caroleen Toyama	IT Corp	4005 Port Chicago Hwy, Concord CA 94520

4.2.2 ORGANIZATIONS AND PERSONS CONSULTED

The following agency representatives and individuals were consulted regarding the proposed pipeline sale project:

Union Pacific Railroad

Mary Hoffchild, Manager of Contracts

U. S. Army Corp of Engineers

Molly Martindale

US Department of Transportation, Office of Pipeline Safety

Jim Taylor

DFG

Barbara Foster, Oil Spill Prevention Specialist

Nicolle Kozicki, Contra Costa County warden

California EPA, Department of Toxic Substances

Eric Haher or Gary Murchison

State Office of Historic Preservation

Chuck Whatford and Jenan Saunders

State Lands Commission

Nancy Smith

Bay Area Air Quality Management District

Greg Stone

Regional Water Quality Control Board

Kristin Boshin

Bay Conservation and Development Commission

Steve McAdams, Deputy Director

East Bay Regional Parks Department

Steve Siala, Regional Trails Manager

Jim Townsend, Real Estate Representative

Contra Costa County Planning

Catherine Kutsuris, Deputy Director, Community Development

Contra Costa County Health Services

Hazardous Materials Section

Lou Buscali

Western Contra Costa County School District

Gary Freshi, Director

Jack Schreder, Consultant

Cate Burkhart, Facilities Specialist

City of Hercules

Mike Sakamoto, City Manager
 Erwin Blancatlor
 Dennis Tagashira

City of Martinez

Kathy Munneke

City of Pinole

David Dowswell

City of Richmond

Martin Jacobsen

City of San Pablo

Adella Hoe

City of Pittsburg

Nasser Shirazi
 Chris Bekiaris

4.3 PUBLIC MEETING

November 15th, 2001
Las Juntas Elementary School
Martinez, CA

Attendees:

Name	Organization	Address
Craig Bettencourt	Santa Clara Valley Housing Group	404 Saratoga Avenue, Ste. 100, Santa Clara CA 95050
Jeff Bricker	Mirant Corp.	P.O. Box 150, Pittsburg CA 94565
Rick Jurgens	Contra Costa Times	2640 Shadelands, Walnut Creek CA 94598
Peter Hanschen	Morrison & Foerster LLP	101 Ygnacio Valley Road, Walnut Creek CA 94596
Paul Holton	PG&E	77 Beale Street, San Francisco CA 94105
Robert A. McElroy, Jr.	Tosco Corp., Sub. of Phillips Petro	9645 Santa Fe Springs Road, Santa Fe Springs CA 90670

CHAPTER 5.0

COMMENTS AND RESPONSES

5.1 INTRODUCTION

A total of 15 comment letters were received from various agencies and organizations concerning the Draft Mitigated Negative Declaration (MND) for Pacific Gas and Electric Company's (PG&E) Application Numbers 00-05-035 and 00-12-008. Application 00-05-035 involves PG&E's sale of the Richmond-to-Pittsburg pipeline and Hercules Pump Station, while Application 00-12-008 involves San Pablo Bay Pipeline Company's application to own and operate these assets..

PG&E filed Application 00-05-035 with the CPUC to sell its heated Richmond-to-Pittsburg Fuel Oil Pipeline to a new owner, the San Pablo Bay Pipeline Company (SPBPC), a subsidiary of Tosco Corporation. In a separate application (No. 00-12-008) SPBPC is seeking authority to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline as a common carrier pipeline corporation. The proposed sale includes the pipeline from its point of origin in Castro Street (adjacent to General Chemical's facility) in the City of Richmond, to the Pittsburg Power Plant, formerly owned by PG&E, located in the City of Pittsburg and includes the Hercules Pump Station, located in the City of Hercules.

5.2 LIST OF COMMENT LETTERS RECEIVED

The comment letters received on the Draft MND have been grouped in order of their arrival. Each comment letter has been assigned a corresponding alphabet letter designation. The commenting agencies or organizations who sent letters are listed below in **Table 5-1**.

**TABLE 5-1
LIST OF COMMENTORS**

Letter	Individual or Signatory	Affiliation	Date
A	Andrea Gaut	BCDC	November 2, 2001
B	James D. Squeri	Goodin, MacBride, Squeri, Rigchie & Day, LLP	November 5, 2001
C	Chris Bekiaris	City of Pittsburg	November 6, 2001
D	Chris Bekiaris	City of Pittsburg	November 7, 2001
E	Barbara J. Cook	DTSC	November 19, 2001

Letter	Individual or Signatory	Affiliation	Date
F	Jim Townsend	EBRPD	November 20, 2001
G	Dennis Tagashira	City of Hercules	November 26, 2001
H	Vince Kilmartin	West Contra Costa Unified School District	November 28, 2001
I	Robert W. Floerke	Department of Fish and Game	November 29, 2001
J	Peter W. Hanschen	Morrison & Foerster, LLP	November 29, 2001
K	James D. Squeri	Goodin, MacBride, Squeri, Rigchie & Day, LLP	November 29, 2001
L	Randell H. Iwasaki	CalTrans	December 4, 2001
M	Dennis Tagashira	City of Hercules	December 6, 2001
N	Brad Olson	EBRPD	December 6, 2001
O	Stephen L. Jenkins	California State Lands Commission	December 10, 2001

5.3 MASTER RESPONSES

Several substantial issues were raised repeatedly in the comment letters. Rather than address them in each of the letter, the following master responses were prepared and are referred to in the relevant response.

MASTER RESPONSE 1

A number of comments received on the Draft Mitigated Negative Declaration (DMND) concerned the kinds of products for which the Richmond-to-Pittsburg Fuel Oil Pipeline and related assets can be used. The following response is provided:

The Pipeline was originally authorized pursuant to a Certificate of Public Convenience and Necessity (CPCN) issued by the CPUC on May 20, 1975 for a 42-mile long pipeline extending from the Chevron Richmond Refinery to the former PG&E Pittsburg and Contra Costa Power Plants (Decision 84448). The CPCN authorized PG&E to construct the Pipeline and related assets and use them to transport oil, petroleum, and other similar products. The original purpose of the Pipeline was to provide PG&E's former Pittsburg and Contra Costa Power plants with heated, low-sulfur, residual fuel oil from the Chevron refinery. The Pipeline was used in this fashion from 1976 to 1982, when PG&E reduced its use of low-sulfur fuel oil because of its increasing expense. The Pipeline has been maintained to provide stand-by capability in case of natural gas supply interruptions or similar circumstances. The last major movement of oil

through the Pipeline was in 1991, with several subsequent oil movements made to maintain the integrity of the Pipeline.

The analysis considered in the DMND found that three entitlements apply to the current approved use of the Pipeline today:

1. The original terms of the 1976 CPCN state that the current CPUC-approved use of the Pipeline is the transport of “oil, petroleum, and products thereof.” These terms define a broad class of petroleum products which would be liquid, i.e., non-gaseous and be derived from oil. -
2. In August 1976, in association with the Pipeline construction and use, the City of Hercules issued a limited use permit for the Hercules Pump Station. The permit states that “[s]torage of liquids other than residual fuel oil and displacement oil as described in the project Environmental Impact Report must be approved by the City Council of the City of Hercules” (City Council Resolution, August 9, 1976).
3. In June of 1993, the City of Hercules adopted Ordinance No. 319, which states:

“Granted to the Pacific Gas and Electric Company, its successors and assigns, the franchise to construct, maintain, use, operate, repair, replace, renew and remove or abandon in place pipelines, pipes and appurtenances which may be used or useful in transmitting, distributing and supplying to the grantee and/or to the public, oil or products thereof including petroleum, gasoline, fuel oil, distillate petroleum products and other petroleum by products, which can be transported through a pipeline in, under, along, across or upon the public roads, streets, highways, ways, alleys and other places as the same now or may hereafter exist within the City of Hercules.”

The existing CPCN will not need to be transferred to SPBPC if the sale is approved since SPBPC has applied to the CPUC for authority to own and operate the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a regulated common carrier, as specified in PUC Sections 216 and 228. These sections state:

“216. (a) "Public utility" includes every common carrier...where the service is performed for, or the commodity is delivered to, the public or any portion thereof.

(b) Whenever any common carrier...performs a service for, or delivers a commodity to, the public or any portion thereof for which any compensation or payment whatsoever is received, that common carrier...is a public utility subject to the jurisdiction, control, and regulation of the commission and the provisions of this part...”

“228. "Pipeline corporation" includes every corporation or person owning, controlling, operating, or managing any pipeline for compensation within this state.

"Pipeline corporation" shall not include a corporation or person employing landfill gas technology and owning, controlling, operating, or managing any pipeline solely for the transmission or distribution of landfill gas or other form of energy generated or produced therefrom."

Under PUC Section 1001, companies whose operations are solely related to the transport of oil (i.e., oil pipeline companies) are not required to obtain a CPCN, but must obtain common carrier status from the CPUC prior to commencing operations. Furthermore Tosco's application (A.00-12-008) states:

"San Pablo proposes to utilize the Pipeline Assets to provide public utility pipeline transportation services to Tosco, as well as other potential shippers. The Pipeline Assets will no longer be confined to use by PG&E's electric generating plants, but will be operated by San Pablo as a common carrier, open to all potential shippers."

Of the two remaining permit conditions (i.e., excluding the CPCN, which will not be transferred), the most limiting to the content of the potential product to be transported by the Pipeline is contained in the City of Hercules limited use permit. This states that residual fuel oil and displacement oil are the only liquids that can be stored at the Hercules Pump Station unless the City of Hercules approves other liquids. These liquids (residual fuel oil and displacement oil) are the same low-sulfur oil and cutter stock referred to in the DMND. It is the CPUC's understanding (based on discussions with PG&E) that the design of the Pipeline and Pump Station are such that the Pump Station tanks, for which the City of Hercules limited use permit applies, would be routinely used with movement of product through the Pipeline¹. Therefore, although SPBPC's common carrier status and Ordinance 319 would more broadly define what may be transported via the Pipeline, the City of Hercules limited use permit provides a more restrictive definition what the Pipeline may store in the tanks and thus what may be transported through the Pipeline.

For the purposes of the environmental review conducted for the proposed project described in the DMND, it was assumed that the City of Hercules limited use permit conditions, as discussed above, define what may be transported in the Pipeline and stored in the Pump Station's tanks. Furthermore, for the foreseeable future, the City of Hercules limited use permit is expected to continue in effect. Note that SPBPC has indicated that once the sale of the Pipeline has been completed, it may consider a change in service to include other petroleum products (which may include crude oil, gas oil, intermediates and refined products). Should SPBPC desire to seek changes to the permitted product, SPBPC would be required to seek modifications to the limited use permit as described above. Any such future proposed change would be subject to environmental review under CEQA, as well as to the discretionary decision-making process at the City of Hercules.

Based on the above information, the text of Section 1.6.11 is revised as follows for clarity:

¹ In response to a question as to whether the pipeline could be used without the storage tanks, PG&E has indicated that only for short periods of time could the pipeline pumps bypass the storage tanks at the Hercules Pump Station. Thus, the tanks are integral to normal pipeline operations.

“If its application is approved, SPBPC will be a common carrier pipeline corporation regulated by the CPUC. The Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station were constructed specifically to transport fuel oil and would require ~~significant~~ modification and local jurisdictional approval to be used for other purposes. Any change in use of the pipeline and Hercules Pump Station initiated by SPBPC would require ~~CPUC~~ City of Hercules approval. Any change in use would also require negotiation of amendments to easements and rights-of-way with numerous landowners along the entire right of way and modification to the conditional use permit from the City of Hercules for the change in product carried in the pipeline or the modification to existing improvements to the Hercules Pump Station. Tosco has one refinery in the area that could be fueled by petroleum. SPBPC has indicated that once the sale of the pipeline has been completed, it may consider a change in service to include other petroleum products (which may include crude oil, gas oil, intermediates and refined products). However the existing permits limit the type of products that can be transported in the pipeline ~~Purchase and Sale Agreement prohibits SPBPC from seeking any change in the permitted use of the pipeline before the sale closes.~~ With this restriction, it is reasonably foreseeable that for the immediate future following the sale, the use of the pipeline would remain as transport of petroleum products, quite possibly between any of the several ~~To see~~ other refineries (including Tosco’s Rodeo refinery) and transport facilities along the route of the pipeline.”

Finally, Section 1.7 of the Project Description in the Draft MND discusses long term operation and use of the pipeline and pump station, setting forth the assumptions upon which the analyses were based.

MASTER RESPONSE 2

The proposed project, which is the subject of this environmental document, is the approval of PG&E’s Section 851 application, in which PG&E seeks to sell its heated Richmond-to-Pittsburg Fuel Oil Pipeline to San Pablo Bay Pipeline Company (SPBPC). The project includes establishing the market value of the Pipeline and pump station assets under Section 367(b) using the sale price of the assets as the market value. In addition, SPBPC is seeking approval under Sections 216 and 228 of the Public Utilities Code to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a common carrier pipeline corporation. Thus, it is the sale and transfer of the Pipeline for which approval is now being sought.

As was described in Sections 1.1 and 1.6.2 of the DMND, a 4,000-foot section of the Pipeline within the City of Martinez was blocked and filled in 1998 to make way for an unrelated transportation project within Martinez. At the present time, construction of the 4,000-foot replacement section is yet to be applied for, and any such replacement is not at all well defined. What is known about this potential and reasonably foreseeable 4,000-foot replacement section is provided in this Final Mitigated Negative Declaration as new figures (Figures 1-3 through 1-6), which shows the easements obtained by PG&E for the replacement section and what is known about the connection points to the existing pipeline.

Environmental review of the construction of the 4,000-foot replacement section was included in the DMND because such construction is a reasonably foreseeable outcome of the proposed sale. Essentially, this CEQA review considers the replacement project at a CEQA programmatic level. Given the data available and considered in the DMND, as well as subsequent information received during this response to comments stage, the mitigation measures as written do set up performance standards that will ensure that generally known impacts arising from such construction will be less than significant. To have provided more project level analysis or mitigation measures would be speculative at this point. These programmatic mitigation measures also provide an added level of security, since future environmental review will likely be conducted of the replacement pipeline before it may be constructed. Thus, the Mitigated Negative Declaration does not defer mitigation measures to later action. The DMND properly identifies program level mitigation measures consistent with the program level information that is available concerning the pipeline replacement, which has not yet been designed or formally proposed. It is expected that project level mitigation measures will also be developed and required at the appropriate project level CEQA juncture.

The analysis in this document cannot fully examine all potential replacement pipeline construction impacts, nor fully specify all necessary mitigation measures for the replacement because the replacement is not the subject of this document, and substantial details of replacement would be required for proper review of pipeline replacement. The pipeline replacement would be subject to additional permitting review, including local agency permits, a BCDC permit, EBRPD encroachment permits and / or an Army Corps of Engineers 404 permit (which would evoke NEPA and Endangered Species Act consultation with both National Marine Fisheries Service and U.S. Fish and Wildlife Service), and a California Department of Fish and Game Streambed Alteration Agreement. Because the actions of these agencies would trigger NEPA and / or CEQA review, specific project-related impacts would be fully assessed and mitigation measures determined as appropriate at such time as the details of the pipeline replacement are known or proposed.

5.4 RESPONSES TO COMMENTS

This section contains responses to all of the substantive comments received on the Draft MND during the extended 30-day review period. Each comment letter was assigned a letter according to the system identified previously (i.e. A, B, etc.). Each comment addressed within each letter was assigned a number (i.e. A1, A2, etc). Responses are provided to each written comment number within the letter. Where a response to a similar comment has been provided in another response, the reader is referred to the previous response.

All changes to the MND are described in the response and referred by the page number on which the original text appears in the MND. Added text is underlined; deleted text is ~~stricken~~.

Morgan, Tim

From: Andrea Gaut [andreag@bcdcc.ca.gov]
Sent: Friday, November 02, 2001 3:53 PM
To: tmorgan@esassoc.com
Subject: Richmond to Pittsburgh Pipeline and Hercules Pump Station

Dear T. Morgan,

I have quickly skimmed through the Draft Mitigated Negative Declaration for the above project. It appears that portions of the project may be within the San Francisco Bay Conservation and Development Commission's jurisdiction. A permit would be required for this work. If you have any questions, please feel free to e-mail me or call me at (415) 352-3618.

AI

Thanks,

Andrea M. Gaut

LETTER A –ANDREA GAUT – BCDC

Response A1

Please refer to page 2-2 of the Draft Mitigated Negative Declaration (DMND) item number 10, which lists additional agencies from which permits or approval would be required. Included in this list is the San Francisco Bay Conservation and Development Commission (BCDC). Also see page IX-9, which indicates a number of places along the pipeline route that fall under the jurisdiction of the BCDC.

GOODIN, MACBRIDE,
SQUERI, RITCHIE & DAY, LLP

505 Sansome Street
Suite 900
San Francisco
California 94111

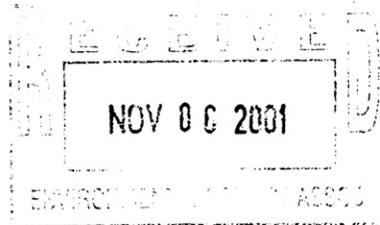
Attorneys at Law

Telephone
415/392-7900
Facsimile
415/398-4321

November 5, 2001

James D. Squeri

Thor Wilcox
1946-1979



HAND-DELIVERED

Ms. Billie C. Blanchard
California Public Utilities Commission
505 Van Ness Avenue, Room 4-A
San Francisco, CA 94102

**Re: PG&E Application Nos. 00-05-035 and 00-12-008; Mitigated
Negative Declaration**

Dear Ms. Blanchard:

I am writing on behalf of SCS Development Co. ("SCS") to express concern about obvious and significant deficiencies which appear in the Mitigated Negative Declaration ("MND") prepared in conjunction with the above-referenced applications and recently published by the Commission staff for comment. SCS, a real estate developer with secured approved plans to construct a residential subdivision in the City of Hercules, has filed its protest to Application No. 00-12-008 and has a direct and immediate interest in the accuracy of the environmental documentation that is under review in conjunction with A. 00-12-008.

While recognizing that comments on the draft MND are not due until the end of the month, SCS feels compelled to provide notice to you as early as possible of serious deficiencies and omissions in the draft that has been circulated for comment. These errors and omissions include the following:

(1) While the "Project Description" indicates that the "CPUC has concluded that all potential impacts can be mitigated to less than significant levels," the project description fails to describe the ultimate use(s) to which the subject facilities will or may be put. Without delineating and considering the various potential "actual" uses that are at issue, it is impossible for the CPUC to determine what might be the potential impacts of such uses, much less define the necessary level of mitigation required with respect to each such use.

(2) At p. XII-2, the draft states as follows: "While use of the pipeline would likely transport fuel oil, the end use of the fuel oil has not been determined." It is obvious that fuel oil storage

B1

B2

Billie C. Blanchard
November 5, 2001
Page 2.

and transportation is not the only anticipated use for which approval is sought under the pending application. Without identifying and analyzing the other potential uses, it is impossible to adequately review the impacts upon SCS's housing development.

(3) At p. IX-1, the document, in describing the Project "Setting," reads as follows: "The Hercules Pump Station is located on 44.2 acres of land...and undeveloped lands to the north." The referenced lands to the north are not "undeveloped." They are entitled with Vesting Tentative Map 8455 granted by the City of Hercules.

B3

Further the draft document states: "The city proposes to amend the general plan so that the land can be used for residential and commercial users, as well as construction of a new school. The city has completed an EIR on the proposed specific plan but has not yet adopted it into the general plan." This statement is erroneous. SCS has a vesting tentative Map as does Catellus - information which was conveyed to the applicant in A. 00-12-008 as well as the Commission's environmental consultant when SCS protested the proposed project in January, 2001 as a map owner. The General Plan, specific plan and other entitlements are all recorded on the land and substantial grading has begun. The plan is for more than 800 homes, a school, and a commercial site - all of which are entitled.

B4

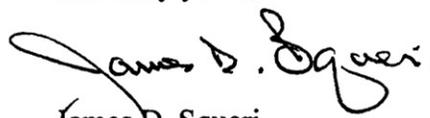
(4) At Section 1.0 "Description of the Proposed Project," 1.1 INTRODUCTION, the document reads: "Two parties, West Contra Costa Unified School District and SCS development company, filed protests to SPBPC's application on January 16th, 2001, raising various issues. SPBPC filed a reply to those protests on January 26th, 2001." There is, however, no explanation of the nature of the protests that have been lodged set forth in the MND.

B5

While SCS has every intention of participating in any scheduled public meetings held to address the MND and of filing timely comments on the draft document, SCS nevertheless has thought it prudent to bring to your attention as quickly as possible any obvious deficiencies in the referenced document. In that regard, SCS looks forward to working through the process to ensure the adequacy of the subject environmental documentation.

Should you have any questions regarding the concerns set forth herein, please contact me.

Sincerely yours,


James D. Squeri

Billie C. Blanchard
November 5, 2001
Page 3.

cc: ~~Tim~~ Morgan - ESA

2937/001/X29039-1

LETTER B – JAMES D. SQUERI – GOODIN, MACBRIDE, SQUERI, RIGCHIE & DAY, LLP***Response B1***

Please see Master Response 1.

Response B2

As the commentor notes, the end use of the fuel oil has not been determined although as discussed in Master Response 1 the approval being sought limits the products that can be transported. The DMND addressed the issue of end use of transported product to the extent possible in Section 1.6.12:

“Identification of points of origin and points of delivery for the petroleum product along the Richmond to Pittsburg Fuel Oil Pipeline would be speculative at this point. It seems likely that tie-ins to the pipeline would need to be installed before the system would be fully operational.

The initial design of the pipeline anticipated future tie-ins by installing connection amenities for access to ship transportation at some of the refineries located along the shoreline between Richmond and Antioch. Also, the Hercules Pump Station was designed to allow movement of oil from a marine loading wharf that was once located at the former Gulf Refinery in Hercules, although no provisions were made to connect the wharf to the pipeline. There are also eight 10-inch tees on the Hercules to Pittsburg section of the pipeline, including one adjacent to Tosco’s Rodeo refinery. There is also one 10-inch tap and a metering station at the Shore Terminal Tank Farm facility in Martinez.

Installation of tie-ins may require permitting and agency approval and land rights acquisition. These activities would be the responsibility of SPBPC, or the company desiring such a tie-in, once a plan for such facilities is developed.”

There is no new information available about SPBPC’s intended use for the Pipeline beyond that described above.

Response B3

Although the project sponsor may have a Vesting Tentative Map, as of November, 2001, a visual survey of the inland portion of the New Pacific Properties site, to which the Initial Study refers, indicated that the inland portion of the site was still undeveloped. The Vesting Tentative Map permits a project sponsor to develop a site subject to the General Plan and Zoning Ordinance in place at the time the Vesting Tentative Map is granted. The Vesting Tentative Map does not change the fact that the site had not yet been developed.

It is understood that SCS intends to develop this land. The Draft Mitigated Negative Declaration (DMND) recognized the potential for the very uses raised by the commentor, and examined the

potential for land use conflicts between the New Pacific Properties development and the pipeline operations. The Draft MND in fact quoted from the EIR for that project in Section IX, *Land Use and Planning*, which states:

The EIR for the proposed development project notes (p. 5.5-17):

“The City shall condition approval of development proposals on the New Pacific Properties site on the provision of adequate buffers between proposed sensitive receptors on the site and existing or approved industrial uses on adjacent sites. Adequate buffers shall also be provided between such uses within the site. ‘Sensitive receptors’ include but are not limited to residential, education and recreational uses. ‘Approved’ refers to specific projects that have been approved, specific uses that have been approved as part of a n overall development plan (such as a specific plan), or uses that may be developed ‘by right’ on a parcel without additional discretionary approvals. The width of the buffers shall be determined on the basis of information regarding the types of uses; the hazardous materials handled and wastes generated, environmental conditions (wind pattern, surface and ground water flows, soil characteristics, any reported contamination and status of remediation). The width of the buffers shall be intended to avoid significant environmental impacts.”

The DMND therefore concluded that there would be no significant impact with operation of the pipeline and construction of the then-proposed development. The mere fact that the proposed development has now been approved and is being constructed in no manner affects the analysis of impacts, or the conclusions. What is happening on the ground now is precisely what was assumed to occur and considered in the Initial Study and Mitigated Negative Declaration.

Response B4

The commentator is correct, the text of the Draft MND incorrectly states that the City of Hercules is considering amendments to the General Plan and Zoning Ordinance. The Hercules General Plan was amended on April 11, 2000; the Zoning Ordinance was amended on May 9, 2000; and Vesting Tentative Subdivision Map No. 8455, discussed above in Response to Comment B3, was approved on October 24, 2000. The analysis in the DMND assumes the development described in the General Plan and Zoning Ordinance amendments. While the analysis does not specifically discuss the Vesting Tentative Subdivision Map, the Map permits the development permitted by the General Plan and Zoning Ordinance amendments. The conclusions of the DMND would therefore not change.

On pp. IX-6 and IX-6, the following paragraphs concerning the City of Hercules are revised as follows:

The City of Hercules General Plan governs land use designations in the City of Hercules. A segment of the project’s pipeline runs through the City of Hercules and the project’s pump station is also located within the City of Hercules along the east side of San Pablo Avenue. The pump station is located on land designated by the General Plan

for industrial use. Industrial uses are “intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing.” The General Plan also states: “The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk” (p. 11-32).

The pipeline enters the City of Hercules from the City of Richmond in the Union Pacific right-of-way until it leaves the right-of-way, and runs underground in a southeast direction through developed and undeveloped lands, crossing Linus Pauling Drive and Alfred Nobel Drive to the pump station. The pipeline passes alongside lands designated *Public-Park* (San Pablo Bay Regional Park), *Waterfront Commercial*, *General Commercial*, ~~and~~ *Planned Office – Research and Development*, and *Specific Plan*.

The pump station is also located in the City of Hercules, in an area designated by the City of Hercules General Plan as *Industrial*, and is adjacent to an area designated *Planned Commercial Industrial-Specific Plan*. From the pump station, the pipeline is located underground within the San Pablo Avenue right-of-way, passing areas on the west side of San Pablo Avenue that are designated *General Commercial*, *Planned Office – Research and Development*, ~~and *Industrial*, and *Specific Plan*.~~ ~~Industrial uses are “intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing.” The General Plan also states: “The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk” (p. 11-32).~~

The General Plan contains the following policy relevant to the pipeline and pump station:

Policy 13A: Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.

The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would expand across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land is designated *Specific Plan*, with residential and institutional uses. The project site is zoned *Industrial*.

City also proposes to amend the Zoning Regulations so that the areas immediately adjacent to the pump station would be are within *SP-R-MH Residential Medium High Density* and *SP-R/RF Retail/Residential Flex zoning districts*. Further north, portions of the site would be adjacent lands are zoned *SP-S School* and *SP-R-Z Residential Z-Lot*.

The General Plan and Zoning Ordinance were amended specifically for the New Pacific Properties project, which anticipates construction of an estimated 763 single-family homes, 117 multi-family units, 65,000 sq. ft of residential/retail flex, an elementary school, parks, trails and roadways. The New Pacific Properties project flanks San Pablo Avenue, and consists of two subareas: the coastal subarea, located west of San Pablo Avenue, and the inland subarea located east of San Pablo Avenue. The inland subarea is located adjacent to the pumping station, and would include mixed uses, the elementary school, and the more dense single-family development areas.

Response B5

The commentor suggests that the document should include a discussion of the protests filed on A.00-12-008. The CPUC considers two interrelated processes on discretionary actions such as this. The first is the general proceeding side, which the application was filed on, and the second is the CEQA process. Both processes are considered by the CPUC for project approval. The CPUC assigned Administrative Law Judge (ALJ) will make a ruling on these protest/response filings, however, as of yet, no ruling has been made by the ALJ. While the information contained in the protests (and responses) was considered during preparation of the CEQA document, it is not necessary to provide summaries of these filings in a CEQA document. Furthermore, these filings are matters of public record.

Morgan, Tim

From: Chris Bekiaris [CBekiaris@ci.pittsburg.ca.us]
Sent: Tuesday, November 06, 2001 9:59 AM
To: 'tmorgan@esassoc.com'
Subject: Richmond-To-Pittsburg Pipeline

Just an initial comment on the Draft Mitigated Negative Declaration: On page 1-4 it states at the end of the second paragraph that the pipe line goes "into the City of Pittsburg". Actually the pipe line and the former P.G. & E. plant are located in the County. The land in which the pipe is located and the former P.G. & E power plant are on the northside of Willow Pass Road. This whole area is in the County. The city limit line is Willow Pass Road. The map on page 1-3 shows this.

C1

Chris Bekiaris
Associate Planner
(925) 252-4920
FAX (925) 252-4814

LETTER C – CHRIS BEKIARIS – CITY OF PITTSBURG

Response C1

The last sentence of the second paragraph on page 1-4 is changed as follows:

The pipeline then continues east along the UPRR corridor through the City of Martinez, under Interstate 680 at the Benicia Bridge, across Pacheco Creek, and ~~into~~ extends to just north of the limits for the City of Pittsburg into Contra Costa County, ~~where it terminates terminating~~ just west of the Pittsburg Power Plant.

Morgan, Tim

From: Chris Bekiaris [CBekiaris@ci.pittsburg.ca.us]
Sent: Wednesday, November 07, 2001 10:42 AM
To: 'tmorgan@esassoc.com'
Cc: Garrett Evans; Randy Jerome
Subject: SPBPC Pipe Line

After looking though the draft mitigated ND I don't see anything about the pipe being used for the Mirant Plant in Pittsburg. Is that in fact the case? Our understanding is that Mirant will use only natural gas. Can you clarify? Thanks

D1

Chris Bekiaris
Associate Planner
(925) 252-4920
FAX (925) 252-4814

LETTER D – CITY OF PITTSBURG***Response D1***

As is mentioned on page 1-6 of the Draft MND and elsewhere, the original purpose of the pipeline was to transport fuel oil from Richmond to PG&E's Pittsburg and Contra Costa Power Plants. When these two power plants were sold to Southern Energy (now known as Mirant), the section of the pipeline between the Pittsburg and Contra Costa Plants was sold with the two plants. The pipeline that is now proposed to be sold terminates at the Mirant Power Plant pumping station, which was used in the past to direct fuel oil to tanks for the Mirant Pittsburg Power Plant or to the Mirant Contra Costa Power Plant. Although the Mirant plants have used oil in the past and could again in the future, present day economics and air quality concerns make it not reasonably foreseeable that this would be a potential use of the pipeline by SPBPC. Furthermore, neither PG&E nor SPBPC propose in their project to have any relationship with the Mirant Power Plants.



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

November 19, 2001

Ms. Billie C. Blanchard
California Public Utilities Commission Energy Division
c/o Environmental Science Assoc.
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102-3298

Dear Ms. Blanchard:

Thank you for the opportunity to comment on Pacific Gas and Electric Company's Application to Sell the Richmond-To-Pittsburg Pipeline and Hercules Pump Station and San Pablo Bay Pipeline Company's Application to Own and Operate These Assets Draft Mitigated Negative Declaration [SCH #2001102139 and CPUC Application Numbers 00-05-035 and 00-12-008]. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The proposed project is the sale of a heated fuel oil pipeline and pump station from one utility company to another. The pipeline would be sold as is, with all existing faults; however, it is anticipated that a 4,000-foot replacement section of pipeline will be constructed in the City of Martinez by the purchaser. The Draft Negative Declaration identifies several mitigation measures for the pipeline replacement under the Hazards and Human Health section. The measures indicate that future mitigation measures will be based on a Phase I and potentially Phase II Environmental Site Assessments that have yet to be conducted. We strongly recommend that the assessments be conducted now in order to determine whether hazardous substance have been released, and then specific issues can be identified which will need to be addressed in the Negative Declaration.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

Ms. Billie C. Blanchard
November 19, 2001
Page 2

associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site

E1 cont.

Another mitigation measure states that impacted soil generated by the remediation and construction activities will be contained on-site and may be potentially re-used at the project site. The mitigation measure does not identify the criteria that will be used to determine if the soil is appropriate for on-site reuse and what regulatory agency will be providing approvals and oversight.

E2

We would also like to clarify that DTSC has not delegated authority to Contra Costa County to implement California Health and Safety Code, Chapter 6.8. Unless Contra Costa County enters into an enforceable agreement with a responsible party and has notified both DTSC and the Regional Water Quality Control Board of its intent to do so, cleanup actions overseen by the county may be subject to additional state action.

E3

Finally, page VII-8 states that the site at 401 Ferry Street, Martinez was reviewed and no remediation was deemed necessary. Please specify who reviewed and made this determination.

E4

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

E5

Please contact Lynn Nakashima of my staff at (510) 540-3839 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Barbara J. Cook, P.E., Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosure

**Ms. Billie C. Blanchard
November 19, 2001
Page 3**

cc: without enclosure

**Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044**

**Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806**

LETTER E – DTSC

Response E1

Master Response 2 states that the 4,000-foot replacement pipeline section is yet to be applied for, and any such replacement is not well defined. However, the Draft Mitigated Negative Declaration (DMND) included the results of a search of known sites in the vicinity of the area expected for a 4,000-foot replacement section and found no sites that require remediation. Such a search is traditionally the heart of a Phase I Site Assessment, although a Phase I analysis also includes matters outside the scope of CEQA, such as information developed for liability and insurance purposes. The DMND requires that a Phase I analysis of the entire length of the replacement pipeline route be prepared by SPBPC and submitted to CPUC in order to confirm the results of the data search reported in the DMND. Mitigation Measures VII.1a and b were included in the DMND as a precaution in case contamination is discovered from a Phase I analysis. If any remediation activity were to be required, significant impacts would be avoided by following the procedures and practices identified in mitigation measures 1a and 1b.

Response E2

Contaminated soils, if encountered, would be considered as hazardous waste and would be disposed of based on the criteria described in Sections 66261.20 through 66261.120 of Title 22 of the California Code of Regulations, as enforced by DTSC and Contra Costa County. Soil would only be reused onsite if it were determined on a case by case basis not to be hazardous, if it were suitable to be used as fill, and if approval were received from DTSC. See also Master Response 2.

Response E3

The comment is noted.

Response E4

According to the record search conducted by ESA, the San Francisco Bay Regional Water Quality Control Board, as the lead agency designated on the Cortese List, determined that no remediation was necessary.

Response E5

The CPUC agrees that DTSC should be included in future meetings relevant to DTSC statutory authority.



NOV 21 2001

November 20, 2001

Billie Blanchard, CPUC
 C/O Environmental Science Associates
 225 Bush Street
 San Francisco, CA 94104-4207

RE: **Martinez Regional Shoreline**
 CPUC Application Numbers 00-05-035 and 00-12-008

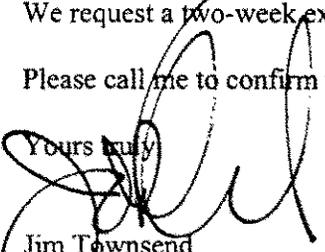
Dear Ms. Blanchard:

Pursuant to your offer made during the agency meeting regarding the above-referenced CPUC Applications, the East Bay Regional Park District hereby requests an extension of time to submit written comments on the Draft Mitigated Negative Declaration for the proposed asset transfer and pipeline reconstruction.

We request a two-week extension to submit our written comments, to December 13, 2001.

Please call me to confirm that your agency is agreeable to granting this extension.

Yours truly


 Jim Townsend
 Real Estate Representative
 510-544-2604

cc: Brad Olsen, EBRPD
 Tim Morgan, ESA

BOARD OF DIRECTORS

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 General Manager



LETTER F – EAST BAY REGIONAL PARKS DISTRICT

Response F1

In response to the request, an extension until December 7, 2001 was granted to the East Bay Regional Parks District by Billie Blanchard of the CPUC.



CITY OF HERCULES

111 CIVIC DRIVE, HERCULES, CA 94547

PHONE: 510 • 799 • 8200

November 26, 2001

Ms. Billie Blanchard, CPUC
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104-4207

Subject: Request for Additional Time to Review Draft Mitigated Negative Declaration, CPUC Application Numbers 00-05-035 and 00-12-008

Dear Ms. Blanchard,

The purpose of this letter is to request additional time for the City of Hercules to review the Draft Negative Declaration and Initial Study for the "Pacific Gas and Electric Company's Application to Sell the Richmond-to-Pittsburgh Pipeline and Hercules Pump Station and San Pablo Bay Pipeline Company's Application to Own and Operate these Assets" project.

We have several comments that are pertinent to the proposed project which we feel should be addressed in the draft document. We would appreciate an additional two weeks to give us ample time for our staff to thoroughly review and comment on this most important project.

Please let us know if you've agreed to this additional time. I can be reached at (510) 799-8243.

Sincerely,

Dennis Tagashira,
Planning Manager

cc: Mike A. Sakamoto, Acting City Manager
Steve Lawton, Director of Community Development
Alfred Cabral, City Attorney

LETTER G – CITY OF HERCULES EBRPD

Response G1

In response to the request, an extension until December 7, 2001 was granted to the City of Hercules by Billie Blanchard of the CPUC.



TIME SENSITIVE - IMPORTANT

Vince Kilmartin
Associate Superintendent
510 - 620-2206

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
1108 BISSELL AVENUE
RICHMOND, CALIFORNIA 94801-3135**

November 28, 2001

From: West Contra Costa Unified School District
Vince Kilmartin, Associate Superintendent
1108 Bissell Avenue
Richmond, California, 94801-3135

To: Billie Blanchard, CPUC
C/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104-4207

Subject: Pacific Gas And Electric Company's Application To Sell The Richmond-To-Pittsburg Pipeline And Hercules Pump Station And San Pablo Bay Pipeline Company's Application To Own And Operate These Assets

Draft Mitigated Declaration CPUC Application Numbers: 00-05-035 and 00-12-008

Thank you for the opportunity to review and respond to the above indicated Draft Mitigated Negative Declaration. The West Contra Costa Unified School District (WCCUSD) has a direct interest and concern about the proposed sale of the pipeline because several existing schools in the district (Lake Elementary, Peres Elementary, Seaview Elementary, and Verde Elementary) are within 0.4 miles of the project, and the pipeline is adjacent to a site in Hercules that the WCCUSD is proposing to purchase. The WCCUSD has reviewed the Mitigated Negative Declaration and finds that this document does not present sufficient

information to address impacts under CEQA Statutes (Public Resources Code, Division 13, Sections 21000-21177) and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3 Sections 15000-15387 and Appendices A-K). More importantly, the Draft Mitigated Negative Declaration does not adequately address impacts to the existing and proposed schools within our school district. Our comments are provided below.

CEQA Guidelines (Section 15072) – Notice of Intent Procedure

The Mitigated Negative Declaration does not indicate that the CPUC provided a “preconsultation period” via the “Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration,” (Section 15072 of the CEQA Guidelines.) Nor is there documentation of the posting of the Notice of Intent with the county clerk of “each county within which the proposed project is located.” (Section 15072 [d].) When queried (November 15, 2001, 3 PM Public Meeting at Hercules City Hall Council Chambers) the representatives of the CPUC and the preparers of the Draft Mitigated Negative Declaration indicated that the Notice of Intent period did not result in any comments. The WCCUSD would like documentation of the Public Notice on the “Notice of Intent,” the distribution list, and the documentation of the filing of the Public Notice with the county clerk (Contra Costa County).

H1

Consultation with the School District CEQA Statute (Section 21151.4)

Under Section 21151.4, the CEQA statute requires consultation with the schools if the facility (construction or alteration, we consider this an “alteration”) is within .25-mile of a school that *might reasonably be anticipated to emit hazardous or acutely hazardous air emission, or which would handle acutely hazardous material in a quantity...which may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:*

- (a) *The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.*
- (b) *The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.*

H2

The WCCUSD and the affected schools were not given this written notification. This is an action that would affect about 1,500 students, teachers, and support staff in these schools. Their consideration of the proposed action may directly affect them. We feel that each

school in our district and other districts should be given the opportunity to provide comment on this action.

Lack of Technical Detail – CEQA Guidelines (Section 15147)

During our review, we noted that the figures did not show in a large-scale route of the pipeline. Understandably, the 35 miles that this pipeline traverses may have required a number of figures; however, the figures in the Draft Mitigated Negative Declaration were on such a small scale (ranged from about 1-inch equaling 3 miles to 1-inch equaling 2,000 feet) that the precise location of the pipeline could not be determined. In addition, the lack of labels of places (including the storage tanks) and roads did not provide the reviewers with the specific land uses that would have identified potential impacts to sensitive receptors. Under Article 10 (relating to the preparation of EIRs and Negative Declarations): *The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.*

H3

The WCCUSD first priority is the probable impacts that this proposed sale has to our existing schools and proposed Hercules school site, subsequently, the remainder of our comments focuses on the specific issues on our schools.

(1) The proposed project description does not address two major considerations, the first is what specifically will be conveyed in the pipeline and storage tanks, and secondly, where will the contents of the pipeline be transported (to and from). The CEQA Guidelines, Section 15063 (a)(1) states: *All phases of project planning, implementation, and operation must be considered in the initial study of the project.* The importance of this information is that it provides concerned parties like the WCCUSD with an opportunity to determine if any future foreseeable plans would impact schools.

H4

(2) On page I-8 it was stated that, “Maintenance and repair activities on the pipeline could range from excavating certain sections to allow welding a full encirclement weld sleeve over impacted areas of the pipe (with wall thickness loss or other anomalies for relatively localized problems), to replacement of entire sections of the pipeline. Usually the replacements occur within five feet of the existing pipeline and within the existing easement.” However, on page VII-2, it was stated that, “Based on maintenance procedures and the results of the most recent smart-pig test, the integrity

H5

of the pipeline is sound and could be re-activated without the need for repair or modification.” These two statements paint different pictures of the pipeline’s condition and we would recommend that these statements be reviewed and a determination made of which statement correctly identifies the condition of the pipeline.

- (3) On page VII-2 it was stated that: *The ASTs are built in conformance with National Fire Protection Agency (NFPA), state, and federal standards, and were recently inspected by the Rodeo-Hercules Fire Marshall for regulatory compliance.* The results of the inspection should be provided. Also, if the ASTs were built in conformance with the most recent standards then why was contamination found in the Phase II ESA. It should be mentioned that these ASTs are about 1,000 feet south of the proposed Hercules school site. The pipeline is located next (on the west side on San Pablo Avenue) to the proposed school. The WCCUSD had a risk analysis prepared for the oil pipeline and the storage tanks and the risk analysis determined that based on the present allowable limits, the pipeline and storage tanks do not pose a substantially great risk. However, we are concerned that the reactivation of the pipeline and ASTs may change the parameters used in this risk analysis. We feel that the long period of non-use of the pipeline and the ASTs and the recent plans for commercial, residential, and school uses are inconsistent uses. Two areas relating to risk need to be addressed in the Draft Mitigated Negative Declaration: preparation of a risk assessment of the pipeline, pump station and heating facilities, and ASTs to human health and the environment including the use of risk scenarios (e.g., accidents and criminal actions), and risk perception (e.g., impacts of the proposed project on human perception of risk including the devaluation of future home prices). This information should provide identification the type of petroleum product or other hazardous material to be conveyed or stored.

H6

H7

- (4) As mentioned previously, four existing WCCUSD schools and one proposed school is within the near vicinity of the pipeline. Page VII-6, identifies California Code of Regulations, Title 5 that requires a risk analysis study be performed if a school site is within 1,500 feet of the easement for a pipeline that can pose a safety hazard. A risk analysis study was prepared for the proposed Hercules school site. However, the proximity of the existing four schools to the pipeline may result in the WCCUSD performing risk analyses for each of the school, or may result in the limiting or restricting additional structures at the present schools. This will place a financial

burden on the school district. This economic impact is not addressed, nor are there any mitigation measures or compensation to the school district provided that such impacts may occur.

H8

- (5) The transport of fuel oil, the operation of the Hercules Pump Station, and the acknowledgement of nearby schools are mentioned on page VII-7; however, the impacts are dismissed as “less than significant.” The proposed action will result in the reuse of a pipeline that has basically not been used in about 20 years. In that sense, the existing schools have been in continual operations over a longer period of time and potential impacts should not be considered “existing.” This consideration should also be given under the discussion of the land use and planning (page IX-5). The statements made in this section appears to indicate that the City of Hercules allows the ASTs and pumping station uses with sufficient buffers. However, at the same public meeting mentioned above (November 15, 2001, 3 PM, City of Hercules City Hall Council Chambers) a meeting summary will show that the representatives of the City of Hercules were concerned about the reuse of the pipeline and ASTs next to the approved New Pacific Properties development.

H9

- (6) On page IX-11, it states: *The school siting criteria used by the West Contra Costa Unified School District would not specifically prohibit the proposed location of the school, but would require adequate setbacks and buffers, as well as safety precautions. The school site could also be exchanged with other potential land uses within the Specific Plan area.* The WCCUSD is not aware of any required setbacks or buffers required by the California Department of Education. The requirement for the school site was to prepare a risk analysis, and that has been done. Also, the location of the school on the Specific Plan was carefully sited and located and the WCCUSD finds that this location provides an optimal location for the school site; an exchange of this site for another location within the Specific Plan is not under consideration.

H10

- (7) Under the transportation and traffic section (beginning with page XV-1) we found no information on the traffic to be generated at the AST /pumping station location. The WCCUSD is concerned about truck/car traffic along San Pablo Avenue. We feel that discussion of trips and impact on San Pablo Avenue should be included especially since elementary grade school children may need to cross San Pablo Avenue and pedestrian safety issues are one of our foremost concerns.

H11

(8) Finally, we feel that the mitigation measures proposed should include, in appropriate sections, consultation and agreement with the WCCUSD.

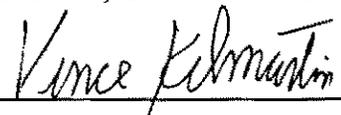
- relocation/maintenance of any pipeline section that is required next to WCCUSD existing or proposed schools
- air quality emissions and any emergency procedures for the pipeline and/or the ASTs/pumping station/heating equipment
- hazards and hazardous materials, preparation of a risk analyses for each existing and proposed school site and mitigation measures
- add traffic study and pedestrian safety concerns to the mitigation measures.

H12

The WCCUSD finds that the Draft Mitigated Negative Declaration does not provide sufficient information to determine probable impact. The document fails to understand that the non-use of the pipeline is essentially the existing situation. That the maintenance and permits that were kept current does not provide sufficient reasons to determine "less than significant impacts," because other uses and projects have continued or moved forward in the 20 years that the pipeline has been basically inactive. We would urge the CPUC to deny these applications until substantive information is made available to identify impacts. Also, that given the potential impacts that the CPUC reconsider its decision and have a full environmental impact report for the proposed action.

In closing, we continue to affirm our objections and protests to Application No. 00-12-008, filed with the CPUC on January 16, 2001.

If you have any questions or require further information, please contact our project representative Caroleen Toyama, at the IT Corporation 4005 Port Chicago Highway, Concord, California 94520-1120 - Phone number (925) 288-2042.



Vince Kilmartin, Associate Superintendent
West Contra Costa Unified School District

Date: November 28, 2001

LETTER H – WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Response H1

The commentor appears to be confused about Section 15072 Notice of Intent requirements. The CPUC has correctly followed CEQA Guidelines Section 15072 by filing a Draft Mitigated Negative Declaration (DMND), which included a notice of publication, service list of recipients of the DMND and followed proper noticing requirements of the DMND and notice of the duration of the public review period per 15072 and 15073 as its notice of its intent to adopt the DMND. Furthermore, as required by Section 15072, the DMND was filed with the Contra Costa County Clerk on November 6, 2001. Additionally, the CPUC also noticed all landowners along the Pipeline route of the publication of the DMND and availability of the DMND. Section 15072 has no requirement for preconsultation period however, as discussed in Section 4.0 of the DMND and Response to Comment H2, an agency outreach meeting held on March 5, 2001 with WCCUSD in attendance that provided the commentors the opportunity to provide input to the document preparation process.

Response H2

As mentioned by the commentor, CEQA Section 21151.4 states:

“§ 21151.4. Construction or alteration of facility within 1/4 mile of school; reasonable anticipation of air emission or handling of hazardous or acutely hazardous material; approval of environmental impact report or negative declaration

No environmental impact report or negative declaration shall be approved for any project involving the construction or alteration of a facility within 1/4 of a mile of a school which might reasonably be anticipated to emit hazardous or acutely hazardous air emission, or which would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than the quantity specified in subdivision (a) of Section 25536 of the Health and Safety Code, which may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- (a) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- (b) The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.”

The initial consultation with WCCUSD concerning the Pipeline project occurred on March 5, 2001. WCCUSD staff present at a meeting included Gary Freshi, Jack Schreder, and Cate Burkhardt. The following were also in attendance: Mike Sakamoto, Erwin Blancaflor, and Dennis

Tagashira, City of Hercules; Jim Townsend, East Bay Regional Parks District; Jim Lopeman, New Pacific Properties; Tim Morgan, Environmental Science Associates; Billie Blanchard, California Public Utilities Commission (CPUC); and Deborah Fleischer, Public Affairs Management.

WCCUSD representatives also attended an agency meeting sponsored by the California Public Utilities Commission (CPUC) on November 15, 2001, in the City of Hercules Council Chambers to discuss the Draft Mitigated Negative Declaration for the Pipeline. Gary Freshi represented WCCUSD at the November meeting. Also in attendance was Caroleen Toyama, a WCCUSD consultant from IT Corp. Both asked questions and provided input that was considered in the preparation of the DMND.

WCCUSD received written notification not only of the meetings, but also received the proposed Mitigated Negative Declaration and the supporting Initial Study when the document was circulated on October 30, 2001. As the proposed project has not yet been adopted by the CPUC, all of this consultation and noticing has occurred well in advance of the 30-day period mentioned by Section 21151.4.

During the March 5, 2001 meeting, WCCUSD asked several questions that indicated that WCCUSD had full knowledge of the proposed Pipeline project at that time. At the November 15, 2001 meeting, WCCUSD indicated that it would undertake a risk assessment for its proposed new school at the New Pacific Properties site (inland), and that it might make the results available to the CPUC. According to the California Department of Education (O'Neill, 2002), the risk assessment was completed in October 2001, after the Pipeline environmental document was circulated. Based on the risk assessment, the California Department of Toxic Substance Control (DTSC) approved the Phase I report and stated that no further action was required. A Mitigated Negative Declaration was also adopted by WCCUSD for the new school in November, 2001. Subsequently, a Notice of Determination was filed by WCCUSD with the State Clearinghouse on November 21, 2001, after the Pipeline environmental document was circulated and before the WCCUSD Response to Comment was written. WCCUSD made no mention of the Mitigated Negative Declaration for the school at the November 15, 2001 meeting.

The CPUC, through Environmental Science Associates (ESA), has attempted to obtain copies of the risk assessment, as well as the New Pacific Properties School Mitigated Negative Declaration and the Initial Study Checklist upon which the Mitigated Negative Declaration was based. The California Department of Education, emphasizing that these are public documents, suggested contacting WCCUSD directly and talking with Vince Kilmartin, WCCUSD Associate Superintendent, or with Tom Ventura, a consultant at WCCUSD. In January 2002, ESA spoke with or left messages for Tom Ventura, Gary Freshi, and Vince Kilmartin about obtaining copies of the risk assessment, Mitigated Negative Declaration and supporting documents. All either stated that the documents would be sent or that they would be of assistance, if needed. ESA provided Tom Ventura with ESA's Federal Express account number so that the documents could be sent by overnight mail. After the documents were not received, in a follow-up call to Mr. Kilmartin's office on January 18, 2002, an assistant informed ESA that Mr. Ventura had been

advised not to release the documents “until the situation is assessed” and that ESA could discuss the request with WCCUSD counsel.

ESA also attempted to obtain a copy of the Mitigated Negative Declaration and Initial Study from a local public library. Contra Costa County operates the nearest library in the City of Pinole, which indicated it did not have a copy (telephone inquiry, January 22, 2002). ESA also contacted the City of Hercules through an e-mail and phone calls. The City responded that it does not have a copy of the MND (email of February 13, 2002). Consequently, ESA is unable to fully assess this MND and its conclusions with respect to the DMND for the Pipeline. Regardless of the lack of availability of both the risk and MND to the analysis team, from what is known about the conclusions of these documents, it is expected that these documents would only further support conclusions reached in the DMND and not cause any change to stated impacts or mitigations.

Response H3

Five new figures are provided with this Final Mitigated Negative Declaration. Figure 1-7 shows in much greater detail the existing Hercules Pumping Station environs and fuel oil pipeline in proximity to the New Pacific Properties development. Figures 1-3 through 1-6 show the approximate location of the Martinez 4,000-foot replacement section and easement boundaries.

Response H4

Please see Master Response 1 and Response to Comment B2.

Response H5

The commentor recommends the review of several statements about maintenance of the pipeline and the current state of the pipeline. These statements are not connected and are accurate within their stated context. The first reference (page I-8) is made with respect to general pipeline operation measures, which could be expected to occur at anytime and anywhere on the pipeline during the normal course of operations. The second reference (page VII-2) concerns the current status of the pipeline and concludes that the pipeline is sound.

Response H6

PG&E has indicated that the Fire Marshall interacts verbally with PG&E during site visits, discussing the results of the inspection. Because there have been no significant issues identified by the Fire Marshall, PG&E has not received any recent written reports. The DMND states that the laboratory results from the Phase II study indicate low concentrations of petroleum hydrocarbons in limited areas on the site – not significant enough to require remediation. If these measured levels are the result of any spillage onsite, then any migration offsite (to areas 1,000 feet south of the facility) would result in much lower concentrations because of dispersion and dilution.

Response H7

There are no changes in operating parameters expected from those that were considered in the WCCUSD risk analysis (see Master Response 1). Consequently, the conclusion reached that the pipeline and storage tanks do not pose a substantially great risk (based on the description of the risk analysis provided by the commentor). The MND states that, although the pipeline has not been used on a regular basis since 1982, the pipeline was maintained to operate on a stand-by basis, and quantities of oil were occasionally moved through the pipeline to verify its integrity until the 4,000 foot section of the pipeline in Martinez was removed in 1998. Since that time, maintenance activities have been carried out regularly. A series of steps to ensure pipeline integrity are identified in the MND, including the use of a smart pig to detect any pipeline deterioration. The MND states that, based upon the results of the most recent smart pig test, the integrity of the pipeline is sound and can be reactivated without the need for repair or modification.

The pipeline has been kept filled with an inert gas during inactive periods to eliminate corrosion, and before it is reactivated, the line will be pressurized with water and leak tested. This will ensure that the pipeline will operate safely when reactivated

Response H8

The WCCUSD has correctly followed CCR Title 5 regulations by conducting a risk assessment for the proposed school in the New Pacific Development. WCCUSD notes in its comment (3) that the risk assessment found that the pipeline and pump station, at the present allowable limits, did not pose a “substantially great risk.” This study has not been provided to the CPUC. This DMND assumes that the allowable limits of the pipeline will not change. Therefore, the pipeline will continue to not pose a substantially great risk. If SPBPC desires to change the operating limits of the pipeline, then a new application that assesses the new risks would have to be prepared. The comment does not indicate when the four existing schools were constructed. Furthermore, as the pipeline has been in existence since 1975, and it is very likely that these same schools have coexisted with the pipeline for some period of time, it is unclear why a risk assessment would need to be performed at this time. The risk from the pipeline has remained constant over the past 27 years. Finally, there is no evidence of any real physical environmental impact and thus there are no direct economic consequences from the proposed project.

Response H9

Please see Master Response 1. Some of these entitlements were in place in 1976. Furthermore, they all must be considered as part of the existing environment. The comment does not indicate when the existing schools were constructed. However, please see the Draft Mitigated Negative Declaration (DMND) at Section 1.0, *Description of the Proposed Project*, pages 1-4 through 1-6. As stated, the Pipeline (which consists of the pipeline and the Pumping Station) was constructed in 1975 and actively used from 1976 to 1982 (19 to 25 years ago). Since 1982, the Pipeline has been maintained for potential use. The last major movement of product through the pipeline was

in 1991 (10 years ago). Following 1991, product has moved through the line to maintain its integrity.

Existing schools are considered in this analysis to be operating schools and the Pipeline is considered in this analysis to be an existing Pipeline not currently in active use, but maintained in an operable condition, with entitlements that allow its use to continue. As a result, easements for the Pipeline continue to exist, product continues to occasionally move through the Pipeline for maintenance purposes, and the Pipeline can be used more actively at any time within its approved limits and uses.

This pipeline was known to WCCUSD, and the New Pacific Properties Specific Plan EIR includes mitigation measures from the Redevelopment Plan EIR that require adequate setbacks commensurate with “the types of uses, the hazardous materials handled and wastes generated, environmental conditions (wind patterns, surface and ground water flows, soils characteristics, any reported contamination and status of remediation). The width of the buffer shall be intended to avoid significant environmental impacts” (DEIR, p. 5.5-17). The New Pacific Properties Specific Plan EIR also refers to the Redevelopment EIR’s requirement for “buffers, setbacks, and design features of the type currently incorporated into the Specific Plan. These features would provide an adequate buffer between proposed sensitive receptors on the project area and existing or approved adjacent industrial uses” (DEIR, p.5.5-18).

The comments of those attending the November 15, 2001 public meeting are part of the record for this document. Please also see Response to Comment B4, for the applicable general plan policy that addresses the development of residential areas near industrial uses.

Response H10

According to the State Department of Education (O’Neill, 2002), the WCCUSD is required to comply with various state regulations for siting a new school. Among those requirements is Title 5 of the California Code of Regulations, Division, Chapter 1, Chapter 13, Subchapter 1, Section 14010 (h), which states:

The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.

The required risk analysis study has been completed by WCCUSD and, according to the California Department of Education (CDE), the study determined that the risk was minimal (O’Neill, 2002). In addition, CDE requires a “one-quarter mile determination” to assess the risk of exposure to hazardous materials in the air, as well as other site related information (O’Neill, 2002).

In addition, WCCUSD is required to comply with the applicable mitigation measures identified in the *New Pacific Properties EIR*, which incorporates Redevelopment Plan EIR Mitigation Measure (F1(b)) (DEIR, p. 5.5-17), as follows:

10. The City shall condition approval of development proposals on the new Pacific Properties site on the provision of adequate buffers between proposed sensitive receptors on the site and existing or approved industrial uses on adjacent sites. Adequate buffers shall also be provided between such uses within the site. “Sensitive receptors” include but are not limited to residential, education and recreational uses. “Approved” refers to specific projects that have been approved as part of an overall development plan (such as a specific plan) or uses that may be developed “by right” on a parcel without additional discretionary approvals. The width of the buffers shall be determined on the basis of information regarding the type of uses, the hazardous materials handled and wastes generated, environmental conditions (wind patterns, surface and ground water flows, soils characteristics, any reported contamination and status of remediation). The width of the buffers shall be intended to avoid significant environmental impacts.

The *New Pacific Properties EIR* also incorporates (DEIR, p. 5.5-18) Redevelopment Plan EIR Mitigation Measure (F2(e)), which applies to the school site and which states:

13. The project would have buffers, setbacks and design features of the type currently incorporated into the Specific Plan. These features would provide an adequate buffer between proposed sensitive receptors on the project area and existing or approved adjacent industrial uses.

Response H11

Within the vicinity of the Hercules Pump Station, San Pablo Avenue is a four-lane divided arterial with bike lanes. Access into the Hercules Pump Station facility off San Pablo Avenue is right-turn in/out only. There are no apparent sight deficiencies at this entrance. Existing daily volumes on San Pablo Avenue in the project vicinity are approximately 7,000 vehicles per day.

As discussed in the DMND, operation of the proposed project would not change existing transportation facilities. Operation of the Hercules Pump Station would require between one to two workers daily to operate the facility. In addition, a maintenance crew of five to ten workers would be required to perform occasional maintenance at the Hercules Pump Station. These operational and maintenance activities would not result in a substantial increase in background daily or peak-hour traffic on San Pablo Avenue nor would they significantly increase the potential for conflicts on San Pablo Avenue.

The area nearest the pump station is proposed for multi-family and retail uses, while a potential school site has been identified toward the center of the Specific Plan area, accessible from San Pablo Avenue. These future uses could generate increases in vehicular, bicycle and

pedestrian traffic in the project area. However, future developments would be required to provide off-site transportation improvements as appropriate to ensure that potential increases in vehicular and pedestrian traffic from those developments would not result in a significant impact. Nevertheless, project-generated traffic from the Hercules Pump Station would not be considered a cumulatively considerable contribution to traffic on San Pablo Avenue, or to pedestrian safety issues.

Response H12

The commentor seeks to have consultation with the WCCUSD included in mitigation measures presented sections of the DMND. It is not necessary to specify this consultation into the mitigation measures for this proposed project. With respect to this proposed project, the CPUC has followed appropriate consultation with the WCCUSD and other agencies as required by CEQA and CPUC policies. This process is discussed in Response to Comment H2. For any future project, SPBPC may be required by CEQA and/or other laws to consult with WCCUSD, because it is assumed that SPBPC, and regulating agencies would comply with all pertinent noticing and consultations requirements, it is not necessary to further specify this as a mitigation measure for future projects.

Response H13

Please see Response to Comment H9.

Memorandum

To : Ms. Billie Blanchard
California Public Utilities Commission
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102-3298
Fax (415) 703-1758

Date: November 29, 2001

From : Robert W. Floerke, Regional Manager 
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Proposed Pacific Gas and Electric Company Application to Sell Project, Notice of Completion (NOC), Cities of Richmond, Pittsburg, and Hercules, Contra Costa County, SCH 2001102139

Department of Fish and Game personnel have reviewed the NOC and the Draft Mitigated Negative Declaration (MND), dated October 30, 2001, for the Proposed Pacific Gas and Electric Company's (PG&E) "Application to Sell the Richmond-to-Pittsburg Pipeline and Hercules Pump Station" and San Pablo Bay Pipeline Company's (SPBPC) "Application to Own and Operate These Assets" Project.

The Department must comply with the requirements of the California Environmental Quality Act (CEQA) in issuing incidental take permits for State-listed threatened and endangered species. The Department will also act as a responsible agency for any activities affecting a stream zone that require a Streambed Alteration Agreement (SAA). The document describes two creeks, Alhambra Creek and an unnamed drainage near Ferry Street, that would be crossed for installation of the 4,000-foot replacement pipeline section and also describes several special status species that have the potential to be found in this area. The MND should adequately discuss the project's impacts and potential mitigation measures that will satisfy requirements for SAA issuance.

The Draft MND indicates that the approval of the project would have potentially significant impacts to biological resources, and proposes mitigation measures to avoid or reduce impacts to less than significant levels. The document describes Mitigation Measure IV.I, which proposes that prior to construction activities the SPBPC shall conduct a biological survey of all areas affected by construction of the replacement pipeline section in Martinez and submit the survey to the California Public Utilities Commission (CPUC) mitigation monitor. Furthermore, the document states that if the survey

report indicates an adverse effect on special status species, the SPBPC shall consult with the Department and other appropriate resource agencies and shall implement measures required by the resource agencies including monitoring by the CPUC monitor. The document includes an example of measures that might be required such as preconstruction surveys for California red-legged frogs. The mitigation alternatives discussed in the MND also describe cleaning up any bentonite released into drainages as a measure that may be required.

It is the Department's position that mitigation measures deferred to later action, such as Mitigation Measure IV.1, would not adequately comply with CEQA and mitigate potentially significant impacts. Surveys should be conducted for any rare, threatened or endangered species that may exist on-site. Surveys for sensitive species, particularly plants, should be conducted at the proper time of the year. Survey results and specific mitigation measures must be included in the document. Surveys to be conducted at a later time, or mitigation measures to be identified at some future time, are not acceptable. It has been determined by court ruling that such studies and mitigation measures would be improperly exempt from the process of public and governmental scrutiny which is required under CEQA. A document which requests future studies or future identification of mitigation is considered incomplete. The MND should be revised to include survey results and specific mitigation measures proposed to reduce potential impacts to less than significant levels.

I1

Any proposed mitigation measures should be specifically discussed in the document, initiated concurrently with the project to reduce or eliminate any significant direct, indirect, or cumulative impacts to biological resources, including special status species, and included in the site-specific project activities identified in the MND. The Department recommends that a monitoring program be included in the mitigation to ensure that the measures are part of effective, measurable, and enforceable programs. Any measures included in the MND should address both permanent and temporary impacts.

I2

Any unavoidable impacts to wetland and stream habitat should be mitigated to provide comparable habitat to the impacted habitat functions and values. If on-site habitat enhancement or off-site compensatory mitigation is proposed,

Ms. Billie Blanchard
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Page 3

such proposed mitigation should include sufficient acreage to mitigate for the loss of impacted habitat, functions and values and to satisfy all applicable regulatory requirements such as SAA issuance.

For wetland areas and for streams, the Department recommends that the project provide adequate protection of the resources and minimize the need for future maintenance and bank armoring in the channel. The Department discourages the use of structures and rip-rap for erosion protection and recommends that suitable landscaping, consisting of native species, be planted.

I3

The U. S. Army Corps of Engineers (Corps) has jurisdiction over activities which include the discharge of fill material in wetland areas under Section 404 of the Clean Water Act. If work is to be done in wetland areas, we recommend the Corps be notified to determine if they have jurisdiction and require a permit.

I4

We appreciate your consideration of our comments. Department personnel are available to address these concerns in greater detail. Please contact John Krause, Associate Wildlife Biologist, at (415) 454-8050; or Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

cc: State Clearinghouse
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Sacramento, California 95812-3044

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LETTER I – DEPARTMENT OF FISH AND GAME

Response I1

Please see Master Response 2.

Response I2

The measures included in the DMND address the temporary impacts potentially caused by the 4,000-foot replacement project as discussed in Master Response 2. There are no permanent project impacts that require mitigation measures pertinent to the commentor's concerns (i.e., biological and cultural resource impacts).

Response I3

The 4,000-foot replacement section could, as noted in the document, affect wetland and stream habitat. Approval of the proposed project would allow the proposal for such structures as rip-rap for erosion protection. Approval of such structures would be the subject of further approvals in line with what is discussed in Master Response 2.

Response I4

The Regulatory Setting section of the DMND states on page IV-5 that:

“The portion of the pipeline route that would require relocation, with a stream crossing and a new pipeline installation at Martinez, may require a permit from the COE in accordance with this regulation because the pipeline replacement may fill wetlands adjacent to Alhambra Creek.”

MORRISON & FOERSTER LLP

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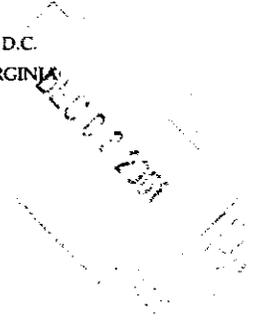
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November 29, 2001

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Via Facsimile and US Mail

Billie Blanchard, CPUC
c/o Environmental Science Associates
225 Bush St., Suite 1700
San Francisco, CA 94104-4207

Re: San Pablo Bay Pipeline Company's Comments on Draft Mitigated Negative Declaration - CPUC Application Numbers A.00-05-035 and A. 00-12-008.

Dear Ms. Blanchard:

This firm represents San Pablo Bay Pipeline Company ("SPBPC") regarding the matters reference above. In accordance with the established schedule for public review and comments, SPBPC hereby submits its comments on the Draft Mitigated Negative Declaration, dated October 30, 2001.

SPBPC's comments on the Description of the Proposed Project are as follows:

1. As a general comment, SPBPC's parent, Tosco Corporation ("Tosco"), recently merged with Phillips Petroleum Company ("Phillips"), with the result that Tosco is now a subsidiary of Phillips. SPBPC will continue to be a wholly-owned subsidiary of Tosco, but Tosco, in turn, is now a subsidiary of Phillips. The Commission addressed this merger, albeit not with respect to SPBPC, in Decision No. 01-05-021, dated May 3, 2001. Phillips and Conoco also have announced that they intend to merge in the future.

2. The Draft Mitigated Negative Declaration is contradictory and imprecise in describing the approved uses of the pipeline assets and appurtenant facilities ("Pipeline"). For example, page 1-2 correctly notes: "The Initial Study assumes the sale

J1

MORRISON & FOERSTER LLP

Billie Blanchard, CPUC
c/o Environmental Science Associates
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Page 2

of the Pipeline would not change its current CPUC-approved use: transport of 'oil, petroleum, and products thereof' (CPUC Decision No. 84448)." In other places, however, the Draft Mitigated Negative Declaration uses a less inclusive description of the permitted uses. For example, in Section 1.6.11 the Draft states: "The Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station were constructed specifically to transport fuel oil and would require significant modification to be used for other purposes. Any change in use of the pipeline and Hercules Pump Station initiated by SPBPC would require CPUC approval." These statements could be misinterpreted to limit the CPUC approved use of the Pipeline to fuel oil. It is important that the Final Mitigated Negative Declaration clarify that the current CPUC permitted use is not limited to the transport of fuel oil, but includes the "transport of oil, petroleum and products thereof." SPBPC does not have to seek additional authority from the CPUC to transport oil, petroleum, and products thereof. Furthermore, contrary to the Draft's statement, significant modifications to the pipeline and Hercules Pump Station would not necessarily be needed to transport other types of "oil, petroleum, and products thereof."

J1 cont.

This same lack of precision with respect to the CPUC approved uses of the Pipeline occurs elsewhere. The third paragraph of Page XII-2 a) indicates that the pipeline would likely be used to transport fuel oil. This is not necessarily correct. Again, the more inclusive approved use of "oil, petroleum, and products thereof" should be substituted. This change is consistent with the CPUC approved uses and also with the last sentence of Section 1.6.11 regarding reasonably foreseeable uses of the Pipeline.

3. Section 1.6.11 states that Tosco has one refinery in the area that could be fueled by petroleum. The term "fueled" is not correct. The refinery is not "fueled" by petroleum, but "processes" oil, petroleum and products thereof that could be moved through the pipeline. The refinery is "fueled" by refinery gas, electricity and natural gas.

J2

4. Section 1.6.11 of the Draft Mitigated Negative Declaration states that Tosco has several refineries and transport facilities along the route of the pipeline. While there are several refineries and transport facilities along the pipeline route that are owned by others that could be served by SPBPC, the only facility owned by Tosco is the Rodeo refinery.

J3

5. Section 1.7.1 seems to indicate that there is more than one operator actually on site during start up operations. This is not necessarily true. During start up of pumping operations, an on site operator will monitor activities at the site, but system controls may be monitored by an operator off-site.

J4

The Draft indicates that both Pacific Gas and Electric Company and SPBPC have agreed to all of the proposed mitigation measures. While this is generally correct

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Billie Blanchard, CPUC
c/o Environmental Science Associates
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Page 3

for most of the proposed Mitigation Measures, in a couple of instances the proposed mitigation measures seem to have been modified from that discussed with the applicants or may be improved. SPBPC's comments on the Mitigation Measures are as follows:

1. The timing associated with Mitigation Measures III.1 (Air Quality), IV.1 (Biological Resources), VII.1 (Hazards and Human Health) and VII.1b (Hazards and Human Health) are keyed to the transfer of title of the Pipeline to SPBPC. SPBPC believes that the timing for the implementation of these Mitigation Measures can be improved by referencing them to the more appropriate time of the start of construction. The Mitigation Measures should be modified accordingly.

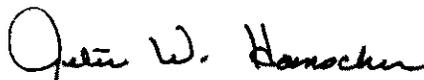
J5

2. Mitigation Measure I.1 (Aesthetics). The Mitigation Measure requires the submission of an aesthetic resources plan to the East Bay Regional Park District and to the City of Martinez. As SPBPC commented previously, it does not believe that an aesthetic resources plan should be required to be submitted to these agencies, unless they specifically request that SPBPC do so.

J6

SPBPC appreciates the opportunity to comment on the Draft Mitigated Negative Declaration.

Yours truly,



Peter W. Hanschen

cc Jeff Dill, Esq., San Pablo Bay Pipeline Company
Robert A. McElroy, Jr., San Pablo Bay Pipeline Company
Paul Holton, Pacific Gas and Electric Company

LETTER J – MORRISON & FOERSTER, LLP

Response J0

The comment is noted.

Response J1

Please see Master Response 1.

Response J2

In Section 1.6.11, the following sentence is revised to read:

Tosco has one refinery in the area that could process ~~be fueled by~~ petroleum.

Response J3

Please see Master Response 1.

Response J4

The last paragraph of Section 1.7.1 is changed to read:

“Currently, when the station is in stand-by mode, only one part-time operator is required to inspect the plant. When the station is in pumping mode, one operator is ~~operators are~~ needed at the station to begin pumping. One operator remains ~~in the control building on-site~~, while ~~another performs duties around the station~~ system controls may be monitored by an operator off-site. Pump station valves can be operated from the control building.

Response J5

The CPUC agrees with the commentor that Mitigation Measures III.1, IV.1, VII.1 and VII.1b should be implemented prior to the start of construction. The text, as written, for Mitigation Measures III.1 and IV.1 appropriately tie the implementation of the measure to the commencement of construction, not to the transfer of the pipeline. The text for Mitigation Measures VII.1 and VII.1b is revised as follows:

From p.VII-9

Mitigation Measure VII.1: Prior to construction SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the replacement pipeline route to ascertain the....

Mitigation Measure VII.1b: During construction SPBPC shall comply with all applicable regulatory agency requirements including those set forth by Contra Costa

County and the California DTSC regulations regarding the storage, and transportation of impacted soil and groundwater.

Response J6

Mitigation Measure I.1 was developed to address concerns of both the City of Martinez and the East Bay Regional Parks District expressed to CPUC Staff during the agency outreach portion of the environmental analysis process. The primary concern voiced a lack of information concerning what will actually be done in the replacement section corridor. Given the lack of detailed plans at this stage, an aesthetic resources plan ensures that the affected jurisdictions will have an opportunity for input once details are available. See also Master Response 2.

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November 29, 2001

James D. Squeri

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1946-1979

HAND-DELIVERED

Ms. Billie C. Blanchard
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San Francisco, CA 94102

**Re: PG&E Application Nos. 00-05-035 and 00-12-008; Mitigated
Negative Declaration**

Dear Ms. Blanchard:

I have previously written on behalf of Santa Clara Valley Housing Group ("SCVHG") to express concern about obvious and significant deficiencies which appear in the Mitigated Negative Declaration ("MND") prepared in conjunction with the above-referenced applications and recently published by the Commission staff for comment due November 29, 2001. Please accept the following as SCVHG's comments on the referenced MND.

SCVHG, a real estate developer with secured, approved plans to construct a residential subdivision in the City of Hercules, has filed its protest to Application No. 00-12-008 and has a direct and immediate interest in the accuracy of the environmental documentation that is under review in conjunction with A. 00-12-008. SCVHG believes that the MND is seriously deficient, either by reason of misstatement of facts or omission of information critical to the Commission's ultimate determination of the environmental impacts associated with the proposed project. These errors and omissions include the following:

(1) While the "Project Description" indicates that the "CPUC has concluded that all potential impacts can be mitigated to less than significant levels," the project description fails to describe the ultimate use(s) to which the subject facilities will or may be put. Without delineating and considering the various potential "actual" uses that are at issue, it is impossible for the CPUC to determine what might be the potential impacts of such uses, much less define the necessary level of mitigation required with respect to each such use. The proposed project description does not address two major considerations: (1) what product(s) will be conveyed in the pipelines and stored in the tanks; and (2) what are the potential origins and destinations for transportation of the pipeline product(s). CEQA Guidelines, Section 15063(a)(1) states: "All phases of project

K1

VIA HAND DELIVERY

Ms. Billie C. Blanchard

November 29, 2001

Page 2.

planning, implementation, and operation must be considered in the initial study of the project.” This has not been done.

(2) At p. XII-2, the draft states as follows: “While use of the pipeline would likely transport fuel oil, the end use of the fuel oil has not been determined.” It is obvious that fuel oil storage and transportation is not the only anticipated use for which approval is sought under the pending application. Without identifying and analyzing the other potential uses, it is impossible to adequately review the impacts upon SCVHG’s housing development.

K2

(3) At p. IX-1, the document, in describing the Project “Setting,” reads as follows: “The Hercules Pump Station is located on 44.2 acres of land...and undeveloped lands to the north.” The referenced lands to the north are not “undeveloped.” They are entitled with Vesting Tentative Map 8455 granted by the City of Hercules.

K3

Further the draft document states: “The city proposes to amend the general plan so that the land can be used for residential and commercial users, as well as construction of a new school. The city has completed an EIR on the proposed specific plan but has not yet adopted it into the general plan.” This statement is erroneous. SCVHG has a vesting tentative Map as does Catellus - information which was conveyed to the applicant in A. 00-12-008 as well as the Commission’s environmental consultant when SCVHG protested the proposed project in January, 2001 as a map owner. The General Plan, specific plan and other entitlements are all recorded on the land and substantial grading has begun. The plan is for more than 800 homes, a school, and a commercial site – all of which are entitled.

K4

(4) At Section 1.0 “Description of the Proposed Project,” 1.1 INTRODUCTION, the document reads: “Two parties, West Contra Costa Unified School District and SCVHG development company, filed protests to SPBPC’s application on January 16th, 2001, raising various issues. SPBPC filed a reply to those protests on January 26th, 2001.” There is, however, no explanation in the MND of the nature of the protests that have been lodged.

K5

SCVHG submits that the MND does not provide sufficient information to determine the probable environmental impacts of the proposed project. The MND fails to recognize that non-use of the pipeline represents the existing situation or status quo. The fact that maintenance of the line and relevant permits were kept current does not provide justification to determine that resumption of use of the line, potentially for a range of purposes that have not been adequately discussed in the MND, will have “less than significant impacts.” Such a determination completely ignores the fact that while the pipeline has remained idle for many years other projects and uses have continued or moved forward.

K6

SCVHG does not believe that the Commission is in a position to lawfully consider the above-referenced applications given the inadequacies of the MND. Given the potential impacts associated with the proposed project, SCVHG asks that the Commission staff reconsider the

K7

VIA HAND DELIVERY

Ms. Billie C. Blanchard

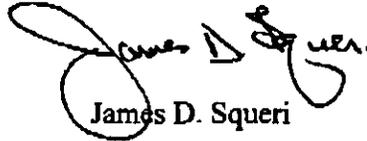
November 29, 2001

Page 3.

propriety of proceeding on the basis of a MND and instead undertake preparation of a full environmental impact report.

Should you have any questions regarding the concerns set forth herein, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James D. Squeri". The signature is stylized with large loops and a long horizontal stroke at the end.

James D. Squeri

2937/001/X29639-1

LETTER K – GOODIN, MACBRIDE, SQUERI, RIGCHIE & DAY, LLP

Response K1

Please see Master Response 1.

Response K2

Please see Response to Comment B2.

Response K3

Please see Responses to Comment B3 and B4.

Response K4

Please see Response to Comment B4.

Response K5

Please see Response to Comment B5.

Response K6

The commentor asserts that the DMND ignores the fact that the Pipeline has remained idle for many years. Actually, the DMND acknowledges this very fact on page 1-2 and explains the baseline used for the project:

“In conducting its CEQA analysis, the CPUC must set the environmental baseline, which is used to compare with the predicted effects that approval of the applications would have. Because there have been significant advancements in the design and construction techniques of oil pipelines since the Richmond to Pittsburg Pipeline was built, this Initial Study assumes that the baseline for conducting all the following potential environment impact analysis is the present day condition and status of the pipeline and pump station system (i.e., a system that has not been used for regularly scheduled fuel oil shipments for 19 years, and has not moved any products for 10 years). This document analyzes the potential changes that would occur as a result of approval of the PG&E and SPBPC applications, compared to the above baseline.”

Please also see Master Response 1 and Response to Comment H9.

Response K7

The comment is noted.

DEPARTMENT OF TRANSPORTATION

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December 4, 2001

CC-GENERAL
CC000191
SCH# 2001102139

Ms. Billie C. Blanchard, CPUC
c/o Environmental Science Associates
225 Bush St., Suite 1700
San Francisco, CA 94104-4207

Dear Ms. Blanchard:

PG&E Divestiture of Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station/San Pablo Bay Pipeline Company – Initial Study/Mitigated Negative Declaration

Thank you for including the California Department of Transportation in the environmental review process for the above-referenced project. We have reviewed the Initial Study/Mitigated Negative Declaration, and we have the following comments:

Any work or traffic control measures proposed within the State right-of-way (ROW) will require an encroachment permit. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, need to be submitted to the following address:

L1

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

If you have any questions regarding this letter, please call Rick Kuo of my staff at (510) 286-5988.

Sincerely,

RANDELL H. IWASAKI
Acting District Director

By 

DEC 07 2001

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: Katie Shulte Joung (State Clearinghouse)

LETTER L – CALTRANS

Response L1

The CPUC agrees that encroachment permits from CalTrans will need to be sought by SPBPC where needed. As is stated in the DMND:

Mitigation Measure XV.1a: Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.



CITY OF HERCULES
111 CIVIC DRIVE, HERCULES, CA 94547
PHONE: 510 • 799 • 8200

December 6, 2001

Billie Blanchard, CPUC
C/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, California 94104-4207

Subject: Comments on Draft Mitigated Negative Declaration, CPUC Application Numbers 00-05035 and 00-12-008, "Pacific Gas and Electric Company's Application to Sell the Richmond-to-Pittsburgh Pipeline and Hercules Pump Station and San Pablo Bay Pipeline Company's Application to Own and Operate these Assets"

Dear Ms. Blanchard,

Thank you for extending the comment period to December 7, 2001, and the opportunity to comment on the Draft Mitigated Negative Declaration for PG&E Company's application to sell the Richmond-to-Pittsburgh pipeline and Hercules Pump Station and San Pablo Bay Pipeline Company's Application to own and operate these assets. The following comments are submitted for your review and consideration:

1. On the first page titled "Mitigated Negative Declaration" under "Project Description" there are two separate applications before the CPUC:
 - (a). To sell the Richmond-to-Pittsburgh pipeline to a new owner, the San Pablo Bay Pipeline Company (SPBPC), and
 - (b). SPBPC is seeking permission to operate this pipeline and the Hercules pump station.

The last sentence in the last paragraph on that page states that "under an agreement between PG&E and SPBPC, PG&E has secured the necessary rights of way for a 4,000 foot replacement section in Martinez." A representative from the East Bay Regional Park District has shared that no such easements or agreements to construct this 4,000 foot section in Martinez, exists.

2. Under Biological Resources, Mitigation Measure IV.1, Wildlife Resources, surveys of the California red-legged frog to determine presence are to be conducted "prior to construction." The U.S. Fish and Wildlife Service and the California Department of Fish and Game should have been transmitted copies of the Draft Mitigated Negative Declaration for

M1

- their comments since there is a possibility that red-legged frogs currently are in the wetland area at the bottom of the hill near State Route 4. This wetland area which may contain red-legged frogs is also identified in the Draft Mitigated Negative Declaration as a containment area in the event of a rupture of the storage tanks; however, the Draft Mitigated Negative Declaration does not have a large scale site plan showing the Hercules storage tanks, containment areas and pump station building, consequently, we are forced to guess where this containment area is within the Hercules Pump Station. Please provide a large scaled site plan showing the Hercules Pump Station storage tanks, containment areas, access roads, parking areas, outside storage yards and pump station building. M2
3. Regarding Cultural Resources, Mitigation Measure V.1a, and V.1b, an investigation of historic documents for cultural resources should be conducted now and the results made a part of the Draft Mitigated Negative Declaration. Appointing a cultural resource specialist 15 days prior to the start of vegetation clearance activities seems a trifle late. The Resource Specific Data Recovery Plan should reviewed by the CPUC and the Native American Heritage Commission at least 30 days prior to the start of any project-related construction activity. M3
 4. Regarding Geology and Soils, Mitigation Measure VI.1, an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings should be conducted now rather than “prior to operation of the pipeline.” M4
 5. Regarding Hazards and Human Health, Mitigation Measure VII.1, a Phase 1 Environmental Site Assessment along the replacement pipeline route should be conducted now rather than “within 10 business days prior to transfer of title.” M5
 6. Regarding Land Use and Planning, Mitigation Measure IX.2, the City of Hercules should be included in the second sentence from the end of the page. Please define what it means that “the purchaser shall assure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.” Any changes or realignments to the proposed Shoreline Trail in the incorporated boundaries of the City of Hercules, requires a General Plan Amendment. M6
 7. Regarding Transportation/Traffic, Mitigation Measure XV.1b, access plans for highly sensitive land uses such as schools should be coordinated now rather than later. M7
 8. In Section 1.0, Description of the Proposed Project, 1.1 Introduction on page 1-1, first paragraph, fourth line, mentions a separate application No. 00-12-008 to the CPUC, that SPBPC is seeking to operate the Richmond-to-Pittsburgh Fuel Oil Pipeline and Hercules Pump Station. There is little discussion throughout this document of what the purpose of the Pittsburgh Power Plant is proposed to be doing. Please provide more detail and description of what this Pittsburgh is going to do since it is part of application no. 00-12-008. M8

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|-----|---|-----|
| 9. | On page 1-2, please define if crude oil is contained in the “transport of ‘oil, petroleum, and products thereof.” | M9 |
| 10. | Please provide the “detailed maps indicating the location of the pipeline are included in Exhibits A and B of the Company’s response to the CPUC Notice of Deficiency Regarding Remaining Generation Asset Applications, A.00-05-035, Richmond-to-Pittsburgh Fuel Oil Pipeline (Response to Deficiency Report.) mentioned on page 1-4. | M10 |
| 11. | On page 1-4, describes that the pipeline was designed for the “transport oil, petroleum and other similar products to PG&E’s former Pittsburgh and Contra Costa power plants”, and that “the pipeline was designed to provide the power plants with heated, low-sulfur, residual fuel oil from the refinery.” If the product in the pipeline changes, i.e. to crude oil, then new discretionary permit will be required to be submitted by the City of Hercules. | M11 |
| 12. | Figure 2, “Site Locations” are difficult to read (the map is faded, and there are no streets or existing developments identified) and give only generalizations. Please provide a detailed map showing which side of the railroad tracks the pipeline is on, which side of the North Shore Business Park the pipeline is located, more specific detail of improvements in the Hercules Pumping Station. In addition, the map shown and labeled “PG&E Richmond to Pittsburgh Pipeline” is outdated since a “chemical plant” was demolished over five years ago. | M12 |
| 13. | Page 1-6 states that “safety oversight of the pipeline and pumping station operations would be the responsibility of the Office of the State Fire Marshall.” | M13 |
| 14. | Page 1-6, Section 1-4, “Terms of the Divestiture” We would disagree with the last sentence on this page: “PG&E believes that the proposed sale is not subject to recent legislation (ABX 1-6) that prohibits PG&E from selling ‘facilities for the generation of electricity’ as the Richmond to Pittsburgh Fuel Oil Pipeline and Hercules Pump Station assets are not facilities for the generation of electricity.” The City of Hercules position is that the Richmond to Pittsburgh pipeline transports fuel oil from Richmond to Pittsburgh which is used to generate electricity at the Pittsburgh power plant; consequently, the City of Hercules believes that PG&E is prohibited from selling the Richmond to Pittsburgh pipeline since this pipeline is used to as a conduit for the generation of electricity at the Pittsburgh plant. In addition, page 1-8, Section 1.6, “General Maintenance and Construction Methods”, 1.6.1 “Procedures for Pipeline Operations”, the second paragraph states that “the Pittsburgh Pumping Station is owned by Southern Energy which would suggest that the Pittsburgh Power Plant is used to generate electricity, and that the pipeline is needed to provide a fuel source for the Pittsburgh Power Plant and Southern Energy to generate electricity. Selling the Pipeline would be a violation of ABX 1-6. | M14 |
| 15. | Please define “hot oil” as reference on page 1-7. Also on page 1-7, there is mentioned “pipeline(s).” Please clarify and describe | M15 |

16. Please provide a detailed, scaled site plan indicating the improvements of the Hercules Pump Station described on page 1-7, Section 1.5 "Project Components." Please describe in more detail:
 - a. The size of the control building, dimensions and height.
 - b. The size of the fire water pump building and tank, dimensions and height.
 - c. The size of the equipment pad with pumps and fuel heating units.
 - d. The facility drainage collection and treatment system, where does it drain to.
 - e. The aboveground storage tanks, how big and high are they?
 - f. The two-thousand gallon underground containment tank.
 - g. Where are the water-holding evaporation ponds?
17. Please describe the inert gas mentioned on page 1-8, fourth paragraph. Does this inert gas have an odor?
18. Please describe the "oily water" mentioned on page 1-13, "Maintenance Procedures for Hercules Pump Station Operations." Does the oily water have an odor? Also please cite the "applicable regulations" mentioned on page 1-13 for the treatment or disposal of this oily water .
19. On page 1-14, Section 1.6.11 "Reasonably Foreseeable Uses of the Pipeline" the City of Hercules should be included as a approving agency, and would suggest the following:
 - a. "Any change in use of the pipeline and Hercules Pump Station initiated by SPBPC would require CPUC *and the City of Hercules* approval."
 - b. "Any change in use would also require negotiation of amendments to easements and rights-of-way with numerous landowners, *and a new conditional use permit from the City of Hercules for the change in product in the pipeline or the modification to existing improvements to the Hercules Pump Station.*"

M16

M17

M18

M19

There is a distinct possibility that the product in this pipeline will be changing since the "Purchase and Sale Agreement prohibits SPBPC from seeking any change in the permitted use of the pipeline before the sale closes." The City of Hercules does not agree with the CPUC's statement that "it is reasonably foreseeable that for the immediate future following the sale, the use of the pipeline would remain as transport of petroleum products quite possibly between any of the several Tosco refineries and transport facilities along the pipeline." (Last sentence on page 1-14, Section 1.6.11) Because the following sentence in Section 1.6.12, "Points of Origin and Delivery" which says that "points of delivery for the petroleum product along the Richmond to Pittsburgh Fuel Oil Pipeline would be speculative at this point."

M20

20. Please provide the documentation for the statement that "the Hercules Pump Station was designed to allow movement of oil from a marine loading wharf that was once located at the former Gulf Refinery in Hercules, although no provisions were made to connect the wharf to the

M21

- pipeline.” (Second paragraph, page 1-14, Section 1.6-12, “Points of Origin and Delivery”)
21. Please describe more fully how the oil storage tanks operates on page 1-15, Section 1.7 “Long-Term Operation and Maintenance”, 1.7.1 Hercules Pump Station, Operation. Does the roof float to the top as the level of oil rises? How are the odors contained? Does the roof float down as the oil level drop? Please describe what “cutter stock” is? Please describe “heavy oil”? What kinds of solvents are in the cutter stock? Where is the Tosco’s Santa Fe Springs Pipeline Control Center? If this Santa Fe Springs facility is located in southern California along the “605 Freeway Corridor”, we would have a concerns since the pipeline leak detection system is located approximately 500 miles away from a possible leak in the Richmond-Pittsburgh pipe. M22
 22. Please describe how SPBPC would control odors generated from the storage of oil at the Hercules Pump Station. There is no mention of odor control in the “Maintenance” section on page 1-15, Section 1.7 “Long-Term Operation and Maintenance”, 1.7.1 Hercules Pump Station. M23
 23. Please clarify which agency has the responsibility for inspections and maintenance of the pipeline and the Hercules Pump Station. On page 1-16, Section 1.7 “Long-Term Operation and Maintenance”, 1.7.1 Hercules Pump Station, Maintenance, the United States Department of Transportation Office of Pipeline Safety guidelines are used for inspections and maintenance of the Hercules Pump Station. However, on page 1-6, Section 1.3 Background, 1.3.1, REGULATORY, the last sentence states that the Office of the State Fire Marshall has the responsibility for safety oversight of the pipeline and pump station operations.. Which agency has the inspection of the pipeline and the Hercules Pump Station? There appears to be a conflict. M24
 24. On page 1-2, Section 2.0, Environmental Checklist and Expanded Explanation, Visual Character and Policies, second to the last sentence at the bottom of the page, the “adjacent lots are undeveloped grasslands”, however, these parcels to the north are soon to be developed with residential neighborhoods, a school and commercial land uses approved through a Specific Plan presently known as the New Pacific Properties Specific Plan. M25
 25. On page I-5, Section 2.0, Environmental Checklist and Expanded Explanation, AESTHTICS IMPACTS DISCUSSION, we would disagree with the second sentence: “The pump station, located on 44.2 acres of land in the City of Hercules, is generally shielded from view from all directions..” The storage tanks are visible from the North Shore Business Park and the New Pacific Properties Specific Plan residential neighborhoods west of San Pablo Avenue, and the Foxboro residential neighborhood across Interstate 80 on the westerly side of the City of Hercules, and the hillside residences in the community of Rodeo. M26
 26. The Mitigation Measure I.1 on page I-5, Section 2.0, Environmental Checklist and Expanded Explanation, AESTHTICS IMPACTS

- DISCUSSION is in conflict with the East Bay Regional Park Districts easements in the Martinez area since the EBRPD has just completed a restoration project which the 4,00 foot new pipeline will impact, and the EBRPD has not granted any easements for the pipeline to allow SPBPC to construct. M27
27. Please provide a photographic simulation of the 4,000 foot pipeline as it would appear in the Martinez area, before and after construction. It is difficult to visualize what the appearance and affect the proposed pipeline would have visually in this area. M28
28. Please submit more information and a discussion of potential impact of odors generated from oil products stored in the existing storage tanks on the Hercules Pump Station site, and the mitigation as it relates to air quality on pages III-1 and III-2 of Section 2.0, Environmental Checklist and Expanded Explanation, SETTING and AIR QULAITY IMPACT DISCUSSION. We are especially interested in knowing how the storage tanks floating roof will contain the odors generated from the oil clinging to the sides of the tanks, and how the CPUC and SPBPC will contain these odors. M29
29. Please provide information on the capacity, size, height and appearance of the existing storage tanks describe on page IV-1 of Section 2.0, Environmental Checklist and Expanded Explanation, Biological Resources, SETTING, Pump Station. M30
30. Please provide more detailed, larger scale maps shown on Figure 3, "Alquist-Priolo Fault Rupture Zones." The maps provided in the Draft Mitigated Negative Declaration are faded, and unreadable. M31
31. Please clarify the odor generated as a result of the "cutter stock (a light cycle oil with properties similar to fuel oil)" that will be stored in the aboveground storage tanks that is described on page VII-2, "Setting, Operation of the Hercules Pumping Station" M32
32. On page VII-6, "Schools," there is recognition of a school being proposed within 1500 feet of the existing aboveground storage tanks. The location of the school has been approved through a Specific Plan process in the later part of 2000. The West Contra Costa Unified School District is actively pursuing the purchase of the school site. Development of this proposed is important for the adopted Specific Plan known as the "New Pacific Properties Specific Plan." If the Hercules Pump Station storage tanks are re-activated, the construction of this proposed is in jeopardy of being developed. There should be further analysis conducted focusing on the impacts of the storage tanks and the contents which may be transported to the Hercules Pump Station as it relates to the proposed school, the children and employees. M33
33. Throughout this document there is reference to "heavy oil", "cutter stock" and the possibility that the petroleum product could be crude oil, however, on page VII-7, "Fuel Oil Transport", fourth line it says that the "the proposed project does not include changing the type of material to be transported through the pipeline.." Please clarify what the product in the M34

pipeline will be restricted to. Is crude oil going to be allowed to be transported through this pipeline?

34. On page VII-7, "Operation of the Hercules Pump Station", the second sentence, "The school is called for in the City of Hercules General Plan, but has not yet received its needed approvals by the Hercules School District, and the city's Planning Commission or City Council" is incorrect. The school site has been approved through the "New Pacific Properties Specific Plan." And the West Contra Costa Unified School District is actively pursuing this school site. M35
35. On page IX-5, "Setting", "City of Hercules," last paragraph, first sentence should be revised: "The City of Hercules has ~~initiated a process to~~ adopted the "New Pacific Properties Specific Plan" ~~would~~ which encompasses ~~a discrete~~ the area north of and adjacent to the pump station..." M36

We appreciate the additional time given for the City of Hercules to review this Draft Mitigated Negative Declaration, CPUC Application Numbers 00-05-035 and 00-12-008. And we look forward to seeing your response to our comments. Please send any correspondence to:

Dennis Tagashira, Planning Manager
City of Hercules
111 Civic Drive
Hercules, CA. 94547

Sincerely,



Stephen R. Lawton,
Director of Community Development

cc: Michael Sakamoto, Acting City Manager
Mick Cabral, City Attorney

LETTER M –City of Hercules

Response M1

PG&E worked with the City of Martinez and the East Bay Regional Park District to obtain replacement easements for a new route to replace the portion of the easements and the pipeline, that were abandoned at the request of the City of Martinez and the Union Pacific Railroad in connection with the development of the Martinez Intermodal Project.

PG&E provided the following easements to ESA in December 2001:

- City of Martinez, LD 2402-03-0723, Doc-2001-0182873-00, recorded June 27, 2001 in the Contra Costa County Recorder's office.
- East Bay Regional Park District, a California special district, LD 2402-03-0724, recorded February 8, 2001 in the Contra Costa County Recorder's office.

Response M2

Please see Response to Comment H3.

Response M3

The commentor requests that under Mitigation Measure V.1a and V.1b, an investigation of historic documents for cultural resources should be conducted now and the results made part of the Draft Mitigated Negative Declaration (DMND). For clarification, the CPUC believes that the commentor has misunderstood these referenced mitigation measures. As provided on pages V-1 and V-2, site records and literature searches were performed at the Northwest Information Center (Sonoma State University) to establish the existing environmental condition (baseline). These searches included a review of the National Register of Historic Places (NRHP) listings, the State of California Historic Landmarks registers, and county and city registers for historic sites. Results of the listed historic and prehistoric archaeological sites as provided by the CPUC's Archaeological Consultant (Basin Research Associates) are indicated on pages V-2 through V-6. The intent of Mitigation Measure V.1a is to ensure that a CPUC approved cultural resource monitor is available at least 15 days prior to the commencement of any project-related construction activities although the analysis conducted for the MND failed to identify any significant known cultural resource sites. The cultural resource monitor presence will insure that if or when potential undiscovered resources are uncovered, appropriate action will be taken to assess and address these potential discoveries.

The last sentence of the comment states that the CPUC and the Native American Heritage Commission should review the Resource Specific Data Recovery Plan at least 30 days prior to the start of project-related construction activities. Again, the CPUC believes that the commentor misunderstood the intent of Mitigation Measure V.1b. This measure was drafted in accordance with Section 15126.4 (b)(3)(C), which states that when data recovery is the only feasible mitigation, a data recovery plan providing for adequate recovery of the scientifically consequential information about the historic resource shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be filed with the

California Historical Resource Regional Information Center (California State University at Sonoma), and as such must conform to their standards. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code (refer to Mitigation Measure V.3). As discussed in Master Response 2, the proposed project approval is really about transfer of ownership and operation not approval of the replacement section, it is premature to require a Resource Specific Data Recovery Plan at this stage.

Response M4

The comment states that the evaluation of tectonic creep, as required by Mitigation Measure VI.1, should be conducted now rather than “prior to operation of the pipeline.”

It is not necessary to conduct this evaluation prior to completion of the environmental documentation because it is understood that, although impacts related to fault creep are potentially significant, they can be mitigated to a less than significant level through necessary repairs if determined appropriate by an initial engineering evaluation. The mitigation measure, as stated, is adequate because it requires that a specific action needs to be taken to ensure that no impact would occur and requires that such an action be completed prior to operation of the pipeline.

Response M5

Please see Response to Comment E1.

Response M6

The proposed San Francisco Bay Trail currently follows a route that includes the use of easements that are also occupied by the Pipeline. This is the case in the City of Hercules, as well as in other jurisdictions. There is limited potential for Pipeline maintenance to be required at different points along the route, including points that may cross the San Francisco Bay Trail. Therefore, the following text change is made to Mitigation Measure IX.2:

Mitigation Measure IX.2: For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the ~~City of Pinole~~ relevant jurisdiction in which the Pipeline is located. The purchaser shall assure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.

The Association of Bay Area Governments indicates that the final San Francisco Bay Trail alignment through Hercules has not yet been determined (Thompson, 2002). However, any anticipated future maintenance activities along the Pipeline would be temporary and would not require permanent changes to the San Francisco Bay Trail. Therefore, no amendment to the Hercules General Plan should be required by a temporary alternative route due to maintenance activities.

Response M7

It would not be appropriate to develop a traffic control plan until the final design of the project is completed. As discussed in the DMND, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to commencing construction activities. This traffic control plan would be submitted to applicable jurisdictions for review and approval prior to implementation. As appropriate, the traffic control plan would include the requirements to develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, affected jurisdictions shall be asked to identify detours for emergency vehicles, which will then be posted by the contractor. The facility owner or operator would be notified in advance of the timing, location, and duration of construction activities and the locations of detours and lane closures.

Response M8

While the connection to the Mirant Pittsburg Power Plant (located in Pittsburg) still exists, the Pittsburg Power Plant has no foreseeable relationship to the proposed project. Please also see Response to Comments C1 and D1.

Response M9

Please see Master Response 1.

Response M10

As these maps large size drawings and are voluminous in number, one copy of the requested maps will be provided to the City under separate cover. However, several new figures have been prepared, as discussed in response H3.

Response M11

Please see Master Response 1.

Response M12

Please see Response to Comments H3 and M10.

Response M13

The comment is noted.

Response M14

While the pipeline is a “generation-related asset,” the pipeline does not generate, and never has generated, electricity except in the past to provided fuel oil to PG&E’s former Pittsburg and Contra Costa Power Plants which today are operated by Mirant and use natural gas as fuel. However, this issue will be determined in the context of the CPUC Application proceeding process.

Response M15

Transporting fuel oil through the pipeline requires heating the oil due to its viscosity. The fuel oil is thick and would not be movable without being heated. No. 6 low sulfur fuel oil has a pour point of approximately 110 degrees Fahrenheit.

As described on page 1-7 of the DMND, Section 1.5 “Project Components,” the pipeline is comprised of two sections. The Richmond to Hercules section of the pipeline is an insulated, 12-inch diameter fuel oil pipeline, approximately 10 miles in length. The Hercules to Pittsburg section is an insulated, 16-inch diameter fuel oil pipeline, approximately 25 miles in length.

Response M16

See attached map, Figure 1-7. The control building is 30 feet wide, 60 feet long and 13.5 feet high. The fire water tank is a 1,000,000 gallon tank which is approximately 50 feet high and 58 feet in diameter, and the fire tank building is 30 feet wide, 59 feet long, and 13.5 feet high. The size of the equipment pad with pumps and heating units is 54 feet wide, 240 feet long, and 25 feet high (height of pipes, except stacks). The heater equipment area at the south end of the pad is 54 feet wide, 65 feet long and 60 feet high, including the stacks. The valving station behind the pumping pad is 25 feet wide, 95 feet long, and 25 feet high (reflecting the pipes). The three large tanks (250,000 bbl) are 193 feet in diameter and 50 feet high. The cutter stock tank is 120 feet in diameter and 50 feet high. These tanks are all painted green.

As shown on Figure 1-7, the storm and oily water drainage system feeds into the impounding basin and the water holding pond is located on the south-eastern corner of the site.

Response M17

This inert gas is mostly air, with possibly a small amount of nitrogen. There are no odors associated with these inert gases.

M18 The “oily water” is a product of the pipe cleaning process. It is created when water used to clean the pipe mixes with residual cutter stock oil in the pipeline. However, there are no odors associated with this oily water. The oily water is stored/collected in tanks and transported off-site to a nearby treatment facility.

Response M19

Please see Master Response 1 and Response to Comment B2.

Response M20

Please see Master Response 1 and Response to Comment B2.

Response M21

In response to this comment, PG&E (Personal communication with Mr. Paul Holton of PG&E, Mr. Tim Morgan of ESA and Billie Blanchard of the CPUC, January 10, 2002) has provided the following information:

“The Hercules Pump Station was originally designed to accommodate movement of fuel oil from the wharf as an alternative to moving oil from the Chevron Facility in Richmond. No provisions for a connection to the wharf were made because the need to implement this alternative never materialized.”

Response M22

The roof of each oil storage tank floats to the tops as the level of oil rises, and conversely floats down as the oil level drops. There are little or no odors associated with heavy oil.

Cutter stock is light cycle oil with properties similar to fuel oil. It is used to assist with cleaning out the Pipeline prior to use of the smart pig (used for leak detection).

Heavy oil is a non-viscous fuel oil that is nearly solid in characteristic. In order to be transported, heavy oil needs to be heated and reduced to a more liquid state.

The pipeline system was designed for heavy fuel oil or “residual fuel oil” with a range of the following characteristics²:

API gravity at 60° Fahrenheit	17.5
Specific gravity at 60° Fahrenheit	0.95
Specific heat (btu/lbm-° Fahrenheit)	0.475
Pour point	20° Fahrenheit– 125° Fahrenheit
Flash point	150° Fahrenheit – 125° Fahrenheit

In the 1980s, the Bay Area Air Quality Management District limited fuel oil to 0.5% sulfur content or less, thus changing some of the fuel characteristics slightly.

Tosco’s Santa Fe Springs is located in southern California, as the commentor suggests. However, it is not uncommon at all to have such a central control facility for such operations. With leak detection system telemetry and the presence of local maintenance personnel to respond, there should be no concerns about Tosco’s ability to control pipeline operations remotely.

Response M23

With regard to odors from the tanks at the pump station, SPBPC is required to maintain the tanks in accordance with applicable air permits, as issued by the BAAQMD. Tank seals must be kept in good condition as required by the applicable permits, thus resulting in little or no odors associated with any oil stored at the Hercules Pump Station.

² Section 3.3: Fluid Characteristics, Definitive Design Manual, Fuel Oil Pipeline. September 1974, revised 1976.

Response M24

The DMND states on page 1-6 that the State Fire Marshall has the responsibility for safety oversight of the pipeline and pump station and the responsibility for inspections. The Fire Marshall is the enforcing agency in the state as designated by the Federal Office of Pipeline Safety. The US Department of Transportation Office of Pipeline Safety sets guidelines, which must be followed. There is no conflict in the text.

Response M25

Please see Response to Comments B3 and B4.

Response M26

The first paragraph on page I-5 is revised as follows:

For the existing underground pipeline, located primarily within railroad or public street right-of-ways, the sale and subsequent operation of the pipeline would have little to no effect on aesthetic resources along the pipeline route, with the possible exception of temporary disruption of views if and when SPBPC replaces or adds components of the pipeline. The pump station, located on 44.2 acres of land in the City of Hercules, is generally somewhat shielded from view, but still visible from the North Shore Business Park, the New Pacific Properties Specific Plan planned residential neighborhoods west of San Pablo Avenue, the Foxboro residential neighborhood across Interstate 80 on the westerly side of the City of Hercules, and the hillside residences in the community of Rodeo, from all directions, and its The pump station's construction, however, preceded that of the development around it, and is considered part of the baseline setting. Therefore, the project's only likely potential impact on aesthetics resources would be along the 4,000-foot replacement section in the City of Martinez. SPBPC has not yet announced its plans for the underground construction of the missing section. However, as mitigation for construction activity that SPBPC might conduct, PG&E stated in its Proponent's Environmental Assessment that "landscape features and recreational equipment would be restored to pre-construction conditions," and that "construction activities affecting parklands and trail systems would be coordinated with the East Bay Regional Park District and the City of Martinez." SPBPC would be required to implement these mitigation measures as part of the sales agreement for the Pipeline, but are also formalized below. Therefore, with these mitigation measures, the impact of construction on aesthetics resources would be less than significant.

Response M27

Please see Response to Comment N1 below.

Response M28

The 4,000-foot pipeline replacement section would be constructed underground. After construction, the pipeline section would not affect the area visually because the pipeline would be buried and below ground. Because of this, a photo simulation would serve no discernable purpose.

Response M29

SPBPC will operate and maintain floating roof storage tanks at the Hercules Pump Station in accordance with applicable air permits issued by BAAQMD. A floating roof tank consists of a roof that floats on the liquid surface. The roof moves up and down as the tank is filled and emptied. Seals, which are attached to the roof, contact the tank wall at the annular space between the roof and the wall. The seals remove any residue oil from the tank walls as product is withdrawn from the tank and as the roof drops. Studies have shown that properly maintained seals will reduce emissions from a floating roof tank by 95% to 99%³. Tank seals at this facility will be kept in good condition in order to maintain maximum control of vapor emissions, since they are subject to inspection by the Air District. As a result, there would be little or no product remaining on the exposed tank walls that could evaporate and cause odors.

Response M30

Please refer to response to comment M16.

Response M31

The comment requests that more detailed, larger scale maps, shown as Figure 3, Alquist-Priolo Fault Rupture Hazard Zones, be provided because those provided in the Draft Mitigated Negative Declaration are faded and unreadable. The maps provided as Figure 3, renamed as Figure VI-1, have been revised with darker lines that enhance the location of the Alquist-Priolo Fault Hazard Zones. The scale of these maps is adequate to identify a sufficient level of detail.

Response M32

Cutter stock is an oil similar to product that has been used before in the pipeline. Neither the product to be shipped nor the cutter stock has sufficient vapor pressure to result in odors occurring from evaporation. In addition, there have been no odor complaints from the tank farm and pump station registered with the BAAQMD.

Response M33

Please see to Response to Comment H9.

Response M34

Please see Master Response 1.

Response M35

Please see Response to Comments B3 and B4.

³ *Volatile Organic Compound (VOC) Emissions from Liquid Storage Tanks-Background Information*, USEPA, EPA-450/3-81-003a.

Response M36

Please see the text revisions made to pp. IX-6 and IX-6 for Response to Comment B4.



December 6, 2001

Billie Blanchard, CPUC
 c/o Environmental Science Associates
 225 Bush Street, Suite 1700
 San Francisco, CA 94104-4207

Subject: CPUC Application Numbers 00-05-035 and 00-12-008
 Martinez Regional Shoreline

Dear Ms. Blanchard:

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Mitigated Negative Declaration (MND) for Pacific Gas and Electric Company's (PG&E) proposed sale of the Richmond-to-Pittsburg Pipeline to the San Pablo Bay Pipeline Company (SPBPC). Per your fax of November 20, 2001, we are submitting our written comments prior to the extended comment deadline of December 7, 2001. Thank you for granting the one week time extension.

Summary of Comments

The District has no comment on the purpose or need for the proposed project. Our comments focus primarily on the construction and operational impacts associated with a segment of pipeline within or adjacent to District lands at Martinez Regional Shoreline and the San Francisco Bay Trail in the Martinez area. Potentially significant impacts include construction and operational impacts to park facilities, public access, wetlands, endangered species habitats and park maintenance and operations. These impacts are not adequately discussed, nor are effective mitigation measures proposed for these impacts in the MND. The MND is clearly inadequate and should be withdrawn until these deficiencies can be adequately addressed.

It is not clear to the District that "PG&E has secured the necessary rights of way for a 4,000 foot replacement section", as described in the MND. PG&E has failed to provide consideration called for under the agreement to grant the easement required to relocate the pipeline across District property. Such a failure of consideration casts strong doubt on the legality of the document conveying the easement.

The MND should specifically state that PG&E, SPBPC and/or their successors are required to obtain a District encroachment permit to construct within District lands. As such, the District should be listed as a Responsible Agency under CEQA. We may need to rely upon the CPUC's

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N1

N2



MND in processing the required encroachment permit application. A discussion of these potential impacts and requirements are provided later in this letter.

The remainder of the pipeline passes through or near existing or proposed public open space and regional trail systems that could be affected by pipeline maintenance, future replacement, operations and possible failure and release of product. Figure 1 in the MND provides a poorly reproduced copy of an 8 ½ by 11 map of the 35-mile pipeline. The quality and scale of this map is not suitable to determine the location of the pipeline or potential impacts. As a result, we could not determine which District facilities might be affected or how they might be affected by this project. Potentially affected facilities could include Point Molate, Point Pinole Regional Shoreline, San Pablo Bay Shoreline, Carquinez Straits Regional Shoreline, Waterbird Regional Preserve, Point Edith, Bay Point Regional Shoreline, San Francisco Bay Trail and Delta-DeAnza Regional Trail. Should any of these facilities be affected by this project, we request immediate notification and consultation with PG&E, SPBPC and CPUC about such impacts. We are also requesting that the District be provided with detailed mapping of the entire pipeline route so that we can determine how other District facilities may be affected by this project. Until such information is provided, we cannot provide a complete set of comments about the proposed project. Accordingly, the public review period should be extended, and the CPUC should provide sufficient mapping and information to address potential impacts and receive complete input from affected parties.

N3

Martinez Regional Shoreline

The District has owned and operated this 343-acre shoreline park since 1976. Facilities include recreational areas operated by the City of Martinez, plus large lawns, picnic facilities, nature trails, Alhambra Creek and tidal wetlands. An 18-acre portion of the park was restored in 1999-2001 through a series of agreements between the District, Caltrans and the City of Martinez. The goals of this enhancement project are to

1. provide for enhanced public access;
2. restore Alhambra Creek and its associated tidal wetlands;
3. provide new habitat for endangered species;
4. reduce District maintenance costs; and
5. provide for additional flood water capacity in Alhambra Creek.

The proposed relocation of a 4000-foot segment of pipeline has the potential for significant adverse impacts to Martinez Regional Shoreline and to achieving the five stated goals for the joint shoreline enhancement project. The MND briefly mentions that the potential for conflict with Goal 2 has the potential for significant adverse effects, but that this effect can be mitigated by coordinating project construction with the District. We do not agree with this conclusion because the MND provides insufficient information about how the project would affect Goal 2, nor does it provide adequate information on how such impacts would be mitigated. CEQA is

N4

very clear that mitigation measures must be well defined and measurable. Furthermore, the MND does not address potential impacts to the other four goals for this project. Based on the information provided in the MND, we can only conclude that this project has the potential for significant adverse effects to all five of the above goals.

N4 cont.

The MND correctly concludes that several of the project impacts to Martinez Regional Shoreline are potentially significant. However, the Negative Declaration improperly concludes that all of these impacts can be successfully mitigated to a less than significant level by imposing mitigation measures based upon the outcome of future studies. Such an approach is clearly inconsistent with CEQA. In order to meet the requirements of CEQA, the MND must provide enough information for the CPUC commissioners, regulatory agencies, responsible agencies and the public to make an informed decision about the project, its impacts and measures to reduce or avoid potentially significant impacts.

It appears that PG&E and SPBPC have not provided sufficient information to the CPUC about the project description, proposed methods of construction, potential project impacts, or suitable mitigation measures. The discussion in the MND is of a very general nature and defers the discussion of essential information until after the CPUC has taken action to approve or deny the application. Such information must be contained within the MND and not deferred to future studies. In considering this project, the CPUC must look at the whole and complete action and it must have a clear understanding the magnitude of potential impacts and feasibility of mitigation measures to reduce these impacts. In the absence of such information, the CPUC cannot conclude that in all cases potentially significant impacts can be reduced to a less than significant level as is required to prepare a Negative Declaration or file a Notice of Determination.

N5

Therefore, we must conclude from the information provided that some of these impacts will remain significant after mitigation, and on that basis the CPUC should either withdraw the MND and prepare an Environmental Impact Report (EIR) or recirculate the MND with a more comprehensive analysis of potential project impacts and mitigation measures that can be successfully implemented by the applicant.

We provide the following specific comments on the various environmental factors considered in the subject MND.

Aesthetics: The discussion of visual character and agency policies fails to include District Master Plan policies relating to the visual impacts of utilities within parklands. The District's Master Plan specifically prohibits new construction of above-ground utilities. This would include valve stations as described on page I-5 of the MND. Mitigation Measure I.1 should specifically state that valve stations and other above-ground project components cannot be constructed within parkland or within the viewshed of sensitive receptors within the park or trail corridors.

N6

There are several prominent landscape trees planted along the southern boundary of the park at

the northern edge of the proposed right of way. These trees provide a significant visual buffer between the park and the adjacent concrete building on the Zocchi property. Removal of these trees would result in a significant and unmitigatable visual impact to sensitive receptors in the park. The District will not permit the removal of these trees as part of constructing the pipeline project in this area. The MND should also address the potentially adverse effects of trenching adjacent to these trees and implement the necessary mitigation measures to protect them.

N7

Biological Resources: The MND overlooks or understates the significance of several potential impacts from the construction and operation of this project on sensitive biological resources. This can be attributed, in part, 1.) to a poor understanding of present site conditions; 2.) lack of adequate biological survey information; 3.) a speculative analysis of construction impacts because the proposed method of project construction has not been defined by SPBPC.; and 4.) the potential effects of a pipeline failure on biological resources has not been considered.

- 1.) Present site conditions have been substantially altered since the right of way was initially mapped in 1998. The 20 foot right of way along the east side of Alhambra Creek was partially excavated by the City of Martinez in 1999 and 2000 to allow for the creation of a flood terrace. As a result, approximately 10 feet of the 20 foot right of way is now a wetland flood terrace of Alhambra Creek. The remaining 10 feet of right of way is upland fill, approximately three feet higher than the excavated flood terrace. As a result of these changes, there may no longer be adequate upland right of way in which to construct the pipeline. Excavation within the adjacent wetland would result in significant, adverse effects to wetlands and to endangered species habitats, including habitat for Delta smelt, Chinook salmon, salt marsh harvest mouse, clapper rail and black rail. Such impacts would conflict with the goals established for the District's marsh enhancement project.

N8

The MND also references that some form of bank protection may be necessary to prevent exposure of the buried pipeline. Installation of bank protection may prevent the proper establishment of native vegetation and suitable refugia cover along the creek. Such cover is important to waterfowl, nesting marsh birds and for salt marsh harvest mouse. Instead, it would be more appropriate to relocate the pipeline further away from the creek so that the risk of pipeline exposure or failure is eliminated, and so that suitable native cover can be maintained along the creek.

N9

- 2.) It appears that no field surveys or research was conducted to support the discussion of biological resource impacts or to support the conclusions regarding significance or the effectiveness of proposed mitigation measures. On page IV-3, there is a brief discussion of species that "might" or "may" be present in or near the project area, however, there is no evidence that surveys were performed, data bases searched, experts consulted or other relevant studies reviewed.

N10

The District, Caltrans and City of Martinez have all generated considerable information about biological resources in this area as part of the planning, design, permitting and construction of the Martinez Marsh Enhancement Project. This information should have been considered by the CPUC in the subject MND. This includes wetland delineations, wildlife and plant surveys, hydrological analysis, hazardous materials investigations, etc.

N10 cont

Results from field surveys at Martinez show that the endangered salt marsh harvest mouse is present in the project area. It may be adversely affected by construction of the new pipeline. California clapper rail and black rail were not located during recent surveys, however, they were present historically and are two of the targeted species for the enhancement project. Northern harrier and Suisun song sparrow are present in the project area and may be affected by project construction. Black-crowned night heron and white-tailed kite may also be nesting in the pine and eucalyptus trees in the project area. The newly restored wetland and mud flat areas within the proposed right of way have considerable usage by shorebirds and waterfowl. Fish surveys are on-going to determine which of the special-status fish species may be present, however, Delta smelt and Chinook salmon were specifically targeted when the creek was widened and adjacent wetlands restored. Several special-status plant species that were historically present in the project area and may be affected by project construction, including Delta tule pea, Mason's lilaeopsis, Delta mudwort, Suisun Marsh aster and others.

- 3.) The discussion of project impacts is incomplete and much of the analysis of impacts is speculative because the CPUC does not know the proposed method of construction and the applicants have not provided adequate information on the biological resources present or how they might be affected by the project. In all cases where potentially significant effects are identified, the MND assumes that these impacts can be mitigated to a less than significant level. This approach is flawed because the MND lacks the basic information to draw such conclusions. Furthermore, the assessment of certain project impacts and the potential success of mitigation measures are based on the outcome of future studies.

N11

The MND also errors in assuming that all potentially significant impacts to the District's Marsh Enhancement Project can be resolved by adjusting the timing of construction activities. Such an assumption is again unsubstantiated by the information provided in the MND. The District has not been formally contacted by the CPUC, PG&E or SPBPC to discuss the nature and timing of the two projects or how schedules could be coordinated to avoid potential conflicts. Furthermore, as described under #1 above, project site circumstances have changed considerably since 1998 and it may not be possible to avoid conflicts between the two projects as presently described. The District will not likely grant an encroachment permit that will allow for the construction of new pipeline within the newly restored Alhambra Creek and marsh. Therefore, the potential for conflict between the two projects may not be resolvable in the manner described in Mitigation Measure IV.2 on pages IV-10 and IV-11 of the MND.

- 4.) We could find no discussion in the subject MND about the potentially significant adverse effects of pipeline failure on the biological resources at Martinez Regional Shoreline. The proposed 4,000 foot segment of new pipeline will require a new crossing under Alhambra Creek, and then installation of another ~1,000 foot segment parallel to the creek's east bank (including two 90° turns), and then another ~1,000 segment adjacent to tidal marsh, and finally another small crossing of a drainage into Alhambra Creek near DiMaggio Way. Failure along any portion of the new 4,000 foot section of pipeline would likely result in the discharge of petroleum into Alhambra Creek, adjacent tidal marshlands, and ultimately, San Francisco Bay. Such a discharge would result in a number of significant effects to biological resources, including wetlands, wildlife, and several special-status plant and animal species. The MND does not adequately discuss this potentially significant effect.

N12

On pages VII-1 and VII-2 of the MND, there is a discussion about pipeline maintenance and inspection. It appears that the existing pipeline has not been tested for pipe-wall deterioration for six years. This would appear to be too infrequently for this pipeline when returned to operation in a corrosive saline environment. Given the sensitivity of many areas along the route, how frequently would it be tested under normal operations by SPBPC?

The discussion of leak detection on page VII-2 of the MND states that remote control isolation valves can be located up to 10 miles apart along the pipeline. In the event of pipeline failure, how far away would the nearest valve be from the Martinez Shoreline? If the valve was 10 miles away, how much residual oil could actually be discharged from a failure into Alhambra Creek? This could potentially be several thousand gallons of oil. What secondary controls can be implemented to prevent the residual oil from being discharged once the isolation valve has been closed? This potentially significant impact could be greatly reduced in magnitude if the right of way were relocated in the Martinez area away from Alhambra Creek and associated wetlands.

Land Use and Planning: The discussion of consistency with land use and planning fails to include a discussion of this project's consistency with the District's 1997 Master Plan. As one of the responsible agencies who may be permitting construction of the new pipeline in Martinez, the District may need to rely upon the CPUC's MND to meet its own CEQA requirements. As such, the MND should contain a discussion of project consistency with our Master Plan. This would include our policies regarding protection of natural and cultural resources, public access, trails, planning and permitting, facility development, underground utilities, maintenance and operational costs. If ultimately, the MND does not meet District CEQA standards, we may need to prepare our own CEQA document at the applicant's expense.

N13

Park users can currently access Martinez Regional Shoreline from three separate locations. Each of the locations may be subject to closure during some portion of the proposed pipeline

construction. The mitigation measures described in this section do not adequately protect the park from potentially significant impacts due to road and trail closures that access the park. There should be specific mitigation requirements in the MND that prohibit SPBPC and their successors from closing more than one point of access at any given time and these closures should be kept to the minimum necessary to minimize impacts to the public. During each period of closure, SPBPC will need to provide informational signage about how to access other entrances to the park. Flaggers should also be provided to direct park and Bay Trail users to these alternative locations.

N14

Contrary to the statements contained in the MND, construction activities will not be permitted in the park on Saturdays, Sundays or holidays. In addition, construction activities outside the park during these periods should not restrict access to the park. Construction activities will need to be coordinated to accommodate major events in the park, such as weddings and holiday celebrations. The 4th of July is a major event in the park with thousands of visitors accessing the shoreline to observe fireworks. Open ditches and closures during this period could pose significant safety hazards to park users and should be avoided.

San Francisco Bay Trail: Portions of the San Francisco Bay Trail within Alameda and Contra Costa Counties have been formally adopted by the District and are shown in our 1997 Master Plan. In addition to coordinating with Janet McBride of ABAG, the CPUC and applicants should also be coordinating with the District about potential project impacts to Bay Trail segments under District jurisdiction. Please contact Steve Fiala (note spelling), Trails Specialist, for information about the Bay Trail. The District and City of Martinez are currently finalizing plans for the construction (in 2002) of a new bridge across Alhambra Creek and a key segment of the San Francisco Bay Trail. The 4,000 foot replacement pipeline is proposed for construction along the route of the planned trail and new bridge at Martinez Regional Shoreline. The proposed pipeline project has the potential for significant adverse effects to these public access facilities. Impact IX.2 on page IX-10 and Mitigation Measure IX.2 on page IX-11 should both specifically identify these potential impacts and propose mitigation measures.

Potential impacts to the Martinez Regional Shoreline Bay Trail segment would include both construction and long-term operational impacts. Since the construction schedule and method of construction are not provided in the MND, we are assuming that the proposed pipeline would be constructed after completion of the new Bay Trail segment and new bridge across Alhambra Creek. The new Bay Trail segment will begin at the Nejedly Staging Area at Carquinez Strait Regional Shoreline, dropping down to the south side of the Southern Pacific Train tracks, crossing at-grade at Berrellessa Street, then along Berellessa to the staging area, crossing Alhambra Creek on a new bridge, along the north side of the Zocchi property, crossing the small drainage ditch to connect with DiMaggio Way and continuing through the park. The new Bay Trail segment will intersect or run parallel to the proposed pipeline route at three locations: 1.) the new underground segment along Embarcadero Street; 2.) the at-grade crossing at Berrellessa Street on the north side of the train tracks, west of Alhambra Creek; and 3.) along a ~1,000

N15

segment starting at the east end of the new bridge over Alhambra Creek to the intersection with DiMaggio Way. Each of these areas of concern are discussed below.

- 1.) Pipeline construction along Embarcadero could restrict or prevent access to the park office, Pidgeon Club, Sportsman's Club, and public access to the shoreline trails. As described above, construction would need to be carefully coordinated with the District to minimize disruption.
- 2.) The at-grade crossing of the Bay Trail at Berrellessa Street may be affected by construction of the new pipeline. Since the method of construction has not been provided by the applicant, we are unsure how this segment would be affected. In general, construction activities that result in closure of Berrellessa Street would impact park and trail users and park operations staff. This could also be a concern for emergency vehicles needing to access the shoreline. If a trench is cut through the trail, this would need to be carefully compacted afterwards to assure that there is no subsidence that would create trip-fall hazards for trail users. Construction would need to be carefully coordinated with the District to minimize disruption.
- 3.) Perhaps the most significant area for potential conflict would be along the northern boundary of the Zocchi property where the proposed pipeline right of way would intrude into the area of the foundation for the new bridge across Alhambra Creek. As currently designed, the east footing and wingwall of the bridge would be located within the proposed right of way, which is already constrained to a 10 foot wide upland area. Since it is likely that the bridge footings will be constructed before the pipeline, it is likely that the pipeline right of way will need to be shifted east at this location to avoid this conflict.

Another area of potential conflict at this location is the ~1,000 foot segment of Bay Trail that will be located immediately adjacent to or on top of the proposed pipeline right of way. Installation, maintenance or replacement of pipeline along this right of way has the potential to damage or destroy the trail surface, landscaping, irrigation system and other park facilities. Furthermore, trail closure may be necessary because of the tight construction area between the existing concrete buildings and the row of landscape trees. Construction would need to be carefully coordinated with the District to minimize disruption. SPBPC would need to repair or replace these facilities as necessary to their pre-construction conditions. Additional compensation will also be necessary for District oversight of project construction.

Noise: Construction related noise may have disruptive effects to park users and wildlife. Construction activities near Alhambra Creek and adjacent wetlands should be timed to avoid noise impacts during high use periods. This would include weekends and holidays for park users in which no construction would be allowed within the park. The winter-spring months for migratory birds would also be an area of concern which should be avoided. There may also be

N15 cont

N16

specific restrictions for fisheries and special-status species which should be determined in consultation with National Marine Fisheries Service, U.S. Fish and Wildlife Service and California Department of Fish and Game.

N17

Public Services: Maintenance or replacement of the pipeline underneath the San Francisco Bay Trail at Martinez Regional Shoreline has the potential to disrupt trail users and damage or destroy the trail surface and other park facilities. Pipeline maintenance also has the potential to disrupt maintenance and public safety vehicle access to the Bay Trail and adjacent parklands. A District encroachment permit will be required for such activities and SPBPC will be responsible for repairing or replacing damaged facilities and for coordinating with the District to avoid access conflicts.

N18

District Encroachment Permit: As a condition of granting an encroachment permit to the applicants, the District will require at a minimum the following fees, information, approvals and protections:

- Warranty for any trail or facility replacement;
- Permit application and project inspection fees;
- Review and approval of construction plans at all phases;
- Copies of all regulatory permits and approvals;
- Copies of all CEQA documents and technical studies prepared to obtain CPUC approvals; and
- District project inspectors ability to stop work for non-compliance with permit conditions.

N19

Should you have any questions regarding this letter, please contact me at (510) 544-2622. Specific questions regarding trails issues should be directed to Steve Fiala at (510) 544-2602 and questions regarding rights of way should be directed to Jim Townsend at (510) 544-2604.

Sincerely,



Brad Olson
Environmental Program Manager

cc. Richard Pearson, City of Martinez
Steve Fiala, EBRPD
Jim Townsend, EBRPD

LETTER N – EAST BAY REGIONAL PARKS DISTRICT

Response N1

PG&E and the East Bay Regional Park District entered into the Agreement Modifying an Easement executed by the East Bay Regional Park District (EBRPD) on November 29, 2000, and recorded in the Official Records of Contra Costa County on February 8, 2001 (the “Agreement”). On page 3 of the Agreement, it provides as follows: “This agreement shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.”

PG&E owned an existing easement for the pipeline over a portion of the East Bay Regional Park District property. Pursuant to the Agreement, the location of that easement was changed. In the Agreement, PG&E relinquished its rights to use the original easement location, and in consideration for such relinquishment, the East Bay Regional Park District granted to PG&E an easement for the pipeline in a new location. The easement in the new location would accommodate a portion of the 4,000-foot replacement section of the pipeline, as described in the DMND. New figures 1-3 through 1-6 show in better detail these easements.

Response N2

As the commentor suggests, Section 1.6.2 is revised as follows:

“Transport of product through the entire length of the pipeline is currently not possible due to the severed 4,000-foot section of pipeline in Martinez. In order for the new owner (SPBPC) to use the entire pipeline, this 4,000-foot section will need to be reinstalled. PG&E has obtained a 20-foot wide permanent easement (as shown in Figure 2) from the City of Martinez, and also has an easement from the East Bay Regional Park District to allow for the construction of the replacement section. SPBPC will be responsible, at its own expense, for the construction and reconnection of the new section of pipeline, and for obtaining any additional temporary easements or encroachment permits from the City of Martinez or the East Bay Regional Park District required for construction.”

Response N3

None of the parklands and facilities listed by the commentor would be affected by the replacement pipeline. Please see the new figures described in Response to Comment H3 for new detailed maps of the replacement pipeline area. In addition, a full set of the aerial photos of the entire pipeline alignment have been sent to the District.

Response N4

As discussed in Master Response 2, the 4,000-foot replacement section is not adequately defined and mitigation measures are at a programmatic level. The commentor presents five goals for their Martinez Regional Shoreline which, because of the agreed to lack of detail in the DMND they conclude that the replacement project could have an adverse impact on these goals. Even though, as discussed in Master Response 2, approval of the 4,000-foot replacement section is not the purpose of this document, since the replacement section Pipeline would be underground it would

not have any impact on at least 4 of the 5 goals presented by the commentor. Potential impacts would only occur during pipeline construction, which would be the subject of further permitting as discussed in Master Response 2. The remaining goal – restoring Alhambra Creek – remains a potential impact until SPBPC specifies how the Pipeline will cross the creek.

Response N5

Please see Master Response 2.

Response N6

Mitigation Measure I.1 is changed to read:

Mitigation Measure I.1: Prior to commencing construction activities, the new owner (SPBPC) of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station shall coordinate construction activities affecting parklands and trail systems with the East Bay Regional Park District and the City of Martinez. This shall include submittal of an aesthetic resources plan to the City and the Parks District that addresses the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City and the Parks District. The plan shall also include: details of the methods of shielding and placement of new aboveground components, such as valve stations, that would be viewable where no such components currently exist. The plan shall include a discussion of actions taken such that final pipeline alignment and construction activities associated with this project shall not interfere with the implementation of the Martinez Intermodal Project (which includes the new bridge over Alhambra Creek) and the Martinez drainage project. Above ground facilities, such as valve stations, shall not be constructed within EBRPD parkland or within the viewshed of sensitive receptors within EBRPD park or trail corridors. SPBPC shall not commence construction activities along the replacement segment in Martinez until the aesthetics resource plan is reviewed and approved by the East Bay Regional Parks District, the City of Martinez, and the CPUC mitigation monitor. The CPUC's mitigation monitor shall verify compliance with the aesthetics plan during construction of the replacement section.

Response N7

While the exact route of the 4,000-foot replacement section is not known, it does not appear that construction within the EBRPD easement as presented in Figures 1-3 through 1-6 and as verified by site visits would remove or harm any trees as the pipeline would be installed in the existing roadways.

Response N8

The analysis presented in the Draft Mitigated Negative Declaration (DMND) determined that if the 4,000-foot replacement occurs, significant impacts to listed species, as well as conflict with goals for the District's marsh enhancement project, could occur without mitigation (see checklist,

page IV-1, and Impact IV.2 page IV-10 in the DMND). Although the DMND notes the potential for these impacts, and provides provisions for future CPUC review should the sale result in a pipeline replacement, the analysis in this document cannot fully examine potential impacts, nor require specific mitigation measures for the replacement because the replacement is not the subject of this document, and substantial details of replacement will be required for full environmental analysis of pipeline replacement. As Mitigation Measure IV-1 states, these activities would also be reviewed by a CPUC monitor at the time of that future review. Furthermore, the specific area of the commentor's concern along Alhambra Creek appears to be avoided with the easement granted by the City and the EBRPD (see Figure 1-3 and 1-4). See also Master Response 2.

Response N9

Details of the 4,000-foot pipeline replacement are not yet determined sufficiently to fully assess the need for or nature of potential streambank protection measures. While the placement of a buried pipeline under Alhambra Creek might require some bank protection to prevent erosion following installation, the materials and nature of installation of any bank protection cannot be determined until that project is planned. At this time, pipeline replacement is only a foreseeable action that will be subject to appropriate regulatory and design criteria when the action is planned. The requirements of these, as well as CPUC administered monitoring as noted in Mitigation Measure IV-1, would determine the need for and nature of bank stabilization for a pipeline replacement project. See also Master Response 2.

Response N10

Please see Master Response 2. Field surveys and literature reviews were conducted by both PG&E and CPUC biologists familiar with the biological resources of the project area. These studies were sufficient to support analyses of the issues identified for Biological Resources (i.e., see questions a – f, DMND, pg. IV-1 -- endangered species, riparian habitat, wetlands, wildlife movement and reproduction, or conflicts with other plans or provisions regarding biological resources). These studies were conducted at a level of detail to determine whether there were potentially significant impacts to each of the biological resources. It was not necessary to review planning documents or conduct studies in greater detail related to the potential pipeline placement at this time because sufficient information was available to make the necessary conclusions of potential significance of impacts to biological resources. The document states on page IV-6, "Pipeline replacement in Martinez may significantly impact special status animal species protected by State and Federal Endangered Species Act. Several species could be impacted by habitat alteration or direct displacement along the pipeline replacement corridor." Impacts to other biological resources (i.e., riparian, wetlands, and wildlife habitat) were determined to be less than significant. Relevant documents, including those available, or yet to be produced, from EBRPD, Caltrans, and the City of Martinez, would continue to be reviewed for details of relevant biological resources when, and if, the project is planned in more detail (see Master Response 2).

Response N11

Please see Master Response 2 and Response to Comment N2. The analysis of biological resources in the DMND reveals reasonably foreseeable impacts to biological resources. This analysis included coordination with Jim Townsend, of the East Bay Regional Parks District, which provided information concerning the timeline and other information related to marsh restoration plans adjacent to the potential pipeline corridor. This information, in concert with known information of biological resources on and around the project site, allowed the following conclusions as stated in the DMND on pages IV-10 and 11:

“Impact IV.2: Pipeline replacement in Martinez may include impacts that conflict with marsh restoration activities planned at the potential construction site, and adjacent marshlands within Martinez Shoreline Park, by East Bay Regional Parks District,” and Impact IV.3: “Pipeline replacement in Martinez may conflict with habitat conservation plans administered by the East Bay Regional Parks District for the Martinez Shoreline Park adjacent to the proposed construction corridor.”

The proposed mitigation should mitigate the potentially significant conflicts to a less than significant level. The proposed mitigation does not assume that all impacts can be resolved by adjusting the timing of construction activities – construction timing was noted as an example of potential measures to avoid conflicts that might be significant. Finally SPBPC will, as discussed in Response to Comment N2 above, have to obtain encroachment permits from the EBRPD prior to construction and can approve or disapprove of the replacement project based on detailed SPBPC plans submitted at that time.

Response N12

Please see Master Response 2. The existing pipeline has been subject to frequent maintenance and inspection. This includes using a smart pig every five years to detect and measure pipe-wall deterioration, and to hydro-statically test the line for possible leaks. The most recent test using a smart pig, as well as the latest hydrostatic test, indicated that the pipeline is sound and can be re-activated without the need for repair or modification. The evidence thus indicates that the pipeline is safe to operate.

To minimize any impacts of a possible pipeline leak, a leak detection system was incorporated into the system design. As indicated in the DMND, a possible leak would be detected through a loss in pressure, and remotely controlled isolation valves would respond rapidly to minimize oil loss. The isolation valves are inspected every six months to insure proper function. Therefore, there is an extremely low probability for a spill to occur that could cause significant effects on biological resources.

The nearest valves to Martinez are at Crockett approximately 0.5 mile east of the sugar plant along the railway and at the Shore Terminal station approximately 1.0 mile east of the Shell Refinery. This is considerably closer than the 10-mile distance mentioned in the comment.

Response N13

This proposed Mitigated Negative Declaration provides the environmental analysis required for the sale of the Pipeline, and it addresses replacement of the 4,000-foot segment in Martinez as a foreseeable consequence of the sale of the Pipeline (see Master Response 2).

The East Bay Regional Park District's 1997 Master Plan addresses very broad issues, and, in general, does not address, either generally or specifically, lands owned by railroads that pass through parklands, nor does it specifically address easements. The Pipeline project would not, on the basis of 1997 Master Plan policies, nor the Martinez Waterfront Land Use-Development Plan Environmental Impact Report, appear to conflict with the Master Plan. As stated in the DMND, the Pipeline is located underground, and is adjacent to or passes through parklands almost entirely within existing and actively used railroad right-of-ways. As stated in the Master Plan (p. 3):

Public service is the District's primary function. To this end, the Master Plan provides policies and guidelines for achieving the highest standards of service in resource conservation, management, interpretation, public access, and recreation. These policies seek to guide the stewardship and development of the parks in such a way as to maintain a careful balance between the need to protect and conserve resources and the recreational use of parklands for all to enjoy now and in the future.

The following policies referred to by the commentator are listed below. However, because the Pipeline is mostly within railroad right of way areas, these policies may not be applicable to the Project:

Rare, Threatened, and Endangered Species Management (p. 14):

The District will identify, evaluate, conserve, enhance, and restore rare, threatened, endangered, or locally important species of plants and animals and their habitats, using scientific research, field experience, and other proven methodologies. Populations of listed species will be monitored through periodic observations of their condition, size, habitat, reproduction, and distribution. Conservation of rare, threatened, and endangered species of plants and animals and their supporting habitats will take precedence over other activities, if the District determines that other uses and activities will have a significant adverse effect on these natural resources.

Cultural Resource Management (p. 18):

The District will maintain a current map and written inventory of all cultural features and sites found on park land, and will preserve and protect these cultural features and site "in situ," in accordance with Board policy. The District will evaluate significant cultural and historic sites to determine if they should be nominated for State Historic Landmark status or for the National Register of Historic Places; may acquire cultural and historic resource sites when they are within lands that meet parkland acquisition

criteria; and will maintain an active archive of its institutional history and the history of its parklands and trails.

Transportation Accessibility (p. 22):

The District will provide access to parklands and trails to suit the level of expected use. Where feasible, the District will provide alternatives to parking on or use of neighborhood streets. The District will continue to advocate and support service to the regional park system by public transit.

Open Space Protection (p. 34):

The District will participate in efforts to protect scenic or cultural resources, develop larger, multi-agency open space preserves, provide recreational opportunities, protect agricultural use, avoid hazards, and plan for appropriate urban growth boundaries. The District will work with other jurisdictions to develop open space preservation plans and policies that recognize the District's public interests in open space preservation and that are consistent with Board policy.

Liaison with Other Jurisdictions (p. 35):

The District will work actively with cities, counties, districts, and other governmental agencies to assure that they understand and consider District interests. The District will protect its interests when other jurisdictions plan or approve projects that affect the District and will work with them to develop and articulate mutual goals. The District will seek to understand the perspectives of other governmental agencies and to resolve conflicts in mutually satisfactory ways.

Regional Shoreline (p. 44):

A Regional Shoreline (one area or a group of smaller shoreline areas that are connected by trail or water access) must contain a variety of natural environments and manageable units of tidal, near-shore wetland, and upland areas that can be used for scientific, interpretative, or environmental purposes; and/or contain sufficient land and water to provide a variety of recreational activities, such as swimming, fishing, boating, or viewing. The Recreation/Staging Unit providing for public access and services may comprise no more than 30 percent of a Regional Shoreline.

Development Proposals (p. 59):

The District will follow established procedures and guidelines consistent with the Master Plan in considering proposals from individuals and groups who wish to develop or use facilities within the parks. It may be necessary to prepare an amended or focused planning or project document before the project can be approved. Fees may be charged to the individual or group proposing the project to cover permit,

environmental, and planning costs. (Please refer to the Concession and Special Use Policy, Appendix, page 72).

Environmental Compliance (p. 59):

The District will fully comply with the requirements of the California Environmental Quality Act (CEQA) for the development of new facilities. Evidence of CEQA compliance will be provided in the planning document or separately as a project-specific CEQA document. The District will also comply, when appropriate, with [sic] National Environmental Policy Act (NEPA).

Undergrounding of Utilities (p. 59):

New utility lines will be placed underground on land owned, operated, or managed by the District to retain the optimal visual qualities of the area. Rights-of-way and easements for utilities will not be granted without undergrounding. The District will work in cooperation with the utility companies to place existing overhead utilities underground (unless so doing conflicts with applicable codes) as soon as practical and will work with other agencies and neighbors to reduce visual impacts on adjacent lands. The District will seek to avoid the construction of high voltage power lines within the parklands, particularly in areas of sensitive or aesthetically important resources and in preserve areas.

Other policies address potential impacts to parkland from pollutants, but the focus appears to be the potential for storm water pollutants.

In addition, the 1997 Master Plan includes Planning and Management Guidelines that are listed below for public information purposes:

- The District will provide access and staging opportunities for fire prevention, police, maintenance, and public use . . . (p. 53-54);
- The District will strive to expand public shoreline access to a **Regional Shoreline**. Landing or launching spots for small boats will be incorporated when feasible. Except for facilities that must be on the shoreline or over the water surface, the Director will confine all staging and recreational facilities, where possible, to uplands that are a minimum of 100 feet from the actual shoreline. Facilities such as parking that do not depend on water will be located in areas that are screened from view, when practical (p. 56-57).

It should be noted that a Martinez Waterfront Land Use-Development Plan and Environmental Impact Report were adopted in October 5, 1976. Little mention is made of refinery activities in the vicinity, including underground pipelines, other than “[i]mmediately to the east of the site are oil refineries. These refineries and the county administrative center constitute the major economic base of the city” (p. 7). The railroad tracks are acknowledged and the EIR states that the “[t]he on-grade railroad crossing will remain” (p. 10).

Response N14

It would not be appropriate to develop a traffic control plan until the final design of the project is completed. As discussed in the Initial Study, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to commencing construction activities. This traffic control plan would be submitted to applicable jurisdictions for review and approval prior to implementation. Please see Master Response 2.

Response N15

Please see Master Response 2. Please also see Figures 1-3 through 1-6, which show the proposed 4,000-foot replacement route. The route would not intersect the new bridge, nor would it intersect the approximately 1,000-foot segment of the Bay Trail referred to by the commentor.

Response N16

The project would intermittently and temporarily disrupt use of recreational facilities at the Martinez Regional Shoreline Park for the duration of project construction. However, given the linear nature of the construction route, the duration of noise impacts to the park users would be relatively brief. This means that any disruption of recreational facilities would be limited to a matter of days or weeks. Therefore, this would be a short-term impact on recreational uses. In addition, construction contractors would be required to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. No construction would be allowed weekends and holidays to avoid impacts on park users during peak use hours of the park. Mitigation Measure XI.1 is now changed to read as follow:

“Mitigation Measure XI.1: During construction of the 4,000-foot replacement section in Martinez, the new owner (SPBPC) will implement the following measures:

- **Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday ~~Saturday~~, or more restrictive hours required by permits and ordinances as specified by the City of Martinez.**

Given compliance with this and other measures described under Mitigation Measure XI.1, the impact on park users would be mitigated to a less than significant level. Restrictions to reduce impacts (including noise) of project construction on migratory birds, fisheries and special-status species have been discussed under Responses to Comments N10 and N11.

Response N17

The comment is noted.

Response N18

Please refer to Response to Comment N2.

Response N19

The comment is noted.

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



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December 10, 2001

File Ref: PRC 5040

Ms. Billie Blanchard
California Public Utilities Commission
c/o Environmental Science Associates
505 Van Ness Avenue, 4th Floor,
San Francisco, CA 94102-3298

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

Dear Ms. Blanchard and Ms. Gayou:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the Mitigated Negative Declaration (MND), SCH#2001102139, for Pacific Gas and Electric Company's Application to Sell the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station, and San Pablo Bay Pipeline Company's Application to Own and Operate these Assets. Based on our review of the MND, we offer the following comments.

CSLC Jurisdiction

As general background, upon admission to the Union in 1850, California acquired nearly 4 million acres of sovereign land underlying the State's navigable waterways. Such lands include, but are not limited to, the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the 3 mile wide band of tide and submerged lands adjacent to the coast and offshore islands of the State. These lands are managed by the California State Lands Commission. The CSLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust. A lease from the CSLC is required for any portion of a project extending onto State-owned lands that are under its exclusive jurisdiction.

Based on the information provided, it appears that the proposed project will be located on lands under the CSLC's jurisdiction and a lease from the Commission is required. Please, however, provide a more detailed site specific map of all project components to assist staff of the CSLC in making a more definitive response regarding the CSLC's jurisdiction.

01

Staff of the CSLC is particularly concerned that the MND does not meet the requirements of the CEQA. The MND, page 1-9, states that, "Because SPBPC has not defined in its Application (A.00-12-008) the exact methods to be used, this analysis assumes that the replacement pipeline section will be constructed using standard trenching and boring methods." It further states that, "Thus, this document examines impacts at a general level, based on available information and reasonable assumptions". In order for the document to assess the potential impacts from the proposed project, as required under the California Environmental Quality Act (CEQA), specific project details, impacts and mitigation measures must be known and identified in the environmental document. If the CEQA document cannot provide for full public and agency review at this time, then a supplemental or subsequent CEQA process may be initiated when project description details, potential impacts and mitigation measures have been identified during the CSLC's leasing process.

02

The MND, (front section, without page numbers), under Environmental Determination, states that, "Each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level." The biological resources section, however, states that, "Prior to commencing construction activities, SPBPC shall conduct a biological survey of all work areas that may be affected by construction of the replacement section in Martinez and submit the survey for review and approval by the CPUC mitigation monitor". It is stated that, "The survey shall include a biological assessment of the potential of construction activities to create an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service". It is stated that, "If the survey reveals that such a potential exists, SPBPC shall conduct a formal consulting process with appropriate resources agencies to address the potential to create a significant impact to listed species". "Based on the consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce impacts to a less than significant level." Staff of the CSLC questions how a determination can be made, at this time, and that potentially significant project impacts can be mitigated to a less than significant level absent consultation with the resource agencies prior to circulation of the MND. The MND uses this approach in other issues areas listed in the document, as well.

03

The Environmental Checklist, Biological Resource Impact Discussion, acknowledges that numerous rare or endangered plant species and special status wildlife may be found at the project area. It also states that the potential to impact listed species is not fully known without a complete biological survey of the areas potentially affected by construction activities. It further states that, "Mitigation measures, such as

04

Ms. Billie Blanchard
Ms. Nadell Gayou
December 10, 2001
Page 3

avoidance of work during critical life stages of potentially affected species, replacement of valuable vegetation for habitat, or soil erosion and sediment transport avoidance, are commonly used and approved by resource agencies to reduce potential adverse effects to less than significant levels to species that might be affected at this site". Again, the mitigation measures proposed are standard mitigation measures that are not specific to the proposed project.

04 cont.

Page I-9, the Construction Schedule and Procedures section states that, "Though neither SPBPC nor PG&E have released details of any construction plans related to the missing section in Martinez, the likely sequence of events for a typical replacement project is as follows:..." Is this a "typical replacement project? Is the location a typical location? Although the document describes general activities that could apply to any given project, it does not provide project methodologies specific to the project at hand, nor does it identify specific site locations where some of the activities will take place. As an example, where will the staging areas be located? Will fueling of equipment and vehicles take place at the staging areas? Has a Spill Contingency Plan been developed?

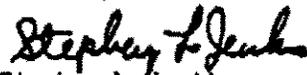
05

In summary, Sundstrom v. County of Mendocino (202 Cal. App. 3d 296, 307) determined that future "studies" are insufficient mitigation. Instead, it required that detailed information about project effects be provided to agencies and the public. Further, in Citizens for Quality Growth v. City of Mount Shasta (198 Cal. App. 3d 443), it was established that future compliance with regulatory programs of other agencies is insufficient as mitigation. As such, staff of the CSLC believes that the proposed MND is not adequate to meet the requirements of the CEQA. All specific potential impacts and mitigation measures that relate to this project should be identified in the document and circulated for public and agency review. The Mitigation Monitoring Program, as well, should identify, in detail, all mitigation measures proposed to reduce potentially significant impacts to a less than significant level.

06

We appreciate the CPUC's consideration of these comments and apologize for their lateness. For questions regarding the CSLC's jurisdiction, please contact Nanci Smith at (916) 574-1872. For questions regarding content of the Mitigated Negative Declaration, please contact Betty Silva at (916) 574-1872.

Sincerely,



Stephen L. Jenkins, Assistant Chief
Division of Environmental Planning
And Management

Cc: Nanci Smith
Betty Silva

LETTER O – California State Lands Commission

Response O1

Please see Response to Comment H3. In addition, detailed maps have been sent to CSLC for a more definite determination of CSLC jurisdiction and if a CSLC lease will be required for pipeline construction.

Response O2

Please see Master Response 2.

Response O3

Please see Master Response 2.

Response O4

Please see Master Response 2. The analysis of biological resources in the Draft Mitigated Negative Declaration (DMND) reveals reasonably foreseeable impacts to biological resources – the document states definitively on page IV-6:

“Pipeline replacement in Martinez may significantly impact special status animal species protected by State and Federal ESA. Several species could be impacted by habitat alteration or direct displacement along the pipeline replacement corridor.”

Response O5

Please see Master Response 2.

Response O6

Please see Master Response 2.

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

MITIGATION MONITORING AND REPORTING PROGRAM

PACIFIC GAS AND ELECTRIC COMPANY APPLICATION NO. 00-05-035 TO ESTABLISH MARKET VALUE FOR AND SELL ITS RICHMOND-TO-PITTSBURG FUEL OIL PIPELINE AND HERCULES PUMP STATION

SAN PABLO BAY PIPELINE COMPANY APPLICATION NO. 00-12-008 TO OWN AND OPERATE THE RICHMOND-TO-PITTSBURG FUEL OIL PIPELINE AND HERCULES PUMP STATION AS A COMMON CARRIER

INTRODUCTION

This document describes the mitigation monitoring program for ensuring the effective implementation of the mitigation measures required for the California Public Utilities Commission (CPUC) approval of the Pacific Gas and Electric Company (PG&E) and San Pablo Bay Pipeline Company (SPBPC) applications concerning the sale of Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station.

California Public Utilities Commission (CPUC)

The Public Utilities Code confers authority upon the CPUC to regulate the terms of service and safety, practices and equipment of utilities and common carriers subject to its jurisdiction. It is standard practice for the CPUC to require that mitigation measures stipulated as conditions of approval are properly implemented, monitored, and reported. Section 21081.6 of the Public Resources Code requires a public agency to adopt a reporting and monitoring program when it approves a Mitigated Negative Declaration.

The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. The CPUC views the reporting and monitoring program as a working guide that will not only direct the implementation of mitigation measures by the project proponents, but also facilitate the monitoring, compliance and reporting activities of the CPUC and any monitors it may designate.

Project Background

PG&E submitted an Application (No. 00-05-035) to the CPUC under Section 851 of the Public Utilities Code to sell its heated Richmond to Pittsburg Fuel Oil Pipeline to SPBPC, a subsidiary of Tosco Corporation. In a separate application (No. 00-12-008), SPBPC requested CPUC authority under Sections 216 and 228 to own and operate the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station as a common carrier pipeline corporation. The proposed sale consists of the pipeline from its point of origin in Castro Street (adjacent to General Chemical's facility) in the City of Richmond, to the Pittsburg Power Plant, formerly owned by PG&E, located in the City of Pittsburg and includes the Hercules Pump Station, located in the City of Hercules.

Although PG&E ceased using the system for moving fuel oil to its Pittsburg Power Plant in 1982, the utility has maintained all permits and approvals and conducted all the maintenance and inspections needed for an operating system; some oil was moved through parts of the system as recently as 1991. A 4,000-foot segment of the pipeline was removed in 1998 to allow construction of a railway station in the City of Martinez. Under an agreement between PG&E and SPBPC, PG&E has secured the necessary rights of way for a 4,000-foot replacement section in Martinez, and SPBPC is responsible for obtaining the requisite permits and approvals and constructing the 4,000-foot replacement section.

In accordance with the California Environmental Quality Act (CEQA), the CPUC reviewed the impacts that would result from approval of the two applications. The activities considered include the sale of the pipeline by PG&E, the reconstruction of the missing 4,000-foot section of the pipeline in Martinez, CA, and the future operation of the pipeline and pump station by SPBPC. The CPUC review concluded that all potential impacts could be mitigated to less than significant levels. PG&E and SPBPC have agreed to incorporate all the proposed mitigation measures into the project. CPUC has included the stipulated mitigation measures as conditions of approval of the two applications and has circulated a proposed Mitigated Negative Declaration.

The Mitigated Negative Declaration for the approval of Applications Nos. 00-05-035 and 00-12-008 found that the resulting actions would have potentially significant impacts in the areas of:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology
- Land Use and Planning
- Noise
- Public Services
- Transportation and Traffic

In addition, mitigation measures were identified for the following area even though the potential project impacts were determined to be less than significant:

- Utilities and Service Systems

The mitigation measure for this area also has been incorporated into the Mitigation Monitoring and Reporting Program.

Roles and Responsibilities

As the lead agency under CEQA, the CPUC will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The CPUC has the authority to halt any activity associated with the sale, reconstruction, and operation of the Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station if the activity is determined to be a deviation from the approved project or the adopted mitigation measures.

Mitigation Monitoring and Reporting Program

The table attached to this program presents a compilation of the mitigation measures in the Mitigated Negative Declaration. The purpose of the table is to provide a single comprehensive list of mitigation measures, effectiveness criteria, and timing.

Dispute Resolution Process

The Mitigation Monitoring and Reporting Program is expected to reduce or eliminate many of the potential disputes concerning the implementation of the adopted measures. However, in the event that a dispute occurs, the following procedure will be observed:

Step 1: Disputes and complaints (including those of the public) shall be directed first to the CPUC's designated Project Manager for resolution. The Project Manager will attempt to resolve the dispute.

Step 2: Should this informal process fail, the CPUC Project Manager may initiate enforcement or compliance action to address the deviation from the proposed project or adopted Mitigation Monitoring and Reporting Program.

Step 3: If a dispute or complaint regarding the implementation or evaluation of a Mitigation Measure or the Mitigation Monitoring and Reporting Program cannot be resolved informally or through enforcement or compliance action by the CPUC, any affected participant in the dispute or complaint may file a written "notice of dispute" with the CPUC's Executive Director. This notice shall be filed in order to resolve the dispute in a timely manner, with copies concurrently served on other affected participants. Within 10 days of receipt, the Executive Director or designee(s) shall meet or confer with the filer and other affected participants for purposes of resolving the dispute. The Executive Director shall issue an Executive Resolution describing his decision, and serve it on the filer and the other participants.

Parties may also seek review by the CPUC through existing procedures specified in the CPUC's Rules of Practice and Procedure, although a good faith effort should first be made to use the foregoing procedure.

Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
AESTHETICS				
<p>I.1: Installation of the 4,000-foot replacement section of pipeline in Martinez would have a temporary, but significant impact on scenic vistas viewable from the adjacent shoreline parks administered by the East Bay Regional Park District and from portions of the City of Martinez.</p>	<p>I.1: Prior to commencing construction activities, the new owner (SPBPC) of the Richmond to Pittsburg Fuel Oil Pipeline and Hercules Pump Station shall coordinate construction activities affecting parklands and trail systems with the East Bay Regional Park District and the City of Martinez. This shall include submittal of an aesthetic resources plan to the City and the Parks District that addresses the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City and the Parks District. The plan shall also include: details of the methods of shielding and placement of new above-ground components, such as valve stations, that would be viewable where no such components currently exist. The plan shall include a discussion of actions taken such that final pipeline alignment and construction activities associated with this project shall not interfere with the implementation of the Martinez Intermodal Project (which includes the new bridge over Alhambra Creek) and the Martinez drainage project. <u>Above ground facilities, such as valve stations, shall not be constructed within EBRPD parkland or within the viewshed of sensitive receptors within EBRPD park or trail corridors.</u> SPBPC shall not commence construction activities along the replacement segment in Martinez until the aesthetics resource plan is reviewed and approved by the East Bay Regional Parks District, the City of Martinez, and the CPUC mitigation monitor. The CPUC's mitigation monitor shall verify</p>	<p>SPBPC shall submit documentation to the CPUC verifying that the SPBPC has made a binding commitment to participate in the compilation and implementation of an Aesthetics Resources Plan in coordination with the East Bay Regional Park District and the City of Martinez.</p>	<p>Documentation of delivery to the CPUC of documentation verifying that the SPBPC has entered into a binding agreement to participate in the compilation and implementation of an Aesthetics Resource Plan and has given notice of such participation to the City of Martinez and East Bay Regional Park District.</p>	<p>Prior to the transfer of title and submission and certification of construction plans for the 4,000-foot pipeline replacement section.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	compliance with the aesthetics plan during construction of the replacement section.			
I.2: Vegetation removal, construction activity, and installation of the proposed 4,000-foot replacement section in Martinez would affect local scenic resources in the vicinity of the construction activity.	Implement measure I.1.	See measure I.1.	See measure I.1.	See measure I.1.
I.3: Vegetation removal, construction activity, and installation of the proposed 4,000-foot replacement section in Martinez would degrade the existing visual character and quality of the project area.	Implement measure I.1.	See measure I.1.	See measure I.1.	See measure I.1.
AIR QUALITY				
III.1: Emissions from construction-related activities would cause a temporary increase in local particulate matter concentrations.	<p>III.1: SPBPC shall implement the following fugitive dust control and emissions reduction measures during construction of the 4,000-foot pipeline replacement. These measures are prescribed by BAAQMD to ensure that construction impacts are less than significant, and they include:</p> <ul style="list-style-type: none"> ▪ Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work. ▪ Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site. ▪ Construction vehicles shall use paved roads to access the construction site wherever 	SPBPC shall submit documentation to the CPUC that the new owner (SPBPC) has made a binding commitment to participate in BAAQMD prescribed measures and has given notice of such participation to the Planning Director of the BAAQMD.	Receipt by the CPUC mitigation monitor of the described documentation.	At least 10 days prior to the transfer of title of the Pittsburg-to-Richmond Fuel Oil Pipeline and Hercules Pump Station.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	possible.			
	<ul style="list-style-type: none"> ▪ Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust. ▪ Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets. ▪ A carpooling strategy shall be implemented for construction workers prior to commencing construction (during construction worker orientation and training). ▪ Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule. <p>Vehicle idling time shall be minimized whenever possible.</p>			
III.2: Emissions from construction-related activities would cause a temporary cumulatively significant increase in local NOx and PM-10 emissions.	Implement measure III.1.	See measure III.1.	See measure III.1.	See measure III.1.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
BIOLOGICAL RESOURCES				
<p>IV-1: Pipeline replacement in Martinez may significantly impact special status animal species protected by State and Federal ESA. Several species could be impacted by habitat alteration or direct displacement along the pipeline replacement corridor.</p>	<p>IV.1: Prior to commencing construction activities, SPBPC shall conduct a biological survey of all areas that would be affected by construction of the replacement section in Martinez and submit the survey for review and approval by the CPUC mitigation monitor. The survey shall include a biological assessment of the potential of construction activities to create an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If the survey reveals that such a potential exists, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.</p> <p>Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.</p> <p>Measures that might be required could include those such as the following proposed by PG&E in the Proponents Environmental Assessment:</p> <p>General</p> <ul style="list-style-type: none"> ▪ Environmental training covering protection of biological resources in the 4,000-foot replacement section area shall be given to appropriate project personnel prior to 	<p>SPBPC will provide the CPUC mitigation monitor with the results of the biological assessment. If the survey reveals that the project may potentially impact a listed species, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.</p> <p>Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC mitigation monitor of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures.</p>	<p>Documentation of delivery to the CPUC of the results of the biological assessment, a summary report of agency consultation with USFWS and CDFG, and details of the measures to be implemented.</p>	<p>Prior to the transfer of title and again prior to the certification of the construction plans for the 4,000-foot pipeline replacement section.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>construction.</p> <ul style="list-style-type: none"> ▪ Erosion control measures and Best Management Practices shall be installed adjacent to Alhambra Creek, the unnamed drainage, and any associated wetlands to prevent sediment from entering the drainages. <p>Botanical Resources</p> <ul style="list-style-type: none"> ▪ A revegetation plan shall be prepared if native vegetation would be removed. ▪ Previously vegetated areas that would be cleared during construction activities shall be revegetated with appropriate species, as required. ▪ Flagging and/or fencing shall be installed around adjacent riparian habitat to prevent incidental impacts to the area. ▪ If any native vegetation were removed at the replacement section, the affected area shall be revegetated with an appropriate native seed mix. <p>Wildlife Resources</p> <ul style="list-style-type: none"> ▪ Prior to construction, surveys shall be performed for the California red-legged frog to determine presence or absence. ▪ If the California red-legged frog is determined to be present onsite, construction would not commence in this area until the U.S. Fish and Wildlife Service and California Department of Fish and Game were notified, and appropriate measures were developed to minimize disturbance to this species. 			

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<ul style="list-style-type: none"> ▪ Construction shall be timed to avoid the nesting period for raptors. ▪ If construction is scheduled to occur during the nesting season of raptors, preconstruction surveys shall be conducted to identify and avoid active raptor nests. ▪ Construction within one-half mile of an active raptor nest would not begin until the young had fledged from the nest. ▪ Bentonite released into drainages during construction shall be immediately cleaned up. <p>Habitat temporarily disturbed as a result of construction shall be restored.</p>			
<p>IV.2: Pipeline replacement in Martinez may include impacts that conflict with marsh restoration activities planned at the potential construction site, and adjacent marshlands within Martinez Shoreline Park, by East Bay Regional Parks District.</p>	<p>IV.2: Prior to commencing construction activities, SPBPC shall contact East Bay Regional Parks District (EBRPD), the sponsor of marsh restoration activities at the Martinez Shoreline Park, to reach agreement on how to coordinate marsh restoration and pipeline installation plans: SPBPC shall avoid or minimize potential conflicts of pipeline replacement activities with marsh restoration plans at the site. Measures to avoid conflicts, such as timing of work, agreements on revegetation or replacement of habitat, would be included in this agreement. The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.</p>	<p>The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.</p>	<p>The agreement between SPBPC and EBRPD shall be formalized in writing and submitted to the CPUC mitigation monitor for review prior to commencing construction activities that may affect marsh restoration activities.</p>	<p>The appropriate letter should be provided to the CPUC at least 40 days prior to the commencement of construction activities.</p>
<p>IV.3: Pipeline replacement in Martinez may conflict with habitat</p>	<p>Implement measure IV.2.</p>	<p>See measure IV.2.</p>	<p>See measure IV.2.</p>	<p>See measure IV.2.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
conservation plans administered by the East Bay Regional Parks District for the Martinez Shoreline Park adjacent to the proposed construction corridor.				
CULTURAL RESOURCES				
<p>V.1: Potentially undiscovered surface or subsurface historical resources could be damaged and/or destroyed by trenching activities proposed as part of the pipeline replacement. Therefore, the project could cause substantial adverse changes to the significance of historical resources.</p>	<p>V.1a: SPBPC shall appoint a cultural resources specialist, or specialists, at least 15 days prior to the start of project-related vegetation clearance ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas. SPBPC shall provide the CPUC mitigation monitor with the name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior’s proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).</p> <p>At least 10 days prior to the start of any project-related activity defined above, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.</p> <p>At least 10 days prior to the replacement of a designated cultural resources specialist, SPBPC shall obtain the CPUC mitigation monitor’s approval of the proposed replacement cultural resources specialist.</p>	<p>CPUC mitigation monitoring approval of SPBPC’s proposed archaeological mitigation program and any subsequent implementation reports.</p>	<p>SPBPC shall provide the CPUC mitigation monitor with the name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures.</p> <p>The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior’s proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).</p> <p>Verification of contract wording in construction plans.</p>	<p>At least 10 days prior to the start of any project-related activity, SPBPC shall confirm in writing to the CPUC mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.</p> <p>At least 10 days prior to the replacement of a designated cultural resources specialist, SPBPC shall obtain the CPUC mitigation monitor’s approval of the proposed replacement cultural resources specialist.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
<p>Refer to Impact V.1 for impact discussion.</p>	<p>V.1b: In the event that previously unidentified historic resources are encountered, the new owner (SPBPC) shall evaluate such resources for California Register of Historical Resources eligibility and conduct data recovery.</p> <p>The cultural resources specialist shall ensure that the evaluations are supervised by individuals meeting the Secretary of the Interior’s proposed Historic Preservation Qualification Standards (United States Department of the Interior 1997) for each particular resource type. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.</p> <p>For resources determined to be significant, the cultural resources specialist will prepare a resource-specific Data Recovery Plan to mitigate any significant project-related effects. Upon approval of this plan by the CPUC mitigation monitor, mitigation measures will be implemented prior to any project activities within 100 feet of the resource’s boundary.</p>	<p>CPUC mitigation monitoring approval of SPBPC’s proposed archaeological mitigation program and any subsequent implementation reports. An evaluation form shall be submitted to the CPUC mitigation monitor and the California Historical Resources Information Center.</p>	<p>For resources determined to be significant, the cultural resources specialist will prepare a resource-specific Data Recovery Plan to mitigate any significant project-related effects.</p> <p>Upon approval of this plan by the CPUC mitigation monitor, mitigation measures will be implemented prior to any project activities within 100 feet of the resource’s boundary.</p>	<p>Approval of the evaluation from the CPUC at least 10 days prior to the start of any project-related activity.</p>
<p>Refer to Impact V.1 for impact discussion.</p>	<p>V.1c: Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.</p> <p>All construction personnel involved in activities that may uncover prehistoric resources will be trained in the identification of prehistoric resources, which could include flaked stone, projectile points, mortars, pestles, and soil containing shell and bone, or human burials. Historic resources could include stone or adobe foundations or walls, structures and remains with</p>	<p>Prior to the commencement of construction or ground distributing activities, all construction personnel will receive environmental training in a manner that would inform all personal of the possibility of encountering cultural or historical resources.</p>	<p>Verification of construction personal training by the CPUC Mitigation Monitor.</p>	<p>Prior to the commencement of construction or ground distributing activities.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	square nails, and refuse deposits. Construction personnel involved in activities that may uncover paleontological resources will also be trained in the identification of paleontological resources, which could include true fossils, trace fossils, and/or breas as defined under the above Paleontological Resources subsection. The level of training for construction activities should be sufficient such that the workers would know when to call their supervisors to investigate objects that may be a cultural resource. Supervisors would receive sufficient training to determine when a cultural resources specialist should be contacted to identify any found objects. If cultural resources were encountered during construction, the crew would halt work in the area and not collect or disturb the materials until the cultural resource specialist, appointed under Mitigation Measure V.1a, has evaluated the location and determined an appropriate mode of action.			
V.2: Trenching or boring through these resources, if significant undiscovered resources were present, would cause an adverse change to their significance. Therefore, the project would have the potential to cause adverse changes to the significance of currently unknown unique archaeological resources.	Implement measures V.1a, V.1b, and V.1c.	See measures V.1a, V.1b, and V.1c.	See measures V.1a, V.1b, and V.1c.	See measures V.1a, V.1b, and V.1c.
V.3: Installation of the new pipeline segment along the 4,000-foot replacement section would involve shallow excavations primarily in pre-disturbed soils within the UPRR easement and city streets. Because significant fossil discoveries can be made even in areas designated as having low potential, excavation activities for	V.2: SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as needed. In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4,000-foot	Documentation will be submitted to the CPUC indicating that the SPBPC shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel responding to their	The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the	In the event of an unanticipated discovery of a breas, true, and/or trace fossil within the 4,000-foot replacement section during construction.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
the pipeline could possibly unearth significant paleontological resources contained within intertidal sedimentary deposits.	replacement section during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.	environmental training classes, as required in Mitigation Measures V.1a, V.1b, and V.1c, and document the discovery as needed.	find.	
V.4: Trenching, boring, or other subsurface excavation involved with the project could potentially disturb or destroy human remains from both prehistoric and historic time periods, including those interred outside of formal cemeteries.	<p>V.3: If human remains are found at any time along the entire pipeline alignment or during project-level vegetation clearance; ground disturbance and grading; site or project mobilization; site preparation or excavation activities; implementation of erosion control measures; or the movement and/or parking of heavy equipment or other vehicles onto or over the project surface, SPBPC and its contractors shall stop all work within 100 feet of the find. The cultural resources specialist will be notified immediately and will, in turn, immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.</p> <p>If the human remains are determined to be Native American in origin, the Contra Costa County coroner will notify the Native American Heritage Commission within 24 hours of the find. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent of the deceased Native American. The most likely descendent may make recommendations to the SPBPC and its contractors for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public</p>	Documentation will be submitted to the CPUC indicating that the SPBPC's cultural resources specialist will be notified immediately if human remains are found. In turn, the cultural resource specialist will immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure V.1b.	Verification of the mitigation wording in construction plans.	Prior to all project-related ground disturbance.

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	Resources Code Section 5097.98. Where conditions A, B, and/or C under Section 15064.5 (e) (2) occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.			
GEOLOGY AND SOILS				
VI.1: Although PG&E reports no problems attributable to tectonic creep, the pipeline's present ability to withstand future offset generated by tectonic movement or sudden earthquake displacement cannot be fully determined, because the amount of pipeline distortion from historical creep is unknown. Therefore, an assessment of historical and cumulative tectonic creep and an inspection of creep compensating design features is required at the pipeline-fault crossings to determine the current ability of the pipeline to accommodate future distortion from lateral or vertical offset, elongation, or compression in the event of continued tectonic creep or displacement during a characteristic earthquake on the Hayward and Concord faults.	VI.1: Prior to operation of the pipeline, the new owner (SPBPC) shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings. A civil or geotechnical engineer licensed by the State of California, with expertise in seismic design and structural seismic response shall conduct this evaluation. The evaluation shall include a review of available geotechnical, engineering, and construction design and testing information to determine original pipeline bending and compression/elongation capabilities at the fault crossings. Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's. This evaluation shall be submitted to the CPUC mitigation monitor. Should this evaluation determine that tectonic creep has rendered the pipeline unable to withstand a major seismic event on the Hayward or Concord fault, or to withstand the further seismic creep expected along the two faults during the expected operating lifetime of the pipeline, SPBPC shall undertake repair or modification of the pipeline accordingly, and submit documentation to the CPUC mitigation monitor showing these repairs or modifications have been completed. In accordance with federal regulation (Title 49, Section 195, et al.), the pipeline will be inspected on a regular basis, and	The SPBPC shall perform an evaluation of the effect of tectonic creep on the pipeline at the Hayward and Concord fault crossings. Secondly, the evaluation shall include an inspection of the pipeline to determine the degree to which the pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since installation in the 1970's. This evaluation shall be submitted to the CPUC mitigation monitor.	SPBPC shall undertake repair or modification of the pipeline accordingly, and submit documentation to the CPUC mitigation monitor showing these repairs or modifications have been completed should the evaluation determine that tectonic creep has rendered the pipeline unable to withstand a major seismic event.	Prior to the operation of the pipeline. The findings of these inspections would be reported to the State Fire Marshall, which in California assumes responsibility for enforcement of the above regulations for the federal Department of Transportation.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	immediately following a seismic event or any other event that may effect the safety of the pipeline system or pump station. The findings of these inspections would be reported to the State Fire Marshall, which in California assumes responsibility for enforcement of the above regulations for the federal Department of Transportation.			
VI.2: The 4,000-foot pipeline replacement section could be subjected to strong ground shaking during a seismic event, potentially resulting in pipeline rupture or long-term service interruption.	VI.2: Prior to commencing construction activities, the new owner (SPBPC) shall prepare a geotechnical report for the 4,000-foot replacement route in Martinez that includes an analysis of ground shaking effects, liquefaction potential, earthquake-induced settlement, and other seismic hazards and provide recommendations to reduce these hazards. The geotechnical and seismic evaluation shall be conducted by a California-registered geotechnical engineer and include appropriate evaluation of anticipated ground motion using currently accepted seismic parameters and methods. Subsurface exploration and soil testing, where appropriate, shall be conducted to assess the soil and bedrock conditions along the proposed pipeline easement. Where applicable, structural and seismic design parameters shall conform to the current Uniform Building Code (UBC) and the API standards. The results of the geotechnical evaluation shall be submitted to the CPUC mitigation monitor. Based on the geotechnical study, recommendations of the geotechnical engineer shall be incorporated into the design and construction of the pipeline segment. In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC mitigation monitor showing these recommendations were implemented.	The results of SPBPC's geotechnical evaluation shall be submitted to the CPUC mitigation monitor.	In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC mitigation monitor showing that these recommendations were implemented.	Prior to commencing construction activities for the 4,000-foot replacement section.
VI.3: The 4,000-foot pipeline replacement route in Martinez	Implement measure VI.2.	See measure VI.2.	See measure VI.2.	See measure VI.2.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
would be subject to liquefaction hazards.				
VI.4: Portions of the 4,000-foot replacement section may be located in areas with expansive soils.	Implement measure VI.1.	See measure VI.1.	See measure VI.1.	See measure VI.1.
HAZARDS AND HAZARDOUS MATERIALS				
VII.1: If the 4,000-foot replacement section of pipeline encounters soil or groundwater contaminated by previous activities in the area, excavation or extraction of groundwater could expose construction workers and the public to potentially hazardous conditions.	VII.1: Prior to construction SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the replacement pipeline route to ascertain the potential for construction activities to encounter impacted soil and/or groundwater, and submit the Phase I Environmental Site Assessment to the CPUC staff for review and approval by the CPUC mitigation monitor. Should the Phase I indicate the pipeline route would likely disturb impacted materials, a Phase II Environmental Site Assessment shall be conducted to quantify levels of contamination along the pipeline route, and establish appropriate measures to protect construction workers and the general public from exposure to impacted materials. SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval. In addition, should Phase I or Phase II activities determine that construction activity will involve trenching or tunneling through potentially impacted areas, SPBPC shall implement the following mitigation measures:	SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC mitigation monitor for review and approval.	Documentation of delivery to the CPUC of the Phase I/II Environmental Site Assessments.	Within 10 business days prior to transfer of title.
Refer to Impact VII.1 for impact discussion.	VII.1a: An environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities. The contractor shall be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City	SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.	Documentation of delivery to the CPUC of the disclosure form.	At least 3 business days prior to transfer of title.

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	practices. The OSHA-specified method of compliance will be dependent upon the severity of impact to soil or groundwater, as determined by the Phase I and II investigations.			
Refer to Impact VII.1 for impact discussion.	<p>VII.1b: During construction SPBPC shall comply with all applicable regulatory agency requirements including those set forth by Contra Costa County and the California DTSC regulations regarding the storage, and transportation of impacted soil and groundwater.</p> <p>Impacted soil generated by remediation and construction activities will be contained on-site and sampled prior to disposal at an appropriate facility, or potential re-use at the project site. Impacted groundwater generated during construction dewatering will be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the storm drain or sanitary sewer to levels which are acceptable to the San Francisco Bay Region (RWQCB), or Contra Costa Sanitary District, respectively.</p>	SPBPC will provide the CPUC mitigation monitor with a disclosure form signed by the new owner listing documents to accomplish this condition.	Documentation of delivery to the CPUC of the disclosure form.	At least 3 business days prior to transfer of title.
VII.2: Construction of the 4,000-foot replacement section of the pipeline in the City of Martinez may temporarily restrict evacuation of the Martinez Regional Shoreline Park.	Implement measure XV.1.	See measure XV.1.	See measure XV.1.	See measure XV.1.
HYDROLOGY AND WATER QUALITY				
VIII.1: Construction of the 4,000-foot replacement pipeline section could result in erosion and sedimentation of storm water originating from the project site. Spills and leaks of oils or petroleum hydrocarbons from	VIII.1: SPBPC shall obtain coverage under the General Construction Activity Storm Water Permit issued by the State Water Resources Control Board and implement measures to prevent erosion and to control sediment and otherwise prevent stormwater pollution. The general construction permit requires the	SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these	Documentation will be submitted to the CPUC mitigation monitor verifying the of the preparation and execution of a Storm Water Pollution	At least 10 days prior to the start of any project-related activities, SPBPC shall obtain coverage under the General Construction Activity

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<p>construction equipment could also adversely impact storm water quality.</p>	<p>preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify appropriate stormwater pollution best management practices to reduce pollutants in stormwater discharges from the construction site both during and after construction. Measures and practices include, but are not limited to, the following:</p> <p><u>General Practices</u></p> <ul style="list-style-type: none"> • An environmental training program shall be conducted to communicate appropriate work practices, including spill prevention and response measures. Implementation of work practices should be monitored. • All storm drains, drainage swales and creeks located along the 4,000-foot pipeline alignment shall be identified. All construction personnel and subcontractors shall be made aware of the locations of drainage pathways to prevent pollutants from entering them. • Leaks, drips and other spills shall be cleaned up immediately. • Protect all storm drain inlets using filter fabric cloth or other best management practices to prevent sediments from entering the storm drainage system during construction activities. • Otherwise protect stormwater runoff from potential pollutant sources. <p><u>Erosion Prevention and Sediment Control</u></p> <ul style="list-style-type: none"> • To the extent possible, the area of 	<p>measures during construction of the replacement section in Martinez.</p>	<p>Prevention Plan (SWPPP).</p>	<p>Storm Water Permit issued by the State Water Resources Control Board.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>construction shall be restored to preconstruction conditions.</p> <ul style="list-style-type: none"> • Mulching, seeding, and/or other suitable stabilization measures to protect exposed areas shall be implemented, during and after construction. • Protect drainage courses, creeks, and catch basins with straw bales, silt fences and/or temporary drainage swales. • Conduct routine inspections of erosion control measures especially before and immediately after rainstorms, and repair if necessary. <p><u>General Site Maintenance</u></p> <ul style="list-style-type: none"> • Designate specific areas of the construction site, well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance. • Accidental releases of drilling mud shall be cleaned up immediately. • Spill kits shall be maintained on site during the construction project for small spills. <p>SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the replacement section. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement section in Martinez.</p>			
VIII.2: Construction of the 4,000-	Implement measure VIII.1.	See measure VIII.1.	See measure VIII.1.	See measure VIII.1.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
foot pipeline replacement section could change drainage patterns in project area resulting in increasing run-off.				
VIII.3: Construction of the 4,000-foot pipeline replacement section could alter drainage patterns, resulting in on- or off-site flooding.	Implement measure VIII.1.	See measure VIII.1.	See measure VIII.1.	See measure VIII.1.
VIII.4: Construction activities could impact water quality of local creeks or infiltrate the soil.	Implement measure VIII.1.	See measure VIII.1.	See measure VIII.1.	See measure VIII.1.
LAND USE AND PLANNING				
IX.1: Construction of the 4,000-foot replacement section of the pipeline in the City of Martinez may temporarily restrict access to the Martinez Regional Shoreline Park.	Implement measures I.1, IV.2.	See measures I.1 and IV.2.	See measures I.1 and IV.2.	See measures I.1 and IV.2.
IX.2: Maintenance of the pipeline could potentially limit access to the San Francisco Bay Trail because of a lack of alternative space.	IX.2: For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the City of Pinole <u>the relevant jurisdiction in which the pipeline is located</u> . The purchaser shall assure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.	Provide written assurances to the CPUC mitigation monitor of compliance with this measure.	Submittal of annual summary reports to the CPUC mitigation monitor describing any maintenance operations that limited access to the Bay Trail.	Prior to performing maintenance operations that could limit access to the Bay Trail.
IX.3: The pipeline may be located under a portion of the San Francisco Bay Trail.	Implement measure IX.2.	See measure IX.2.	See measure IX.2.	See measure IX.2.
IX.4: Construction of the pipeline replacement section in Martinez has some potential for conflict with a natural community conservation plan.	Implement measure IV.1.	See measure IV.1.	See measure IV.1.	See measure IV.1.
NOISE				
XI.1: Short-term construction-	XI.1: During construction of the 4,000-foot	The CPUC's mitigation	Verification of	During construction in

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
<p>related activities and long-term operation of the pump station would expose persons to or generate noise levels in excess of applicable, established local regulations.</p> <p>The City of Martinez, in which pipeline replacement would occur, does not have specific construction-related noise standards. However, under the requirements of Mitigation Measure XI.1 below, SPBPC would require its contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. Potential impacts would be mitigated to a less than significant level and project construction would not expose persons to or generate noise levels in excess of standards established in local general plans or noise ordinances, or applicable standards of other agencies.</p>	<p>replacement section in Martinez, the new owner (SPBPC) will implement the following measures:</p> <ul style="list-style-type: none"> • Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday Saturday, or <u>more restrictive hours required by permits and ordinances as specified by the City of Martinez.</u> • Obtain an encroachment permit from the City of Martinez specifying how construction would be sequenced to minimize potential construction impacts. • Conduct regular equipment and maintenance and install mufflers (as appropriate) on all construction equipment to control noise. • Shield and orient compressors and other small stationary equipment such that equipment exhaust would face away from noise sensitive buildings and land uses. • Use existing natural and manmade features (e.g., landscaping, fences) to shield construction noise whenever possible. <p>The CPUC's mitigation monitor shall ensure compliance with the above measures during construction.</p>	<p>monitor shall ensure compliance with the measures during construction.</p>	<p>mitigation wording in construction plans.</p>	<p>Martinez, contractors will be required to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday Saturday, or as specified by the City of Martinez.</p>
<p>XI.2: Construction-related activities would lead to a substantial temporary or periodic increase in the ambient noise levels in the project vicinity above levels existing without the project.</p>	<p>Implement measure XI.1.</p>	<p>See measure XI.1.</p>	<p>See measure XI.1.</p>	<p>See measure XI.1.</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
PUBLIC SERVICES				
XIII.1: The pipeline may require maintenance in public parks, recreation areas or designated open space areas, which may result in temporary alteration of public parks.	Implement measures I.1, IV.2.	See measures I.1 and IV.2.	See measures I.1 and IV.2.	See measures I.1 and IV.2.
TRANSPORTATION / TRAFFIC				
XV.1: Pipeline installation activities would temporarily disrupt existing transportation and circulation patterns in the vicinity. Impacts would include direct disruption of traffic flows and street operations. Lane blockages or street closures during pipeline installation would result in a reduction in travel lanes. Thus, the replacement pipeline installation within or across streets would reduce the number of, or the available width of, travel lanes on roads, resulting in temporary disruption of traffic flows and increases in traffic congestion.	XV.1a: Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.	SPBPC shall submit all local and state road encroachment permits required for the replacement section in Martinez to the CPUC mitigation monitor for review. The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.	SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits.	Prior to commencing construction activities.
	<p>XV.1b: Prior to commencing construction activities, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards prior to construction. As appropriate, traffic control plans shall include the following requirements:</p> <ul style="list-style-type: none"> • Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow. • Develop circulation and detour plans to 	The CPUC's mitigation monitor shall monitor compliance with the traffic control plan.	SPBPC shall provide documentation to the CPUC verifying the preparation of a traffic control plan in accordance with professional engineering standards prior to construction.	The traffic control plan shall be submitted to applicable jurisdictions for review and approval prior to the commencement of construction activities.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.</p> <ul style="list-style-type: none"> • Schedule truck trips outside of peak morning and evening commute hours. • Limit lane closures during peak hours to the extent possible. • Use haul routes minimizing truck traffic on local roadways to the extent possible. • Include detours for bicycles and pedestrians in all areas potentially affected by project construction. • Open trenches subject to vehicular or pedestrian traffic would be covered at the end of each workday with metal plates capable of accommodating traffic. • Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones. • Safety fencing would be installed, where needed, to protect pedestrians from construction areas. • At a minimum, the UPRR safety and engineering guidelines would be maintained when installing pipeline within the railroad right-of-way. All construction crews and project personnel would be trained on UPRR safety guidelines prior to commencing work in the railroad right-of- 			

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>way.</p> <ul style="list-style-type: none"> • Construction vehicles and equipment would not cross the tracks except at established public crossings or as specified by UPRR. • Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours for emergency vehicles, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures. • Store construction materials only in designated areas. • Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary. • All roads disturbed during construction would be restored to their preconstruction condition pursuant to franchise agreements with the City of Martinez. <p>The traffic control plan shall be submitted to applicable jurisdictions for review and approval.</p>			
XV.2: Construction-generated traffic could cause a temporary impact to operating conditions or level of service on local roadways.	Implement measures XV.1a and XV.1b.	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
XV.3: Heavy equipment operating adjacent to or within a road right-of-way could increase the risk of accidents.	Implement measures XV.1a and XV.1b.	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b
XV.4: Pipeline installation within or across streets and temporary reduction in travel lanes could result in delays for emergency vehicle access in the vicinity of the work sites.	Implement measures XV.1a and XV.1b.	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b
XV.5: Construction of the 4,000-foot replacement section could temporarily prevent access to off-street parking adjacent to the alignment, including Waterfront Park and Joe DiMaggio Fields.	Implement measures XV.1a and XV.1b.	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b
XV.6: Pipeline construction could disrupt access to bus stops along the alignment, and slow bus movements, including for County Connection Route 128 which travels along Ferry Street, North Court Street and Joe DiMaggio Drive. Bus routes on streets may need to be temporarily detoured, and bus stops temporarily relocated.	Implement measures XV.1a and XV.1b.	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b	See measures XV.1a and XV.1b
UTILITIES AND SERVICE SYSTEMS				
XVI.1: Construction activities could inadvertently contact underground facilities during underground construction, possibly leading to short-term service interruptions.	XVI.1: Insure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement. USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction. Where the replacement section crosses or is adjacent to live, overhead electric lines, install signs warning equipment operators of the presence of the line.	The SPBPC shall ensure that the USA verifies the location of all existing underground utilities, in order to ensure that they are avoided, and alerts the other utilities to mark their facilities in the area of construction.	Receipt by the CPUC mitigation monitor of a letter from SPBPC describing the incident.	The SPBPC will ensure that USA is notified at least 48 hours before initiating construction of the proposed pipeline replacement.

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>Dispose of construction debris at an approved waste disposal site.</p> <p>Obtain hydrostatic test water from existing municipal sources. Hydrostatic test water would be discharged into a public-owned treatment works or to upland areas (grasslands) using a dewatering structure that would prevent erosion and movement of soil. Test water would not be directly discharged into any stream or wetland.</p>			

SECTION 7.0

REFERENCES

- Alameda Contra Costa Transit District. 2000. Online. <http://www.actransit.dst.ca.us/>.
- Allen, Donna, Planner, Contra Costa County, personal communication, March 19, 2001.
- Association of Bay Area Governments (ABAG), *Excerpts from CDMG DRAFT Study Guidelines* <http://www.abag.ca.gov/Bayarea/eqmaps/liquefac/lqguide.html>, 1996.
- Association of Bay Area Governments Web Site on the San Francisco Bay Trail, <http://www.abag.ca.gov/bayarea/baytrail/>
- Association of Bay Area Governments, *Projections 2000*, December 1999.
- Association of Bay Area Governments, *San Francisco Bay Trail*, <http://www.abag.ca.gov/bayarea/baytrail/baytrail.html>, accessed March 12, 2001.
- Basin Research Associates. 2000, Archaeological Resources Assessment – Pipeline Replacement Project North of the City Limits of the City of Martinez, Contra Costa County.
- Bay Area Stormwater Management Agencies Association, *Blueprint for a Clean Bay*, 1999.
- Bay Conservation and Development Commission, *San Francisco Bay Plan*, http://www.bcdc.ca.gov/commlib/bayplan/ld1_TOC.htm, accessed March 8, 2001.
- Bechtel, *Concord Fault, Hastings Slough Fuel Oil Pipeline Crossings*, Prepared for Pacific Gas and Electric Company, 1974.
- Biagi, Allen, Fire Marshall, Rodeo-Hercules Fire Department, telephone conversation, March 15, 2001.
- Bolt, B., *Earthquakes*, W.H. Freeman and Company, New York, New York, 1988.
- Brady and Associates. 1992. *North Richmond Shoreline Specific Plan Environmental Report*.
- Cal. Pub. Res. Code § 3000 *et seq.* California Public Resources code Section 3000.
- California Building Standards Commission, *California Building Code, Title 24, Part 2*, 1995.
- California Code of Regulations, Title 5

- California Department of Conservation, 1998. Farmland Designation Map for Contra Costa County, 1998.
- California Department of Conservation, 2000. Online. Farmland Mapping and Monitoring Program and Land Conservation Act of 1965 (Williamson Act)
- California Department of Conservation, Division of Mines and Geology, *Earthquake Planning Scenario for a Magnitude 7.5 Earthquake on the Hayward Fault in the San Francisco Bay Area*, Special Publication 78, 1987.
- California Department of Conservation, Division of Mines and Geology, *Geologic Map of the Santa Rosa Quadrangle*, Regional Geologic Map Series, Map No. 2A, Scale 1:250,000, second Printing, 1999.
- California Department of Conservation, Division of Mines and Geology, *The Loma Prieta (Santa Cruz Mountains) California, Earthquake of 17 October 1989* Special Publication 104, 1990.
- California Department of Conservation, Division of Mines and Geology, in cooperation with the United States Geological Survey, *Probabilistic Seismic Hazard Assessment for the State of California*. CDMG Open-File Report 96-08 and USGS Open-file Report 96-706, 1996.
- California Department of Transportation Web Site on Scenic Highways, http://www.dot.ca.gov/hq/LandArch/scenic_highways/
- California Department of Transportation. 1998. Online. <http://www.dot.gov/hq/traffops/saferesr/trafdata/1998all.html>.
- California Highway Patrol, <http://www.chp.ca.us>, accessed March 19, 2001.
- California Regional Water Quality Control Board, San Francisco Bay Region. 1995. *Water Quality Control Plan San Francisco Bay Basin (Region 2)*.
- California Surface Mining and Reclamation Act (SMARA) of 1975, California Public Resources Code (PRC), Division 2, Chapter 9, Sections 2710, et. seq.
- City of Hercules, 1998. City of Hercules General Plan.
- City of Hercules, 2000. Online. <http://www.ci.Hercules.ca.us/>
- City of Hercules, City Council Resolution, August 9, 1976.
- City of Hercules, <http://www.ci.hercules.ca.us/Police/HPDHome/index.htm>, accessed March 19, 2001.

- City of Hercules, *New Pacific Properties Specific Plan Draft Environmental Impact Report*, December, 1999.
- City of Hercules, *New Pacific Properties Specific Plan Environmental Impact Report Comments and Responses*, March 6, 2000.
- City of Hercules, *Zoning Ordinance*, October 13, 1998.
- City of Martinez Community Development Department. 1994. *Martinez Intermodal Station Project Draft Environmental Impact Report*.
- City of Martinez, 1995. Martinez General Plan.
- City of Martinez, 1995. Martinez General Plan, as amended to January 1995
- City of Martinez, *Zoning*, [no date].
- City of Pinole, 1995. City of Pinole General Plan.
- City of Pinole. 1995. City of Pinole General Plan.
- City of Pinole. 2000. Online. <http://www.ci.pinole.ca.us/info.html>.
- City of Pittsburg, 1988. Pittsburg General Plan. September, 1988.– *Goals, Policies, Guidelines, Standards, and Implementation Programs, Volume Two – Technical Appendix*.
- City of Richmond Planning Department. 1994. *Richmond General Plan*, Volume One – Goals, Policies, Guidelines, Standards, and Implementation Programs, Volume Two – Technical Appendix, Conservation Element
- City of Richmond, *City of Richmond Zoning Ordinance*, January 1, 1997 (as amended to April 1999).
- City of Richmond, *North Richmond Shoreline Specific Plan*, June 1993.
- Contra Costa County Planning Department, 1989. Historic Resources Inventory, Contra Costa County.
- Contra Costa County, 1996. *Contra Costa County General Plan 1995-2010*, July 1996.
- Contra Costa County, *Contra Costa County Population and Housing Estimates, January 1, 2000*, <http://www.co.contra-costa.ca.us/depart/cd/recycle/population-housing.htm>, accessed March 20, 2001.

- County Connection. 2000. Online. <http://www.cccta.org/>.
- Debbie Treadway, 2001. California Native American Heritage Commission. Verbal Correspondence on June 21, 2001.
- Dowswell, David, City Planner, City of Pinole Planning Department, personal communication, March 7, 2001.
- Ellen, S.D., Wentworth, C.M., *Hillside Materials and Slopes of the San Francisco Bay Region, California*, U.S. Geological Survey Professional Paper 1357, 1995
- Environmental Science Associates, 2001 site visit to project route, February 2001.
- Federal Emergency Management Agency, Flood Hazard Map, prepared by ESRI. <http://mapserver2.esri.com/cgi-bin/hazard.adol?z=i&c=-122.141994%2C38.021411&p=1&d=0&s=0&cd=p&Map.x=214&Map.y=146>
- Fleischer, Deborah, *Summary of Agency Consultations*, March 6, 2001.
- Harding Lawson Associates, *Summary Report: Point Richmond – Antioch Fuel Oil Pipeline, Pacific Gas and Electric Company, Contra Costa County, California*, November 12, 1974.
- Hart, E.W., *Fault Rupture Hazard Zones in California: Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps*, California Division of Mines and Geology, Special Publication 42, 1990, revised and updated, 1997.
- Helley, E.J., LaJoie, K.R., *Flatland Deposits of the San Francisco Bay Region, California*. U.S. Geological Survey Professional Paper 943, 1979.
- International Conference of Building Officials, Uniform Building Code, ICBO, Whittier, California, 1994, updated, 1997.
- Lindeburg, M., *Seismic Design of Building Structures: A Professional's Introduction to Earthquake Forces and Design Details*, Professional Publications Inc., 1998.
- McBride, Janet, Project Manager, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.
- National Institute for Occupational Safety and Health and Occupational Safety and Health Administration, *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*, October 1985.

- National Register of Historic Properties Database, 2000. Online. <http://www.cr.nps.gov/nr/research/nris.htm>.
- Northwest Information Center, 2000, Cultural Resource Record Search for the Pipeline along the Union Pacific Railroad in Martinez, Contra Costa County.
- On-Line Guide to Bay Area Private Schools*, <http://www.baprivateschools.com>, accessed March 21, 2001.
- Pacific Gas and Electric Company, 2000. *Proponents Environmental Assessment to Establish Market Value for and Sell its Richmond-to-Pittsburg Fuel Oil Pipeline and Hercules Pump Station*, Pursuant to Public Utilities code Section 367 (B) and 851. Application Number 00-05-035.
- Pacific Gas and Electric Company. 1974. *Richmond-Antioch Fuel Oil Pipeline Applicant's Environmental Impact Report*.
- Pacific Gas and Electric Company. 1973. Applicant's Environmental Impact Report, Richmond, Pittsburg, Antioch Fuel Oil Pipeline.
- Pacific Gas and Electric Company. 1974. *Final Environmental Impact Report for the Richmond-Antioch Fuel Oil Pipeline*.
- San Francisco Bay Area Rapid Transit District. 2000. Online. <http://www.bart.gov/>.
- San Francisco Bay Conservation and Development Commission, *Engineering Criteria Review Board* minutes, Pacific Gas and Electric Company Fuel Oil Pipeline, Richmond to Antioch, BCDC Application no. 2-74, February 26, 1974.
- Thomas Brothers. 1999. *The Thomas Guide: Alameda and Contra Costa County Street Guide and Directory*.
- Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.
- Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.
- Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.
- U.S. Department of Transportation and the City of Martinez. 1996. *Martinez Intermodal Station Project Final Environmental Assessment*.

U.S. Geological Society (USGS) Working Group on California Earthquake Probabilities (WG99), *Earthquake Probabilities in the San Francisco Bay Region: 2000-2030 – A Summary of Findings*, Open-File Report 99-517, 1999.

Union Pacific Railroad. 2000. Online. <http://www.uprr.com/>.