CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Supplemental Non-Disposal Facility Element

DATE: June 20, 2012

City Administrator Approval _____ Date 6/21/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve a resolution adopting the Third Amendment to the City's Non-Disposal Facility Element (a recycling planning document required by the State of California), which describes and identifies solid waste, recycling, and processing facilities that city residents, businesses and members of the public use to reduce materials sent to iandfilis, to add a new facility.

REASON FOR SUPPLEMENTAL REPORT OR REPLACEMENT

The original report dated May 24, 2012 recommending that the City Council approve a resolution adopting the Third Amendment to the City's Non-Disposal Facihty Element referenced a web link that is no longer valid. The new web link is:
http://www2.oaklandnet.eom/Govemment/o/PBN/OurServices/Application/DOWD009158

The web link provides the EBMUD EIR, and the EBMUD staff report and adopting Resolution. A hard copy is also attached for special distribution.

OUTCOME

Approval of this resolution would amend the Non-Disposal Facility Element (NDFE) to add a new facility operated by Recology East Bay Organics (REBO). The draft Third Amendment to the NDFE (***Exhibit 1***) adds the Preprocessing Facility that will be operated by REBO at the East Bay Municipal Utility District (EBMUD) Main Wastewater Treatment Plant at 2020 Wake Avenue. Although the proposed organic-rich materials Preprocessing Facility is located within the land-use jurisdiction of the Port of Oakland, the NDFE is the responsibility of the City. State law requires that a NDFE amendment be adopted by resolution of the City Council, and that the City notifies California Department of Resources Recycling and Recovery (CalRecycle) of the amendment adoption.

Item: _____
Public Works Committee
June 26, 2012

For questions regarding this report, please contact Wanda Redic, Recycling Specialist, at (510) 238-6808.

Respectfully submitted,

Vitaly B. Troyan, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Reviewed by:
Susan Kattchee, Environmental Services Manager

Prepared by:
Wanda Redic, Recycling Specialist
Environmental Services Division

Item: _____
Public Works Committee
June 26, 2012

REVISED

Approved as to Form and Legality

for C. Ortiz

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 21 PM 4:41

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION ADOPTING THE THIRD AMENDMENT TO THE CITY'S NON-DISPOSAL FACILITY ELEMENT (A RECYCLING PLANNING DOCUMENT REQUIRED BY THE STATE OF CALIFORNIA), WHICH DESCRIBES AND IDENTIFIES SOLID WASTE, RECYCLING, AND PROCESSING FACILITIES THAT CITY RESIDENTS, BUSINESSES AND MEMBERS OF THE PUBLIC USE TO REDUCE MATERIALS SENT TO LANDFILLS, TO ADD A NEW FACILITY.

WHEREAS, in 1992 the City Council adopted the Source Reduction and Recycling Element (SRRE), pursuant to the California Integrated Waste Management Act of 1989 (Act); and

WHEREAS, Assembly Bill 3001 (Cortese, 1992) required every city and county in the State to prepare and adopt a Non-Disposal Facility Element (NDFE) that identified and described existing and planned non-disposal facilities to be used by cities and counties to assist in implementing programs identified in the SRREs; and

WHEREAS, in February 1994 through Resolution No. 70748 C.M.S. the City Council adopted the NDFE, and in February 2005 through Resolution No. 79083 C.M.S., and in April 2010 through Resolution No. 82689 C.M.S., the City Council adopted the First and Second Amendments to the NDFE; and

WHEREAS, State law requires that amendments to the NDFE be adopted by City Council by Council Resolution; and

WHEREAS, Recology East Bay Organics proposes to build and operate a facility in Oakland, at EBMUD'S Main Waste Water Treatment Plant (MWWTP), that would pre-process organic-rich materials for anaerobic digestion, and is requesting that the facility be added to the City's NDFE in order to obtain a Solid Waste Facility Permit from CalRecycle; and

WHEREAS, in 2006 through Resolution No. 80286 C.M.S. the City Council approved the Zero Waste Strategic Plan, which calls for developing recycling infrastructure to achieve the Zero Waste goal and Recology East Bay Organics adds to Oakland's recycling infrastructure; and

WHEREAS, EBMUD, as the Lead Agency under CEQA, prepared an Environmental Impact Report (EIR) that evaluated the environmental impacts of its MWWTP Master Plan, one component of which is the Preprocessing Facility Project (Project); and

WHEREAS, EBMUD certified the EIR and approved the Project on June 28, 2011; and

WHEREAS, The City is considered a Responsible Agency under CEQA because it has some responsibility for carrying-out or approving the Project – here, the adoption of the Third Amendment to the City's Non-Disposal Facility Element; and

WHEREAS, the City has independently reviewed and considered the EBMUD Master Plan EIR, the June 28, 2011 EBMUD Staff Report, Resolution No. 33834-11 and CEQA findings, now, therefore be it

RESOLVED: The City Council hereby adopts as its own independent findings and conclusions, and incorporates herein by reference, the CEQA-related findings adopted by EBMUD, including rejection of alternatives as being infeasible, the Statement of Overriding Considerations (finding that the benefits of the Project outweigh its environmental impacts), and the Mitigation Monitoring and Reporting Program; and be it

FURTHER RESOLVED: That the City's Environmental Review Officer is directed to cause to be filed a Notice of Determination with the coimty Recorder.

FURTHER RESOLVED: That the City Council hereby adopts the amended Non-Disposal Facility Element attached as Exhibit 1 and hereby incorporated by reference.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation _____

BBMUD

AGENDA NO. 19.
MEETING DATE June 28, 2011

TITLE CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MAIN WASTEWATER TREATMENT PLANT LAND USE MASTER PLAN AND APPROVE THE MASTER PLAN

☐ MOTION ☒ RESOLUTION ☐ ORDINANCE

RECOMMENDED ACTION

Certify the Final Environmental Impact Report (EIR) for the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan, make findings in accordance with CEQA, adopt the mitigation monitoring and reporting program, and approve the master plan.

SUMMARY

The District's MWWTP Land Use Master Plan (Master Plan) has been prepared to serve as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the newly-acquired, adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. The Master Plan includes a proposal for long-term land uses including several regulatory-driven projects and short-term land uses including two revenue-enhancing renewable energy projects under land-lease agreements – a biodiesel production facility and a food waste preprocessing facility. A Draft EIR was prepared to analyze the environmental impacts of the Master Plan at a program level as well as the impacts of the two renewable energy projects at a project level. The Draft EIR was published on February 7, 2011. The comment period closed on March 28, 2011. Responses to comments have been prepared and are included in the Final EIR, which was transmitted to the Board on June 9, 2011.

DISCUSSION

The Master Plan pertains to the MWWTP, which is located at 2020 Wake Avenue in Oakland. The Master Plan coordinates near-term land uses with potential plans for future expansion to maintain an efficient plant layout and minimize building demolition and facihty relocation requirements. Short- and long-term layouts were developed with recommended locations for identified projects given available land at the MWWTP, which now includes the West End property.

Short- and long-term actions that may be implemented at the MWWTP in the future have been identified. Many of the potential actions would not be undertaken until the facilities are needed to meet a specific

Funds Available: FY11	Budget Code: WWC/926/79999/2004840	
DEPARTMENT SUBMITTING Wastewater	DEPARTMENT MANAGER or DIRECTOR David R. Williams David R. Williams	APPROVED General Manager

Contact the Office of the District Secretary with questions about completing or submitting this form.

future regulatory requirement. The purpose of the EIR is to evaluate the range of potential projects that could be developed as part of the Master Plan. The two renewable energy projects that are being considered for implementation in the near future would help the District to meet sustainability goals by increasing on-site power generation and/or keep rates low by generating additional revenues. One project (i.e., food waste pre-processing) involves contracting with a private company under a land-lease agreement to construct and operate a facility at the MWWTP. The other project (i.e., biodiesel) involves a simple land lease.

Draft EIR Circulation

The Draft EIR was provided to the State Clearinghouse, and Notice of Availability of the Draft EIR was provided to all responsible agencies, all owners and occupants of property contiguous to the project site, and those requesting such notification. The Draft EIR was also made available to the public through the District's website and hard copies were available for review at District offices at 375 Eleventh Street, Oakland, California, as well as at the West Oakland Branch Library and Main Oakland Library. The public comment period began on February 7, 2011, and closed on March 28, 2011. A public meeting was held on March 9, 2011.

Findings and Mitigation, Monitoring and Reporting Program

The Draft EIR analysis concluded that the Master Plan would not have any direct significant unavoidable impacts. All direct impacts of the project can be mitigated to less than significant. However, cumulative impacts related to community risks and hazards have been determined to be significant and unavoidable because of existing circumstances in the project area. Impacts from projects identified in the proposed Master Plan were determined to be less than significant with mitigation, but cumulative emissions of diesel particulate matter from existing sources (primarily freeways adjacent to the MWWTP) are substantial. Thus, even though the impact from the Master Plan is less than significant with mitigation, cumulative community risk and hazard impacts within 1,000 feet of the project site have been determined to be significant because they exceed the Bay Area Air Quality Management District (BAAQMD) thresholds of significance. The impact would be significant with or without implementation of the Master Plan.

Findings, detailing all impacts, are provided in Exhibit A to the Board Resolution for the recommended action. Impacts are categorized as follows:

- Significant and unavoidable;
- Significant or potentially significant but mitigated to a less-than-significant level; or
- Less than significant.

The majority of the findings describe impacts that are less than significant or can be avoided or mitigated to a less-than-significant level. All of the mitigation measures are summarized in a Mitigation Monitoring and Reporting Plan (MMRP), which is included as Exhibit B to the Board Resolution for the recommended action.

Comments and Responses

Three comment letters were received (from a state agency, a local agency and a non-governmental organization [NGO]), as well as a letter from the State Clearinghouse acknowledging compliance with review requirements. The two agency letters requested clarifications or additional information regarding the food waste preprocessing and biodiesel projects, while also providing information regarding solid waste permit regulations. The NGO letter requested information regarding analyses related to both environmental and socio-economic impacts of the project. A Response to Comments (RTC) document that included responses to each question or request for additional information was prepared. The comments did not present any new significant information requiring recirculation of the document. Two minor edits were made to the text of the EIR for further clarification.

The RTC and notice of the Board of Directors meeting were mailed to those who commented on the Draft EIR more than ten days prior to the June 28, 2011 Board of Directors meeting date. Copies of the Final EIR (Draft EIR and RTC) were also posted on the District's website on June 13, 2011.

ALTERNATIVE

Do Not Certify the Final EIR or Approve the Project – This alternative is not recommended because the Final EIR meets CEQA requirements and the proposed project was evaluated against several alternatives that either had equal or greater environmental impacts or failed to achieve project objectives.

Draft Prepared

Office of General Counsel

RESOLUTION NO._____

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MAIN WASTEWATER TREATMENT PLANT LAND USE MASTER PLAN, MAKING FINDINGS, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE MASTER PLAN

Introduced by Director ; Seconded by Director

WHEREAS, the East Bay Municipal Utility District (District) Main Wastewater Treatment Plant (MWWTP) site in the western portion of the City of Oakland consists of an existing 48-acre site along with a newly-acquired adjacent 15.9-acre property; and

WHEREAS, EBMUD has determined that it is desirable to have a high-level planning tool that will guide development of the existing and newly-acquired property at the MWWTP; and

WHEREAS, EBMUD has developed the MWWTP Master Plan (Master Plan or Project) to guide development of the site and coordinate near-term land uses with potential plans for future expansion to maintain an efficient plant layout and minimize building demolition and facility relocation; and

WHEREAS, the District mailed public notices announcing a public meeting and the Notice of Availability of the Draft EIR on the Master Plan to West Oakland neighborhood groups, as well as regional and local agencies; and

WHEREAS, the Draft EIR on the Master Plan was completed by the District and circulated for review on February 7, 2011 for a 49-day comment period in accordance with CEQA regulations and was made available through the District's website and mailings to responsible agencies, owners and occupants of property contiguous to the project site, and those requesting notification; and

WHEREAS, as part of the District's public information efforts on the Master Plan and near-term projects included within the Master Plan, the District held one public meeting in the City of Oakland during the comment period to receive verbal and written comments from interested parties upon the Master Plan and the Draft EIR; and

WHEREAS, a Final EIR was prepared by the District, which includes responses to the three comments on the Draft EIR received by the District during the public comment and clarifications; and

WHEREAS, the Final EIR was sent to public agencies and transmitted to the Board on June 9, 2011; and

WHEREAS, District staff has prepared a detailed Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit B and incorporated by this reference into the Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District does hereby find, determine and certify that:

1. The Final EIR, which includes the Draft EIR, has been presented to the Board of Directors. The Board has reviewed and considered the information contained therein prior to approving the Master Plan, and the Final EIR reflects the Board's judgment and analysis.

2. All proceedings of the environmental review process, including the Draft and Final EIR and all required notices, have been conducted and completed in accordance with CEQA, the CEQA guidelines, and all other applicable laws, regulations, and procedures.

3. The potential environmental impacts of the Master Plan are fully disclosed in the Draft EIR and Final EIR, and the Draft EIR and the Final EIR are adequate for use by the District for approval, design and construction of the Project.

4. The documents and material constituting the record of the proceeding are located at the District's administrative offices, 375 – 11th Street, Oakland, CA 94607. The custodian of said records is the Secretary of the District.

5. No substantial change in circumstances has occurred since preparation of the Draft EIR and Final EIR which would require revisions to the Draft EIR and Final EIR due to the discovery or disclosure of new significant impacts not covered in the Draft EIR and Final EIR, and there is no requirement to re-circulate the Draft and Final EIRs.

6. Public consultations conducted prior to completing the Final EIR have been a valuable component of the planning process, and these public efforts, which are described in detail in the EIR, allowed the public to be informed about the Master Plan and the projects contained in the Master Plan and provide input throughout the process.

7. The Board of Directors makes findings and determinations regarding the Master Plan set forth in the Findings, attached hereto as Exhibit A, and incorporated into this Resolution by this reference.

8. The Board of Directors hereby approves, adopts, and imposes the MMRP attached hereto as Exhibit B and incorporated herein by this reference. The

mitigation measures adopted by the Board of Directors are hereby imposed as conditions of the approval of the Master Plan and projects included in the Master Plan.

BE IT FURTHER RESOLVED that the Final EIR is hereby certified as having been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Master Plan as described in the Draft and Final EIR is hereby approved.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to take such actions as shall be necessary to implement this determination to move forward with the Master Plan, subject to compliance with all mitigation measures in the MMRP.

BE IT FURTHER RESOLVED that the Secretary of the District is hereby directed to file a Notice of Determination in accordance with the law with the County Clerk of Alameda County and the with the State Clearinghouse.

ADOPTED this 28th day of June, 2011 by the following votes.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President

ATTEST:

_____
Secretary

APPROVED AS TO FORM AND PROCEDURE:

_____
General Counsel

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EXHIBIT A

East Bay Municipal Utility District Board of Directors Findings
Regarding the Main Wastewater Treatment Plant Land Use Master Plan

1.0 Introduction

This is the findings document adopted by the East Bay Municipal Utility District ("EBMUD or District") Board of Directors for the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan, which has been prepared to serve as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the newly-acquired, adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. The Master Plan coordinates near-term land uses with potential plans for future expansion to maintain an efficient plant layout and minimize building demolition and facility relocation requirements.

EBMUD has identified short- and long-term actions that may be implemented at the MWWTP in the future. Many of the potential actions would not be undertaken until the facilities are needed to meet a specific future regulatory requirement. Two renewable energy projects have been identified and are being considered for implementation in the near future – biodiesel production and food waste preprocessing – to help EBMUD meet sustainability goals by increasing on-site power generation. Both projects involve EBMUD contracting with private companies under a land-lease agreement to own and operate a facility at the MWWTP, which includes the West End property.

Proposed Master Plan facilities include:

- Biodiesel Production Facility (short and long term)
- Food Waste Preprocessing Facility (short and long term)
- Temporary Land Lease (short term)
- Employee Parking/Emergency Equipment Storage (short and long term)
- Influent Pump Station (IPS), Dewatering Building and Primary Sedimentation Tank Odor Control (short and long term)
- Food Waste Processing (short and long term)
- Secondary Treatment Upgrades for Nutrient Removal (long term)
- Ultraviolet Disinfection (long term)
- Tertiary Treatment Facility (long term)
- Digester Expansion (long term)
- Household Hazardous Waste (HHW) Collection Facihty (long term)
- Public Education Facility (long term)
- Relocation of Resource Recovery (R2) and Septage Receiving Stations (long term)

Section 1, "The Project", describes the MWWTP Land Use Master Plan and places it in the context of EBMUD's planning efforts.

Section 2, "CEQA Requirements Regarding Project Impacts", describes the requirements under the California Environmental Quality Act (CEQA) regarding project impacts.

Section 3, "Findings Regarding Independent Review and Judgment", contains the findings regarding the independent review and judgment of the Board of Directors.

Section 4, "Findings Regarding The Project", contains the findings regarding potential project impacts. This section is divided into three parts. Section 4.1 contains findings regarding the one unavoidable significant environmental impact. The Board of Directors finds that the benefits of the project, including engineering necessity, outweigh or override the potential for this impact. Section 4.2 contains the finding regarding significant or potentially significant impacts that are mitigated to a less then significant level. Section 4.3 contains the findings regarding project impacts that are less than significant or where there is no impact.

Section 5, "Statement of Overriding Considerations", sets forth the statement of overriding considerations for the one identified significant and unavoidable impact.

Section 6, "Findings Related to Potential Growth inducing Impacts", sets forth the findings regarding the potential for the project to foster growth. The Board of Directors finds that the project has no potential to foster population growth and that the adoption of the Land Use Master Plan will not remove obstacles to growth or encourage or facilitate growth.

Section 7, "Findings Regarding Alternatives and Selecting the Project", contains the findings concerning the project alternatives considered in the Draft EIR. The Board of Directors finds that the selected alternative is feasible and that the other alternatives are either infeasible or do not provide any clear environmental or other benefit, beyond those of the proposed project.

The findings presented here also summarize the mitigation measures set forth in the Draft EIR and agreed to by the District or incorporated into the project. The mitigation measures are summarized below for convenience, but the summary is not intended to change any aspects of the complete text of the mitigation measures described in the Final EIR (EIR) and adopted by the District.

I.1 The Project

A. Project Need and Objectives

The District currently utilizes the majority of the space on the current 48-acre MWWTP site. In 2007, the District acquired the West End property primarily to provide space for future facility expansion. The District's wastewater service area is essentially built-out, such that flows are not expected to increase appreciably in the future. However, more stringent regulatory standards may be implemented in the future that would require the District to expand its existing treatment processes. For example, the District's National Pollutant Discharge Elimination System (NPDES) permit for the MWWTP does not currently require nutrient (i.e., nitrogen and phosphorus) removal from the final treated wastewater (called "effluent") prior to discharge to San Francisco Bay. However, this may become a future regulatory

requirement, which would require the District to build significant additional infrastructure to meet these more stringent wastewater discharge requirements.

Because the implementation timeline for similar regulatory-driven projects is uncertain and may extend beyond 10 to 15 years into the future, the District is exploring opportunities to lease this land for renewable energy projects that would support the District's sustainability goals and generate revenue to help maintain reasonable rates for its ratepayers.

EBMUD has identified two renewable energy projects for implementation in the near future: biodiesel production and food waste preprocessing. Both projects involve EBMUD contracting with private companies under a land-lease agreement to own and operate facilities at the MWWTP that meet the Master Plan objectives. These projects would support the District's renewable energy and sustainability initiatives by providing a "co-located" source of organic material that the District could feed to its existing anaerobic digesters to augment digester gas production and associated on-site electricity production. This renewable energy would be used on site and excess would be fed to the local power grid in West Oakland.

B. Project Purpose and Objectives

The purpose of the Land Use Master Plan is to coordinate near-term renewable energy and revenue-generating land uses with potential plans for future regulatory-driven process expansion to maintain an efficient plant layout and minimize building demolition and facility relocation. The Master Plan will serve as a high-level planning tool to guide development of the existing MWWTP site and the newly-acquired, adjacent West End property over a 30-year time horizon. Objectives for the Master Plan are to:

- Promote environmental stewardship through the protection of water, air and soil quality;
- Provide flexibility to construct advanced treatment facilities to meet air, water and/or biosolids regulations in the future;
- Enhance revenues to maintain reasonable rates through land-lease agreements and continued growth of successful resource recovery programs that increase renewable energy production;
- Provide benefits to the community and enhance community relations by reducing the potential for odor or aesthetic impacts; and
- Maintain safety through emergency preparedness and by improving traffic routing to, from, and within the MWWTP.

As regulatory-driven projects are required and revenue-generating opportunities are identified, the Master Plan will guide future development of planned and unforeseen projects in a manner that meets these objectives.

C. Project Location

The project site is located at the MWWTP, which is in the western portion of the City of Oakland near the convergence of I-80, I-580, and I-880 in Alameda County. The project site is composed of EBMUD's existing 48-acre MWWTP (Assessor's Parcel Number 000-0305-002-03) and the 15.9-acre West End property (Assessor's Parcel Number 000-0305-003-16) that was acquired from the United States Army Reserve in 2007.

D. Project Characteristics

The Master Plan includes 13 elements. Two of the facilities, biodiesel production and food waste preprocessing, are being considered for immediate implementation. The remainder would be implemented over time. Descriptions of each element are provided below. Figure 2-1 shows the projects that are being considered for implementation within the next 10 years and includes the two proposed renewable energy projects. Figure 2-2 shows the elements that are being considered within the next 30 years.

1. Biodiesel Production Facility

EBMUD is considering siting a biodiesel facility that would be owned and operated by a private company. This facility is proposed to be sited on a portion of the West End property under a land-lease agreement (see location in Figure 2-2). The facility would utilize a variety of oils, including used cooking oil and possibly animal fat to produce biodiesel. Glycerin, a byproduct of the biodiesel production process would be sent to EBMUD for anaerobic digestion, gas generation and renewable energy production at the MWWTP.

2. Food Waste Preprocessing Facility

EBMUD is considering siting a food waste preprocessing facility that would be owned and operated by one or more private companies. This facility is proposed to be sited on a portion of the West End property under a land-lease agreement.

EBMUD operates an existing food waste processing facility, which was approved in July 2009 for expansion to treat up to 250 tons per day (tpd) of preprocessed food waste. Currently, food waste is preprocessed to remove non-digestible material at a combination of facilities located in the greater San Francisco Bay Area, including but not limited to facilities in Vacaville, San Carlos, and Martinez. With the construction of a food waste preprocessing facility at the MWWTP, organics-rich waste would be delivered directly to the MWWTP to be preprocessed to improve process efficiency and material consistency. This material would then be conveyed to the existing food waste facility. Material not suitable for anaerobic digestion would be transported offsite for further processing at a compost facility.

3. Other Land Use Master Plan Elements

Odor Control (0.2 ac)
This plan element encompasses several small parcels of land for odor control upgrades for the Influent Pump Station (IPS), primary sedimentation tanks, Solids Dewatering Building, and Resource Recovery (R2) Receiving Station. The odor control equipment would be sited close to the facility that it serves. It is anticipated that the projects would be undertaken as necessary to enhance community relations and address regulatory needs. h is estimated that 0.2 acres are required and the individual estimates on facility timelines for implementation range from three to five years, to more than 10 years in the future.

Food Waste Processing (0.8 ac)
This plan element would relocate and convert the existing EBMUD Food Waste Facility to an advanced processing facility to receive preprocessed food waste, slurry, and remove grit and other contaminants prior to feeding to the digesters. This 0.8-acre facility may be implemented in the near term. It would be sited near the proposed food waste preprocessing facility and the digesters.

Emergency Response Equipment Storage (0.3 ac)
This plan element would provide 0.3 acres for the storage of emergency response equipment (e.g., portable pumps, generators, hoses and piping) to allow continued conveyance and treatment of wastewater when normal treatment or conveyance facilities are not operational (e.g., due to severe earthquake). EBMUD is planning to implement near-term improvements for emergency equipment storage. The storage area would be sited close to Wake Avenue for better access to wastewater interceptors and remote pumping facilities.

Secondary Treatment Upgrade for Nutrient Removal (4.7 ac)
If a future EBMUD NPDES permit were to include limits on effluent ammonia, the secondary treatment system would need to be upgraded for nitrification. This plan element includes converting and enlarging the existing high-purity oxygen activated sludge plant to air activated sludge with an enhanced biological process (which would require construction of two new concrete basins) and constructing two additional secondary clariflers. The 4.7-acre footprint includes space for the activated sludge process, the aeration building, two additional center-feed secondary ciarifiers and expansion of the return activated sludge/waste activated sludge (RAS/WAS) pump station. To make the best use of existing equipment and piping as well as to preserve the areas allocated for liquid stream processes, the secondary treatment upgrade would be sited as close to the existing secondary process as possible. Expanding the facility in its current location would require relocation of the maintenance yard and fuel station. Because this plan element is driven by the potential for future regulatory requirements that may be many years in the future; the facility is only included in the long-term layout.

Ultraviolet Disinfection (0.4 ac)
This plan element would replace existing chlorination and dechlorination facilities with ultraviolet (UV) disinfection. The 0.4-acre footprint is based on sizing a system to treat peak wet weather flows of 320 mgd during blending. It includes a blending basin to combine tertiary effluent and primary effluent during wet weather events, and to split flow to the UV disinfection channels. It is assumed that for UV disinfection to be technically and economically feasible, secondary effluent must be filtered prior to disinfection (see *Tertiary Treatment Facility*, below). Even with the provision of tertiary treatment, however, the technical and economic feasibility of converting to UV disinfection is uncertain. Additionally, providing UV disinfection capacity for peak wet weather flows of 320 mgd may not be cost effective due to the infrequency of peak wet weather events. UV disinfection would provide the benefit of completely eliminating the need for the chlorination and dechlorination facilities. A more technically feasible and cost effective scenario would be to provide UV disinfection for the average dry weather flows and maintain the chlorination and dechlorination facilities to treat wet weather flows. However, in order to provide a more conservative footprint, it is assumed for the purposes of the Land Use Master Plan that UV disinfection of peak wet weather flows is both cost effective and technically feasible.

To maintain process continuity and reuse existing facilities, the UV disinfection facility would be sited adjacent to the secondary effluent channel. Although there may be operational efficiency drivers, the main driver would be future reguiatory requirements that significantly favor or require UV disinfection, which may be many years in the future, therefore the facility Is only included in the long-term layout.

Tertiary Treatment Facility (2.4 ac)
This plan element would provide a facility for tertiary treatment (i.e., granular media filtration) of secondary effluent. The land requirement of 2.4 acres includes ancillary facilities (e.g., backwash tanks, filter feed pump station, and backwash pumps and equipment). The facility would treat secondary effluent (168 mgd capacity) minus the 2 mgd in flows that are diverted to the East Bayshore Recycled Water Facility, which already receive tertiary treatment. The tertiary treatment facilities are thus sized to accommodate peak flows of 166 mgd.

To maintain continuity of the existing liquid treatment process train, the tertiary treatment facility would be sited near the effluent channel, on the northern side of the MWWTP site. As a regulatory-driven facility expected to be many years in the future, this facility only appears in the long-term layout.

Digester Expansion (1.0 ac)

Digester capacity would be expanded to treat additional waste streams and to provide adequate redundancy for improved facility operation. This plan element includes up to three new, egg-shaped digesters that would be on the order of 65 feet above grade. It is assumed that one digester would be located in the area of former Digester No. 1 (currently used for sodium hypochlorite storage). Sodium hypochlorite storage, if still necessary, would be relocated to an area northeast of the existing clarifiers. The other two new digesters would be located adjacent and to the west of the existing digesters. A total of approximately 1.0 acres would be required. The diameter of the digesters was assumed to be the same as the existing digesters. Currently, the existing digesters provide sufficient capacity for the planned solids loading; therefore, this facility is only included in the long-term layout. With or without expansion of digester capacity, piping modifications may be undertaken in order to separate the digestion of food wastes and other high strength wastes from wastewater solids. A dedicated dewatering facility may be required in the area designated for the Food Waste Processing Facility in the near term.

Temporary Land Lease (as available)

Land leases of varying durations could be negotiated to generate revenue to help minimize wastewater rate increases, while reserving land for future needs in the short and long term. The specific locations and timeframe for implementation depend on land availability and uses designated for other projects and plan elements. Unlike the food waste preprocessing and biodiesel production projects, which are also land leases, this plan element refers to shorter-term, low-capital commitment leases for activities without any relation to MWWTP processes. Examples Include Port of Oakland-related container storage, vehicle parking, or equipment storage. Lease contracts would allow EBMUD to reclaim the land with little notice or penalty, in order to provide maximum future flexibility for altemative demands and uses. As a result, it is expected that tenants would not invest in any significant land improvements or facility construction.

Household Hazardous Waste Collection Facility (0.4 ac)

This plan element would provide a public facility for disposal of household hazardous waste from the local community to reduce pollutant discharges to the sanitary sewer system. The 0.4-acre facility could be sited in a number of different locations. In order to provide convenient and safe public access, it would be located near the MWWTP fenceline, out of the way of heavy truck traffic, and adjacent to on-site parking.

Bay Stewardship Exhibit/Public Education Facility (0.3 ac)

This plan element would provide an exhibit and public education facility to showcase and educate the public on stewardship of San Francisco Bay. It would contribute to EBMUD's ongoing efforts in environmental stewardship. The 0.3-acre facility could be sited in a number of different locadons. In order to provide convenient and safe public access, it would be located near the MWWTP fenceline, out of the way of heavy truck traffic, and adjacent to on-site parking.

Relocation of Septage and R2 Receiving Stations (0.8 ac)

in order to reduce the impact of truck traffic within the MWWTP and improve safery, the Septage Receiving Station and the R2 Receiving Station would be relocated closer to the front entrance of the MWWTP. The 0.8-acre facility could be located anywhere along Engineers Road to provide convenient access from Wake Avenue.

E. Layout of Faciiities

1. Short-Term Layout

Figure 2-1 shows projects considered for implementation in the short term, defined as within approximately the next 10 years. Included are the biodiesel production facility, the food waste preprocessing facility, relocation of the existing food waste facility, odor control facilities, space for

employee parking, visitor parking and emergency equipment storage, temporary land lease, and the three approved projects currently planned or in construction. The locations for each of the new facilities were selected to avoid conflicts with future regulatory-driven wastewater treatment process infrastructure that may be implemented in the longer term. In order to improve traffic routing to the various facilities, Engineers Road would be widened to three lanes, which would require demolition of two buildings on the West End property.

2. Long-Term Layout

In the long term, defined as within approximately the next 30 years, there are a number of regulatory-driven projects that could be implemented. A long-term layout was developed to determine appropriate locations for all of these projects (Figure 2-2). Siting of long-term, regulatory-driven projects was based on maintaining continuity with existing solids and liquids process layouts and alignment at the MWWTP, while minimizing demolition of existing facilities and buildings. Costs and implementation schedules were not considered. Instead, it was assumed that all projects identified above would be implemented sometime within 30 years. However, it is possible that the facilities included in the long-term layout may not be implemented or may be implemented outside the 30-year timeframe. Over time, it is expected that all of the existing buildings on the West End property would be demolished to allow construction of wastewater facilities, such as those identified in Figure 2-2.

F. Preparation of the EIR

On November 18, 2009, EBMUD circulated a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. EBMUD held a public scoping meeting to solicit input on the scope and content of the EIR.

On February 7, 2011, EBMUD completed a Draft EIR and circulated it for review and comment. Cards were mailed to notify residents and interested parties, as well as state, local and regional agencies, including the State Clearinghouse and the City of Oakland. A public meeting was held on March 9, 2011 to present information about the project and to receive comments. The Draft EIR comment period concluded on March 28, 2011.

The District considered and responded to three comment letters, and the Final EIR was completed and made available on June 14, 2011. The Board finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

G. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The Final EIR contains no changes to the evaluation of

impacts or to mitigation measures. Comment letters did not propose any additional mitigation measures.

The Board recognizes that the Final EIR contains minor additions, clarifications, modifications, and other changes. With respect to this information, the Board finds as follows:

Other Changes. Various clarifying changes and edits have been made to the text and tables of the Draft EIR. The Board finds that these changes are minor and do not require recirculation of the EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from agencies and the public. The Board finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.

H. Differences of Opinion Regarding Impacts and Design Features of the Project

The Board has acquired an understanding of the technical opinion on the issues of concern by its review of the Draft EIR, briefings from staff, and comments received on the Draft EIR and the responses to those comments in the Final EIR. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared and has gained an understanding that has enabled the Board to make its decisions after weighing and considering various viewpoints. The Board certifies its findings are based on a full appraisal of all the evidence contained in the Final EIR, as well as evidence and other information in the record.

2.0 CEQA Requirements Regarding Project Impacts

The California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq., requires written findings of project impacts, pursuant to Section 21081. Regarding these findings, CEQA Guidelines, Title 14, California Code of Regulations (CEQA Guidelines), Section 15091, state the following:

a. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are independently reviewed and analyzed in the Final EIR prior to taking any final project action.

    1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency.
3) Specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternative identified in the Final EIR.

b. The findings required by subsection (a) shall be supported by substantial evidence in the record.

c. The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

d. When making the findings required in subdivision (a) (1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

e. The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based. The custodian of said records is the District Secretary.

f. A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The changes or alterations referred to in State law, as quoted above, may be mitigation measures, alternatives to the project or changes to the project by the project proponent. The Final EIR identifies mitigation measures that are proposed to minimize significant environmental effects of the project or to mitigate other potential effects that may not be, strictly speaking, environmental effects under CEQA. These mitigation measures will be incorporated into the design of the project. A Mitigation Monitoring and Reporting Plan (MMRP, see Exhibit B) is also adopted by the EBMUD Board of Directors to insure that all relevant mitigation measures identified in the Final EIR and these Findings will be implemented.

3.0 Findings Regarding Independent Review and Judgment

Each member of the EBMUD Board of Directors was provided with a copy of the Draft EIR in February 2011 and a complete copy of the Final EIR for the project in June 2011. The Board hereby finds that the Final EIR reflects the Board's own independent judgment, and that the Board has independently reviewed and analyzed the Final EIR prior to taking any final action with respect to the project.

4.0 Findings Regarding the Project

Having reviewed and considered the information contained in the Final EIR and the MMRP, the EBMUD Board of Directors hereby adopts the following findings of project impacts and mitigation measures. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, this exhibit provides a summary description of each impact, briefly describes the applicable mitigation measures identified in the Final EIR and adopted by the Board, and states the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. Mitigation measures are applicable to all elements of the Master Plan, unless otherwise noted. Full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the project's impacts and mitigation measures designed to address those impacts.

4.1 Findings Regarding Significant and Unavoidable Effects

There is one potentially significant and unavoidable effect resulting from the project. Mitigation measures proposed in the Final EIR will lessen this impact, but it is not feasible to completely mitigate adverse environmental impacts to a less- than-significant level. These findings reflect the EBMUD Board's decisions to adopt the project.

A. Cumulative Air Quality Impacts

1. Significant and Unavoidable Impact CUM: Cumulative air quality community risks and hazards.

   Findings: The combined excess cancer risk from emissions associated with the biodiesel production facility, food waste preprocessing facility, and other Land Use Master Plan elements would be 18.5 per million, which is primarily attributable to mobile equipment operating within the food waste preprocessing facility at the MWWTP. The food waste preprocessing project's community risk and hazards impact is thus potentially significant, but can be reduced below BAAQMD's 10 in a million project-level threshold with implementation of Mitigation Measure AIR-5. However, because this risk would contribute a minor incremental amount to the already impacted condition in the MWWTP vicinity, and existing sources already exceed the Bay Area Air Quality Management District cumulative significance threshold for community risks and hazards, the proposed project would have a substantial adverse cumulative impact. EBMUD has existing programs to reduce on-site diesel particulate matter (DPM) emissions, and implementation of the biodiesel project would contribute to reductions of DPM emissions in the region. Nevertheless, because project-related mitigation would reduce, but would not completely eliminate, the project's TAC emissions, this impact is considered to be cumulatively significant and unavoidable.

   Facts in Support of Findings: The following mitigation measure is hereby adopted and will be implemented as set forth in the MMRP. See page 3.3-35 of the Draft EIR.

Mitigation Measure AIR-5: Diesel Particulate Reduction Measures. Diesel-powered on-site rolling stock (2 loaders, excavator, and 2 end dump trucks) associated with the food waste preprocessing facility and any other diesel equipment or trucks operating solely within the MWWTP and West End property under the control of EBMUD shall install a CARB-verified Level 3 Diesel Particulate Filter to reduce PM2.5 emissions to achieve a minimum reduction of 50 percent (sufficient to reduce combined emissions to below the BAAQMD CEQA excess cancer risk threshold of 10 in a milhon). Altemative options for achieving this reduction can also be implemented, including the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available.

Implementation of this mitigation will reduce but not eliminate the impacted air quality condition in the area and thus mitigate the potential cumulative impact but not reduce it to a less than significant level.

4.2 Findings Regarding Significant Effects Mitigated to Less-Than-Significant Levels

It has been determined that mitigation measures proposed in the Final EIR will avoid or mitigate the following effects to a less-than-significant impact level.

A. Aesthetics

1. Potentially Significant Impact AES-2: Alter Existing Visual Character and Views in the Study Area

Impacts to the visual character of the area would be less than significant with implementation of Mitigation Measures AES-2a and AES-2b.

Findings: Implementation of Mitigation Measure AES-2a and AES-2b would reduce potential changes in the visual character of the site and vicinity to a level that is less than significant. These measures are discussed on page 3-2.7 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure AES-2a and AES-2b are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD as follows:

Mitigation Measure AES-2a: Maintenance of Construction Worksite. Throughout the period of demolition and construction, EBMUD will require that the construction contractor keep the worksite free and clean of all rubbish and debris and promptly remove from the site or from property adjacent to the site of the work, all unused and rejected materials, surplus earth, concrete, plaster, and debris.

Mitigation Measure AES-2b: Design of Facilities to Be Aesthetically Consistent with Existing Visual Character. EBMUD would require all new faciiities be, at a minimum, designed to be aestheucally consistent with existing visual character and surrounding wastewater treatment buildings. Design, exterior finishes, and color would blend with the surrounding facilities.

2. Potentially Significant Impact AES-3: New Source of Substantial Light or Glare.

Impacts resulting from new light or glare in the area would be less than significant with implementation of Mitigation Measure AES-3.

Findings: The implementation of Mitigation Measure AES-3 would reduce light and glare to a level that is less than significant. This measure is discussed on page 3-2.8 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure AES-3 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure AES-3: Lighting Design and Low Reflective Paint. EBMUD would require that lighting be consistent with existing lighting in terms of height, spacing and design. New lighting would be shielded and directed to the interior of the project site. New structures and buildings would be painted in low reflective paint consistent with existing structures at the MWWTP.

B. Air Quality

1. Potentially Significant Impact AIR-1: Construction Emissions of Criteria Pollutants and Precursors.

Impacts from construction emissions would be less than significant with implementation of Mitigation Measure AIR-1.

Findings: The implementation of Mitigation Measure AIR-1 would reduce the potential emissions of criteria pollutants during construction to a level that is less than significant. This measure is discussed on pages 3-3.13 and 3.3-14 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure AIR-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

a. Mitigation Measure AIR-1: Criteria Air Pollutant and Precursor Reduction Measures. To limit dust, criteria pollutant, and precursor emissions associated with construction of all Land Use Master Plan projects by including specified measures, as applicable, in contract specifications.

2. Potentially Significant Impact AIR-5: Local Community Risks and Hazards During Project Operation.

Air quality impacts and hazards affecting local communities would be less than significant with implementation of Mitigation Measure AIR-5.

Findings: The implementation of Mitigation Measure AIR-5 would reduce local community risks and hazards during operation to a level that is less than significant. This mitigation measure is discussed on page 3-3.35 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure AIR-5 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure AIR-5: Diesel Particulate Reduction Measures. Diesel-powered on-site rolling stock (2 loaders, excavator, and 2 end dump trucks) associated with the food waste preprocessing facility and any other diesel equipment or trucks operating solely within the MWWTP and West End property under the control of EBMUD shall install a CARB-verified Level 3 Diesel Particulate Filter to reduce PM2.5 emissions to achieve a minimum reduction of 50 percent (sufficient to reduce combined emissions to below the BAAQMD CEQA excess cancer risk threshold of 10 in a million). Alternative options for achieving this reduction can also be implemented, including the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available.

3. Potentially Significant Impact AIR-6: Odor Emissions During Project Operation of Food Waste Preprocessing Facility and Other Land Use Master Plan Elements.

Odor impacts of the biodiesel production facility would be less than significant. Impacts of the food waste preprocessing facility and other master plan elements would be less than significant with implementation of Mitigation Measures AIR-6a and AIR-6b.

Findings: The implementation of Mitigation Measures AIR-6a and AIR-6b would reduce the potential for odor generation to a level that is less than significant. This mitigation measure is discussed on page 3-3.37 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures AIR-6a and AIR-6b are hereby adopted and will be implemented as set forth in the MMRP. These measures commit EBMUD to:

Mitigation Measure AIR-6a: Odor Controls in Food Waste Preprocessing Facility. EBMUD shall include the following measures in contract specifications:

- Roof vents on the proposed building or point sources should be designed to accommodate odor controls in the event that odor problems occur in the future and controls are ultimately needed.
- All food waste shall be processed within 48 hours of receipt or protocols shall be implemented to minimize nuisance odor problems and ensure compliance with applicable BAAQMD air permit requirements

Mitigation Measure AIR-6b: Odor Controls on Other Land Use Master Plan Elements. Odor control is not needed for the biodiesel production facility. All other short- and long-term Land Use Master Plan projects shall be reviewed for odor potential during the design phase. Operational and design odor control measures shall be incorporated into the project to minimize off-site odor impacts and ensure compliance with BAAQMD air permit fenceline monitoring limits. Odor controls that could be implemented where appropriate include: activated carbon filter/carbon adsorption,

biofiltration/bio trickling filters, fine bubble aerator, hooded enclosures, wet and dry scrubbers, caustic and hypochlorite chemical scrubbers, ammonia scrubber, energy efficient blower system, thermal oxidizer, capping/covering storage basins and anaerobic ponds, mixed flow exhaust, wastewater circulation technology, and exhaust stack and vent location with respect to receptors.

C. Biological Resources

1. Potentially Significant Impact BIO-1: Potential to Interfere with Wildlife Movement or Impede the Use of Native Wildlife Nursery Sites.

Impacts to wildlife would be less than significant with implementation of Mitigation Measure BIO-1.

Findings: The implementation of Mitigation Measure BIO-1 would reduce the potential for impacts to nesting birds to a level that is less than significant. This mitigation measure is discussed on page 3-4.17 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures BIO-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure BIO-1: Protection of Nesting Birds. To the extent practicable, project construction activities including tree removal/pruning and demolition will occur outside of the generally accepted nesting season (February 1 to August 31). If tree removal cannot be completed between September 1 and January 31, and it is not feasible to avoid starting construction during the nesting season, then the following measures will be taken:

a. No more than two weeks before the initiation of construction/demolition activities that would commence between February 1 and August 31, a nesting bird survey will be conducted within 250 feet of the project site by a qualified biologist. If active nests are observed, buffer zones will be established around the nests, with a size acceptable to the California Department of Fish and Game. Construction activities will not occur within buffer zones until young have fledged or the nest is otherwise abandoned.
b. If construction/demolition is halted for more than two weeks during the nesting season, then additional surveys will be conducted as above.
c. Nests that are established during construction/demolition will be protected from direct project impact (e.g., trees or a buffer area around the nests shall be flagged and avoided).

2. Potentially Significant Impact BIO-2: Potential for Conflict with Local Policies or Ordinances Protecting Biological Resources, such as tree Preservation policies or Ordinance.

Impacts resulting from potential conflicts with local policies and ordinances would be less than significant with implementation of Mitigation Measure BIO-2.

Findings: The implementation of Mitigation Measure BIO-2 would reduce the potential for impacts associated with loss of trees to a level that is less than significant. This measure is discussed on page 3-4.18 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure BIO-2 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure BIO-2: Replacement of Protected Trees. EBMUD will replace each tree that is removed for this project and that is considered a "protected tree" under the City of Oakland Tree Preservation and Removal Ordinance. The replacement tree (e.g., 5-gallon size) will be planted on site in a suitable location at the MWWTP/West End property.

D. Cultural Resources

1. Potentially Significant Impact CUL-1: Potential to Cause a Substantial Adverse Change in the Significance of a Unique Archaeological Resource.

Impacts to the significance of unique archaeological resources would be less than significant with implementation of Mitigation Measure CUL-1.

Findings: The implementation of Mitigation Measure CUL-1 would reduce the potential for substantial adverse changes to the significance of previously unidentified cultural resources to a level that is less than significant. This measure is discussed on page 3-5.10 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure CUL-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure CUL-1: Recovery of Buried Cultural Resources. If previously unidentified cultural materials are unearthed during construction, EBMUD will halt work in that area until a qualified archaeologist can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If any find is determined to be significant, EBMUD and the archaeologist will determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, EBMUD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.

If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project while mitigation for historical resources or unique archaeological resources is being carried out.

2. Potentially Significant Impact CUL-2: Potential to Cause a Substantial Adverse Change in the Significance of a Paleontological Resource.

Impacts to paleontological resources would be less than significant with implementation of Mitigation Measure CUL-2.

Findings: The implementation of Mitigation Measure CUL-2 would reduce the potential for damage to previously unidentified human remains to a level that is less than significant. This measure is discussed on page 3-5.1 i of the Draft EIR.

Facts in Support of Findings: Mitigation Measure CUL-2 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure CUL-2: Recovery of Buried Paleontological Resources. In the event that paleontological resources are discovered, EBMUD will notify a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines § 15064.5. If a breas[1] or other fossil is discovered during construction, excavations within 50 feet of the find will 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.

If EBMUD determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to EBMUD for review and approval prior to implementation.

3. Potentially Significant Impact CUL-3: Potential to Disturb Human Remains.

Impacts related to the disturbance of human remains would be less than significant with implementation of Mitigation Measure CUL-3.

Findings: The implementation of Mitigation Measure CUL-3 would reduce the potential for damage to previously unidentified human remains to a level that is less than significant. This measure is discussed on pages 3-5.11 and 3-5.12 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure CUL-3 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

[1] A seep of natural petroleum that has trapped extinct animals, thus preserving and fossilizing their remains.

Mitigation Measure CUL-3: Recovery of Discovered Human Remains. In the event human burials are encountered, EBMUD will halt work in the vicinity and notify the Alameda County Coroner and contact an archaeologist to evaluate the find. If human remains are of Native American origin, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who would then help determine what course of action should be taken in dealing with the remains.

E. Geology

1. Potentially Significant Impact GEO-1: Facility Damage and Exposure of People to Hazards From Strong Seismic Groundshaking.

Impacts related to strong seismic groundshaking would be less than significant with implementation of Mitigation Measure GEO-1.

Findings: The implementation of Mitigation Measure GEO-1 would reduce hazards associated with groundshaking to a level that is less than significant. This measure is discussed on page 3-7.13 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure GEO-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure GEO-1: Perform Design-Level Geotechnical Evaluations for Seismic Hazards. During the design phase for all other Land Use Master Plan elements that require ground-breaking activities, EBMUD will perform site-specific, design-level geotechnical evaluations to identify potential secondary ground failure hazards (i.e., seismically-induced settlement) associated with the expected level of seismic ground shaking. For specific Land Use Master Plan element sites within the MWWTP that have previously been subject to a geotechnical investigation, a geotechnical memorandum shall be prepared to update the previous investigation.

The geotechnical analysis will provide recommendations to mitigate those hazards in the final design and, if necessary, during construction The design-level geotechnical evaluations, based on the site conditions, location, and professional opinion of the geotechnical engineer, may include subsurface drilling, soil testing, and analysis of site seismic response as needed. The geotechnical engineer will review the seismic design criteria of facilities to ensure that facilities are designed to withstand the highest expected peak acceleration, set forth by the California Building Code (CBC) for each site. Recommendations resulting from findings of the geotechnical study will be incorporated into the design and construction of proposed facilities. Design and construction for buildings will be performed in accordance with EBMUD's seismic design standards, which meet and/or exceed applicable design standards of the International Building Code.

2. Potentially Significant Impact GEO-2: Facility Damage and Exposure of People to Hazards from Liquefaction and Lateral Spreading.

Impacts from liquefaction and lateral spreading would be less than significant with implementation of Mitigation Measure GEO-2.

Findings: The implementation of Mitigation Measure GEO-2 would reduce the potential hazards associated with liquefaction and lateral spreading to a level that is less than significant. This measure is discussed on page 3-7-14 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures GEO-2 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure GEO-2: Perform Design-Level Geotechnical Evaluations for Liquefaction and Other Geologic Hazards. During the design phase for all other Land Use Master Plan elements that require ground-breaking activities, EBMUD will perform site-specific design-level geotechnical evaluations to identify geologic hazards and provide recommendations to mitigate those hazards in the final design and during construction. For specific Land Use Master Plan element sites within the MWWTP that have previously been subject to a geotechnical investigation, a geotechnical memorandum shall be prepared to update the previous invesfigation.

The design-level geotechnical evaluations will include the collection of subsurface data for determining liquefaction potential, and appropriate feasible measures will be developed and incorporated into the project design. The performance standard to be used in the geotechnical evaluations for mitigating liquefaction hazards will be minimization of the hazards. Measures to minimize significant liquefaction hazards could include the following, unless the site-specific soils analyses dictate otherwise:

- Densification or dewatering of surface or subsurface soils;
- Construction of pile or pier foundations to support pipelines and/or buildings; and
- Removal of material that could undergo liquefaction in the event of an earthquake, and replacement with stable material.
- If soil needs to be imported, EBMUD would require that the contractor ensure that such imported soil complies with specifications that define the minimum geotechnical properties and analytical quality characteristics that must be met for use of fill material from off-site borrow sources.

F. Greenhouse Gas Emissions

1. Potentially Significant Impact GHG-1: Greenhouse Gas Construction Emissions.

Impacts from greenhouse gas emissions would be less than significant with implementation of Mitigation Measure GHG-1.

Findings: The implementation of Mitigation Measure GHG-1 would reduce potential for greenhouse gas emissions during construction to a level that is less than significant. This measure is discussed on page 3.8-7 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure GHG-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure GHG-1: GHG Reduction Measures. EBMUD shall implement BAAQMD-recommended Best Management Practices (BMPs) for OHG emissions where feasible, which include the following:

- At least 15 percent of the fieet should be alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment.
- At least 10 percent of building materials should be from local sources.
- At least 50 percent of construcfion waste or demolition materials should be recycled or reused.

2. Potentially Significant Impact GHG-2: Greenhouse Gas Operational Emissions from Stationary Sources of Other Land Use Master Plan Elements.

Emissions would be less than significant for stationary and mobile sources associated with the biodiesel and food waste preprocessing faciiities and for mobile sources associated with other Land Use Master Plan elements. Impacts of stationary source GHG emissions from other Land Use Master Plan elements would be less than significant with implementation of Mifigation Measures GHG-2a and GHG-2b.

Findings: The implementation of Mitigation Measures GHG-2a and GHG-2b, would reduce the operational emissions of greenhouse gases to a level that is less than significant. This measure is discussed on page 3.-12 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures 3 GHG-2a and GHG-2b are hereby adopted and will be implemented as set forth in the MMRP. Measures GHG-2a and GHG-2b apply to the other Land Use Master Plan elements, as applicable, to reduce overall GHG emissions. These measures commit EBMUD to:

Mitigation Measure GHG-2a: Energy Efficiency Measures. Direct and indirect GHG emissions shall be estimated based on the final project design, and energy efficiency measures shall be incorporated into the project as necessary to meet the BAAQMD GHG significance threshold in effect at the time of project implementation.

Mitigation Measure GHG-2b: Water Conservation Measures for Land Use Master Plan Projects. Non-potable water shall be used wherever feasible for equipment and area wash down to minimize GHG emissions associated with increased water demand.

3. Potentially Significant Impact GHG-3: Consistency with Applicable Greenhouse Gas Reduction Plans for Stationary Sources of Other Land Use Master Plan Elements.

Impacts resulting from potential inconsistencies with greenhouse gas reduction plans would be less than significant with implementation of Mitigation Measures GHG-2a and GHG-2b.

Findings: The implementation of Mitigation Measures GHG-2a and GHG-2b, which are described above, would reduce the potential for inconsistency with greenhouse gas reduction plans to a level that is less than significant. These measures are discussed on page 3-8-12 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures GHG-2a and GHG-2b described above are hereby adopted and will be implemented as set forth in the MMRP. Measures GHG-2a and GHG-2b apply to the other Land Use Master Plan elements, as applicable, to reduce overall GHG emissions.

G. Hazards and Hazardous Materials

1. Potentially Significant Impact HAZ-3: Hazards to Public Health and the Environment due to a Release of Hazardous Building Materials Present in the Buildings that Would be Demolished.

Impacts from hazardous materials releases would be less than significant with implementation of Mitigation Measure HAZ-3.

Findings: The implementation of Mitigation Measure HAZ-3 would reduce the potential for the release of hazardous materials to a level that is less than significant. This measure is discussed on page 3.9-33 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure HAZ-3 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure HAZ-3: Hazardous Building Materials Surveys and Abatement. For any building not already surveyed for lead, a registered environmental assessor or a registered engineer would perform a lead-based paint survey for the structure prior to reuse or demolition. Adequate abatement practices for lead-containing materials, such as containment and/or removal, would be implemented prior to reuse or demolition of each structure that includes lead-containing materials or lead-based paint. For demolition, any PCB- or DEHP-containing equipment or fluorescent lights containing mercury vapors would also be removed and disposed of properly.

If removal of a transformer is required, EBMUD or the owner/operator would retain a qualified professional to determine the PCB content of the transformer oil. For removal, the transformer oil would be pumped out with a pump truck and appropriately recycled or disposed of off site. The drained transformer would be reused or disposed of in accordance with applicable regulations.

H. Hydrology and Water Quality

1. Potentially Significant Impact HYD-3: Alteration of the Existing Drainage Pattern in a Manner Which Would Result in Flooding.

Impacts from flooding resulting from alterations in drainage patterns would be less than significant with implementation of Mitigation Measure HYD-3.

Findings: The implementation of Mitigation Measure HYD-3 would reduce the potential for flooding to a level that is less than significant. This measure is discussed on page 3.10-10 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure HYD-3 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure HYD-3: Prepare and Implement a Comprehensive Drainage Plan. Prior to expanding the stormwater collection system to treat runoff from the West End property, EBMUD shall prepare and implement a Comprehensive Drainage Plan for the Land Use Master Plan that incorporates measures to ensure that the storm drain system and treatment capacity are not exceeded during peak conditions. The drainage plan shall define operational controls necessary to prevent flooding of the MWWTP headworks and/or release of surface runoff off site.

2. Potentially Significant Impact HYD-5: Inundation Due to a Catastrophic Tsunami or Seiche.

Impacts from inundation due to tsunami or seiche would be less than significant with implementafion of Mitigation Measure HYD-5.

Findings: The implementation of Mitigation Measure HYD-5 would reduce the potential for flooding to a level that is less than significant. This measure is discussed on page 3.10-12 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure HYD-5 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure HYD-5: Prepare and Implement a Tsunami Response Plan. EBMUD shall prepare and implement a Tsunami Response Plan for the MWWTP site that defines emergency response and coordination procedures. The Tsunami Response Plan shall contain information specific to actions that may be necessary related to receipt of a tsunami watch, warning, or as a result of an actual tsunami along the San Francisco Bay. The first priority of emergency management response shall be the protection of life and property.

I. Noise and Vibration

1. Potentially Significant Impact NOI-1: Disturbance from Temporary, Construction-Related Noise Increases in Excess of Noise Ordinance.

Impacts from noise would be less than significant with implementation of Mitigation Measure NOI-1.

Findings: The implementation of Mitigation Measure NOi-1 would reduce the potential for construction of the project to generate intermittent and temporary noise above existing ambient levels to a level that is less than significant. This measure is discussed on page 3.12-14 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure NOI-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure NOI-1: Implement Noise Controls. EBMUD's Construction Specifications (013544-3.4) require compliance with local noise ordinances, and measures that shall be employed to meet applicable City of Oakland Noise Ordinance noise limits include the following:

- Pile driving activities and operation of other types of impact equipment such as jackhammers should be limited to the daytime hours (7 a.m. to 7 p.m. on weekdays);
- If impact pile drivers must be used near the eastern MWWTP boundary, they should not be operated for longer than 10 days to the extent feasible. If pile driving must occur for longer than 10 days near this boundary, sonic or vibratory pile drivers should be used if feasible;
- "Quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration) should be employed where feasible (where geotechnical and structural requirements allow);
- Pile driving activities with all construction projects at the MWWTP should be coordinated to ensure that these acfivities do not overlap;
- Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) will be used for all equipment and trucks as necessary; and
- If any construction activities must occur during the nighttime hours (7 p.m. to 7 a.m. on weekdays, 8 p.m. to 9 a.m. on weekends), operation of noisier types of equipment should be prohibited as necessary to meet ordinance noise limits.

2. Potentially Significant Impact NOI-2: Temporary Disturbance due to Construction-Related Vibration.

Impacts from vibration would be less than significant with implementation of Mitigation Measure NOI-2.

Findings: The implementation of Mitigation Measure NOI-2 would reduce the potential for construction of the project to cause vibration that could cause damage to structures to a level that is less than significant. This measure is discussed on page 3.12-16 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure NOI-2 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure NOI-2: Implement Vibration Controls. To ensure that adjacent freeway structures and future commercial structures to the south are not subject to cosmetic damage, EBMUD shall ensure that any future pile driving activities associated with Master Plan projects do not exceed the 0.2 in/sec peak particle velocity (PPV) threshold at these structures. Measures that could be employed to meet this performance standard include using sonic or vibratory pile drivers where feasible or pre-drilling pile holes.

3. Potentially Significant Impact NOI-3: Increases in Ambient Noise Levels due to Operational Noise and Vibration from Other Land Use Master Plan Elements.

Impacts of the biodiesel production and food waste preprocessing facilities would be less than significant. Impacts of other Land Use Master Plan elements would be less than significant with implementation of Mitigation Measure NOI-3.

Findings: The implementation of Mitigation Measure NOI-3 would reduce the potential for operational noise to a level that is less than significant. This measure is discussed on page 3.12-21 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure NOI-3 is hereby adopted and will be implemented as set forth in the MMRP. This measure is applicable to other Land Use Master Plan elements and commits EBMUD to:

> Mitigation Measure NOI-3: Employ Noise Controls for Stationary Equipment. EBMUD shall use best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) as necessary on stationary equipment associated with all Master Plan projects in order to comply with applicable City of Oakland Noise Ordinance noise limits, adjusted to reflect ambient noise levels occurring at the time of project implementation (under 2010 conditions, the nighttime noise limit is 54 dBA [Leq] at receiving residential uses to the east and 73 dBA [Leq] at future receiving commercial uses to the south).

J. Transportation

1. Potentially Significant Impact TRA-1: Temporary Construction-Related Increase in Traffic.

Impacts to traffic would be less than significant with implementation of Mitigation Measure TRA-1.

Findings: The implementation of Mitigation Measure TRA-1 would reduce potential for construction-related traffic impacts to a level that is less than significant. This measure is discussed on pages 3.14-15 and 3.14-16 of the Draft EIR.

Facts in Support of Findings: Mitigafion Measure TRA-1 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Measure TRA-1: Construction Traffic Management Plan. EBMUD would implement the following measures during project construction at the local intersecfions outside the MWWTP property:

EBMUD and the construction contractor would coordinate with the appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction. EBMUD would develop a construction management plan for submittal to the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan would include at least the following items and requirements:

a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours and designated construcfion access routes;
b. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries would occur; and
c. A process for responding to, and tracking, complaints pertaining to construction activity, including identificafion of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem.

2. Potentiallv Significant Impact TRA-7: Safety Hazards Due to Conflicts with Rail Transport from Rail Spur to Biodiesel Facility.

The food waste preprocessing facility and other Land Use Master Plan elements would not have significant impacts associated with conflicts with rail transport. Impacts of the rail spur associated with the biodiesel production facility would be less than significant with implementation of Mitigation Measures TRA-7a and TRA-7b.

Findings: The implementation of Mifigation Measures TRA-7a and TRA-7b would reduce the potentiai for the rail spur to the biodiesel facility to result in safety hazards from conflicts with rail transport to a level that is less than significant. This measure is discussed on page 3.-12 of the Draft EIR.

Facts in Support of Findings: Mitigation Measures TRA-7a and TRA-7b are hereby adopted and will be implemented as set forth in the MMRP. Measures TRA-7a and TRA-7b apply to the biodiesel production facility. These measures commit EBMUD to:

Measure TRA-7a: Railroad Crossing Safety for New Rail Spur. EBMUD shall install pavement markings and warning signs along Engineers Road where the new rail spur would cross to enter the internal driveway for the biodiesel production facility. Pavement markings and warning signs shall conform to standards set forth in the *California Manual on Uniform Transportation Devices* (Caltrans 2010).

Measure TRA-7b: Coordinafion with Burlington Northern Santa Fe (BNSF). EBMUD and its rail contractor(s) shall work with BNSF during the design phase to obtain the necessary permits and construction approvals for the rail spur and connection with the existing BNSF rail line.

K. Utilities

1. Potentially Significant Impact UTIL-1: Exceed Wastewater Treatment Requirements of the San Francisco Bay Regional Water Quality Control Board.

Impacts to utilities and wastewater treatment capacities would be less than significant with implementafion of Mitigation Measure HYD-3.

Findings: The implementation of Mitigation Measure HYD-3 described above would reduce the potential for stormwater flows from the West End property to exceed wet weather plant capacity to a level that is less than significant. This measure is discussed on page 3.15-8 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure HYD-3 is hereby adopted and will be implemented as set forth in the MMRP.

2. Potentially Significant Impact UTIL-3: Require Construction of New Stormwater Drainage Facilities or Expansion of Exisfing Facilities.

Impacts resulting in the requirement for new facilities would be less than significant with implementation of Mitigation Measure HYD-3.

Findings: The implementation of Mitigation Measure HYD-3 described above would reduce the potentiai for stormwater flows from the West End property to exceed storm drain capacity. This measure is described on page 3.15-10 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure HYD-3 is hereby adopted and will be implemented as set forth in the MMRP.

3. Potentially Significant Impact UTIL-6: Temporary Disruption of Utilities or Services Due to Construction-Related Activities.

Impacts from temporary disruption of utilities or services would be less than significant with implementation of Mitigafion Measure UTIL-6.

Findings: The implementation of Mitigation Measure UTIL-6 would reduce potential for construction-related traffic impacts, including impacts to utilities or services, to a level that is less than significant. This measure is described on page 3.15-13 of the Draft EIR.

Facts in Support of Findings: Mitigation Measure UTIL-6 is hereby adopted and will be implemented as set forth in the MMRP. This measure commits EBMUD to:

Mitigation Measure UTIL-6 Coordinate Relocation and Interruptions of Service with Utility Providers During Construction. The construction contractor will be required to verify the nature and location of underground ufilities before the start of any construction that would require excavation. The contractor will be required to notify and coordinate with public and private utility providers at least 48 hours before the commencement of work adjacent to any utility. The contractor will be required to notify the service provider in advance of service interruptions to allow the service provider sufficient time to notify customers. The contractor will be required to coordinate timing of interruptions with the service providers to minimize the frequency and duration of interruptions.

4.3 Findings Regarding Less than Significant Effects

It has been determined that the following effects would be less than significant or there would be no impact.

A. Aesthetics

1. Less Than Significant Impact AES-1: The project would not have a significant effect on scenic resources, including trees, rock outcroppings, and historic buildings within a State scenic highway.

   Findings: No mitigation is needed. See page 3.2-4 of the Draft EIR.

   Facts in Support of Findings: The impact would be less than significant and mitigation would not be required because the project site is in an industrial area and contains no scenic resources such as rock outcrops or unique topography. None of the buildings on the site were identified as historic resources. The few trees that may be removed for project construction do not constitute substantial scenic resources. The overall impact to scenic resources is not considered significant.

B. Air Quality

1. Less Than Significant Impact AIR-2: The project would not resuh in significant local community risks and hazards during construcfion.

   Findings: No mitigation is needed. See pages 3.3-14 tiurough 3.3-17 of the Draft EIR.

   Facts in Support of Findings: The impact would be less than significant and mitigation would not be required, because combined diesel particulate emissions associated with construction of ail elements of the Master Plan would not exceed BAAQMD significance thresholds.

2. Less Than Significant Impact AIR-3: The project would not result in significant odors generated during project construction.

Findings: No mitigation is needed. See pages 3.3-17 and 3.3-18 of the Draft EIR.

Facts in Support of Findings: The impact would be less than significant and mitigation would not be required, because, given the short duration of construction, substantial separation between project-related sources, and closest sensitive receptors, and dispersal of diesel odors by onshore winds in the project area during daytime hours, odor impacts would be less than significant.

3. Less Than Significant Impact AIR-4: The project would not resuh in significant direct criteria air pollutant emissions during construction.

Findings: No mitigation is needed. See pages 3.3-18 through 3.3-30 of the Draft EiR.

Facts in Support of Findings: The impact would be less than significant and mitigation would not be required, because combined criteria pollutant emissions associated with operation of all elements of the Master Plan would not exceed applicable BAAQMD significance thresholds.

4. Less Than Significant Impact AIR-7: The project would not be inconsistent with applicable air quality plans.

Findings: No mitigation is needed. See pages 3.3-37 and 3.3-38 of the Draft EIR.

Facts in Support of Findings: The impact would be less than significant and mitigation would not be required, because operation of Master Plan elements would not contribute substantially to stationary or mobile source emissions of criteria pollutant, which would ensure that any operational stationary source combined emissions would meet BAAQMD thresholds or be mifigated through permit regulations. .

C. Biological Resources

1. Less Than Significant Impact to Biological Resources: The Master Plan implementation will not result in impacts to sensitive species or habitats, including wetlands.

Findings: No mitigation is needed. See page 3.4-15 of the Draft EIR.

Facts in Support of Findings: There would be no impact and mitigation would not be required, because the MWWTP site contains no suitable habitat for special status species, no sensitive natural communities (including riparian habitat), and no wetlands. There are no conservation plans for the project site.

D. Energy

1. Less Than Significant Impact ENE-1: The project would not result in inefficient, wasteful, or unnecessary use of energy resources.

Findings: No mifigation is needed. See pages 3.6-6 through 3.6-8 of the Draft EIR.

Facts in Support of Findings: All project faciiities, as applicable, would be designed in accordance with the 2008 Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24 Part 6), which would help ensure that the energy needed to operate the project would not be used in a wasteful manner. The impact would be less than significant and mitigation would not be required.

E. Geology, Soils and Seismicity

1. Less Than Significant Impact GEO-3: The project would not result in substantial erosion or loss of topsoil.

Findings: No mitigation is needed. See pages 3.7-14 and 3.7-15 of the Draft EIR.

Facts in Support of Findings: The project would include implementafion of erosion control measures, including preparation of a Stormwater Pollution Prevention Plan, that would ensure that soil and debris is not transported during construction. Best Management Practices would be employed as required under the NPDES General Construction Permit for discharges of stormwater runoff associated with construction activity. The project would have no significant impact, and no mitigafion would be required.

F. Hazards and Hazardous Materials

1. Less Than Significant Impact HAZ-1: The project would not result in a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings: No mitigation is needed. See pages 3.9-24 through 3.9-27 of the Draft EIR.

Facts in Support of Findings: The project would comply with applicable federal, state, and local requirements for safe handling of hazardous materials and hazardous waste. The project would have no significant impact, and no mitigation would be required.

2. Less Than Significant Impact HAZ-2: The project would not result in hazards to public health and the environment due to a release of hazardous materials present in soil and groundwater.

Findings: No mitigation is needed. See pages 3.9-28 through 3.9-31 of the Draft EIR.

Facts in Support of Findings: The project would comply with legal requirements that ensure that workers and the public are not exposed to unacceptable levels of hazardous materials in the soil and groundwater during construction or operafion of project and that soil and groundwater are appropriate and legally disposed of or recycled during construction. The project would have no significant impact, and no mitigation would be required.

3. Less Than Significant Impact HAZ-4: The project would not result in hazards to public health and the environment due to a release of hazardous materials from construction equipment.

Findings: No mitigation is needed. See pages 3.9-33 and 3.9-34 of the Draft EIR.

Facts in Support of Findings: The project would comply with requirements of the NPDES General Construction Permit for discharges of stormwater runoff associated with construction activity, which would include preparation of a Spill Prevention and Response Plan that would detail the hazardous materials proposed for use or generated at the job site and also describe methods for controlling spills, monitoring hazardous materials, and providing immediate response to spills. The project would have no significant impact, and no mitigation would be required.

G. Hydrology and Water Quality

1. Less Than Significant Impact HYD-1: The project would not result in violation of water quality standards and/or waste discharge requirements.

Findings: No mitigation is needed. See pages 3.10-8 and 3.10-9 of the Draft EIR.

Facts in Support of Findings: The project would comply with requirements of the NPDES General Construction Permit for discharges of stormwater runoff associated with construction activity, which would include preparation of a Spill Prevention and Response Plan. Project operations would result in only minor increases in the total wastewater treated at the MWWTP site. The contribution of additional wastes to EBMUD's wastewater treatment processes would not cause a violation of waste discharge requirements at the MWWTP. The project would have no significant impact, and no mitigation would be required.

2. Less Than Significant Impact HYD-2: The project would not deplete groundwater supplies or interfere with groundwater recharge.

Findings: No mitigation is needed. See pages 3.10-9 and 3.10-10 of the Draft EIR.

Facts in Support of Findings: The project would not include groundwater withdrawals and because the site is already developed, would not substantially affect surface permeability or groundwater recharge. The project would have no significant impact, and no mitigation would be required.

3. Less Than Significant Impact HYD-4: The project would not alter existing drainage patterns in a manner that would result in substantial erosion or siltation.

Findings: No mitigation is needed. See page 3.10-11 of the Draft EIR.

Facts in Support of Findings: The project would not affect drainage pattems because the existing MWWTP site is internally drained. The West End property would continue to drain to the existing storm drain system until treatment faciiities are expanded to that area and the storm drain system is connected to the storm drain system at the MWWTP. The project would have no significant impact, and no mitigation would be required.

H. Land Use and Recreation

1. Less Than Significant Impact LUR-1: The project would not physically divide an established community.

Findings: No mitigation is needed. See page 3.11-6 of the Draft EIR.

Facts in Support of Findings: The project would be constructed and operated within the existing MWWTP property and the newly-acquired West End property and would not divide the community. The project would have no significant impact, and no mitigation would be required.

2. Less Than Significant Impact LUR-2: The project would not conflict with any applicable land use plan, policy or regulation.

Findings: No mitigation is needed. See pages 3.11-6 and 3.11-7 of the Draft EIR.

Facts in Support of Findings: The project is compafible with existing land use and zoning designations. The project would have no significant impact, and no mitigafion would be required.

3. Less Than Significant Impact LUR-3: The project would not require the construction or expansion of recreational facilities.

Findings: No mitigation is needed. See page 3.11-7 of the Draft EIR.

Facts in Support of Findings: The project would not result in increased population and therefore would not increase demands on recreational facilities. The project would have no significant impact, and no mitigation would be required.

4. Less Than Significant Impact LUR-4: The project would not impede the construction or expansion of planned recreational facilities.

Findings: No mitigation is needed. See pages 3.11-7 and 3.11-8 of the Draft EIR.

Facts in Support of Findings: The project would not impede construction of the proposed regional Bay Trail system because facilities would not encroach on the proposed trail alignment. The project would have no significant impact, and no mitigation would be required.

5. Less Than Significant Impact LUR-5: The project would not impede the achievement of environmental justice.

Findings: No mitigation is needed. See page 3.11-8 of the Draft EIR.

Facts in Support of Findings: The project is located in an industrial zone and is separated from sensitive uses by the highway corridor, which ensures that any potential nuisance impacts on residences from wastewater treatment activities are minimized. The project would have no significant impact, and no mitigation would be required.

I. Noise

1. Less Than Significant Impact NOI-4: The project would not increase traffic-related noise along truck and rail routes during operation.

Findings: No mitigation is needed. See pages 3.12-21 through3.12-23 of the Draft EIR.

Facts in Support of Findings: Traffic and rail noise from long-term operation project would not exceed City of Oakland Noise Ordinance limits. The impact would be less than significant and mitigation would not be required.

J. Public Services

1. Less Than Significant Impact PUB-1: The project would not result in substantial adverse impacts associated with the provision of police or fire protection.

Findings: No mitigation is needed. See pages 3.13-4 and3.13-5 of the Draft EIR.

Facts in Support of Findings: Measures are included in the project to ensure safety during construction; with these controls, additional requirements for police and fire protection are not expected. Operation of all facilities would include precautions and emergency response planning to ensure safe storage, handling, and use of hazardous and flammable materials. The project site is in an urban setting and accessible to existing fire and police personnel, and would thus not require any new or physically altered facilities to maintain service ratios. The impact would be less than significant and mitigation would not be required.

K. Transportation

1. Less Than Significant Impact TRA-2: The project would not result in traffic delay at intersections.

Findings: No mitigation is needed. See page 3.14-16 of the Draft EIR.

Facts in Support of Findings: Addition of 28 morning peak-hour trips and 30 afternoon peak-hour trips would not degrade the existing acceptable level of service conditions at

intersections. The impact would be less than significant and mitigation would not be required.

2. Less Than Significant Impact TRA-3: The project would not result in traffic delay on freeways. The impact would be less than significant and mitigation would not be required.

   Findings: No mitigation is needed. See page 3.14-17 of the Draft EIR.

   Facts in Support of Findings: Addition of 28 morning peak-hour trips and 30 afternoon peak-hour trips would not cause adverse effects because the service levels would remain at an acceptable LOS E or better, or the volume-to-capacity ratio would increase by less than three percent for a freeway segment that operates at level of service F without the project. The impact would be less than significant and mitigation would not be required.

3. Less Than Significant Impact TRA-4: The project would not result in a substantial operational increase in local traffic.

   Findings: No mitigation is needed. See pages 3.14-17 and 3.14-18 of the Draft EIR.

   Facts in Support of Findings: Although daily truck trips would increase, the project includes construction of a truck queue area, which would expedite the check-in process and improve truck access to the site. The impact would be less than significant and mitigation would not be required.

4. Less Than Significant Impact TRA-5: The project would not result in impacts to emergency access.

   Findings: No mifigation is needed. See page 3.14-18 of the Draft EIR.

   Facts in Support of Findings: Due to the location of the project at the end of Wake Avenue the project would not interfere with emergency access to other sites or neighborhoods in the area. Emergency access to and from the project site would not be affected by the project. The impact would be less than significant and mitigation would not be required.

5. Less Than Significant Impact TRA-6: The project would not conflict with alternative transportation.

   Findings: No mitigation is needed. See pages 3.14-18 and 3.14-19 of the Draft EIR.

   Facts in Support of Findings: The project would not impede construction of the proposed regional Bay Trail system because facilities would not encroach on the proposed trail alignment. EBMUD would coordinate with appropriate agencies to ensure that potential conflicts during construction are identified and addressed The impact would be less than significant and mitigation would not be required.

L. Utilities

1. Less Than Significant Impact UTIL-2: Sufficient water supplies are available to serve the project.

   Findings: No mitigation is needed. See pages 3.15-8 and 3.15-9 of the Draft EIR.

   Facts in Support of Findings: EBMUD is the water supplier for the plant site and any minor increases in demand have been accounted for in EBMUD's water supply planning. The impact would be less than significant and mitigation would not be required.

2. Less Than Significant Impact UTIL-4: The project would not have adverse effects on landfill capacity.

   Findings: No mitigation is needed. See pages 3.15-10 and 3.15-11 of the Draft EIR.

   Facts in Support of Findings: The food waste preprocessing facility would reduce the total amount of materials sent to local landfills, and other elements of the project would not result in a net increase in disposal needs. The impact would be less than significant and mitigation would not be required.

3. Less Than Significant Impact UTIL-5: The project would comply with federal, state, and local statutes and regulations related to solid waste.

   Findings: No mitigation is needed. See pages 3.15-11 and 3.15-12 of the Draft EIR.

   Facts in Support of Findings: The food waste preprocessing facility is consistent with Alameda County waste reduction goals, and would obtain any required solid waste facility permits if these are needed. Other Master Plan elements are not expected to require a solid waste permit. The impact would be less than significant and mitigation would not be required.

M. Cumulative Impacts

1. Less than Significant Impact to Aesthetics: There will not be any cumulative short- and long-term visual impacts.

   Findings: No mitigation is needed. See page 4-14 of the Draft EIR.

   Facts in Support of Findings: The geographic scope of this impact area is the general vicinity of the MWWTP and the viewsheds for adjacent transportation corridors.

   As described in Chapter 3, mitigation measures would be employed to reduce short- and long-term visual effects of the project to a less than significant level, through managing construction debris on site to maintain a clean, clear area, designing projects to be visually consistent with existing facilities at the MWWTP, and designing new lighting so that it is shielded and directed towards the interior of the plant.

The Land Use Master Plan projects thus would not adversely affect views from the roadways, substantially degrade the existing visual character or quality of the site and its surroundings, or introduce a substantial new source of light and glare during project construcfion or operation. Therefore, the project's contribution to this cumulative impact would not be cumulatively considerable.

2. Less than Significant Impact to Air Quality: There will not be any cumulatively considerable emissions of criteria pollutants.

Findings: No mitigation is needed. See pages 4-14 and 4-15 of the Draft EIR.

Facts in Support of Findings: The geographic scope of this impact area is Bay Area Air Basin.

Because construction phases and overall construction time frames are not expected to overlap, and since each project's individual construction emissions would not exceed BAAQMD emissions thresholds, the project's contribution to construction air quality impacts would not be cumulatively considerable. The operational emissions from each project's mobile sources would not exceed BAAQMD significance thresholds for criteria pollutants. Thus, each project's residual contribution to emissions would not be cumulatively considerable, a less-than-significant cumulative impact. In addition, these projects would have beneficial air quality impacts that would further offset each project's mobile source impacts.

Thus, there would be no significant cumulafive criteria pollutant impacts.

3. Less than Significant Impact Biological Resources: There will not be any cumulative impacts to biological resources.

Findings: No mitigation is needed. See page 4-18 of the Draft EIR.

Facts in Support of Findings: The geographic scope of this resource area is the City of Oakland.

Two potentially significant short-term impacts to biological resources have been identified for this project: loss of or damage to protected trees and disturbances to nesting birds. Proposed mitigation measures described in Chapter 3 would reduce these impacts to a less than significant level. Replacement trees will be planted and disturbances to nesting species (if located) will be avoided or buffered.

The projects with the Potential for Cumulative impacts listed in proximity to the project site are located on already developed sites or in urban areas. Therefore, the proposed project would not contribute to significant cumulative impacts to biological resources.

4. Less than Significant Impact Cultural Resources: There will not be any cumulative increase in cultural resources impacts.

Findings: No mitigation is needed. See page 4-18 of the Draft EIR.

Facts in Support of Findings: The geographic scope of this resource area is the project site and immediate vicinity.

As described in Chapter 3, there is no indication of archaeological deposits, unique archaeological resources, paleontological resources, or Native American human remains within the project site or immediate vicinity. The potential for impacts to prehistoric or archeological resources or to unearth human remains exists and is mitigated to a less than significant level by applying standard contingency procedures. Consequently, the project's incremental impact is not cumulatively significant.

5. Less than Significant Impact Energy: There will not be any cumulatively considerable increase in consumption of energy.

Findings: No mitigation is needed. See pages 4-18 and 4-19 of the Draft EIR.

Facts in Support of Findings: The geographic scope for the cumulative consumption of energy is the PG&E service area and State of California.

As described in Chapter 3, none of the Land Use Master Plan projects would use energy in a wasteful or unnecessary manner and all of the Land Use Master Plan projects would incorporate energy efficiency measures during construction and operation. In addition, the project would produce renewable energy and provide alternative fuels. Consequently, the project's incremental impact is not cumulatively significant.

6. Less than Significant Impact Geology, Soils and Seismicity: There will not be any cumulative geologic, soils and seismic impacts.

Findings: No mitigation is needed. See page 4-19 of the Draft EIR.

Facts in Support of Findings: The geographic scope of this resource area for the cumulative geologic, soils and seismic impacts is the project area and immediate vicinity.

As described in Chapter 3, project impacts related to seismically induced groundshaking and ground failures (liquefaction would be less than significant with implementation of mitigation measures requiring geotechnical evaluations for these seismic hazards. None of the projects would be expected to contribute to cumulative geologic, soils, or seismic impacts in connection with implementation of the project. Consequently, the project's incremental impact is not cumulatively significant.

7. Less than Significant Impact Greenhouse Gas Emissions: There will not be any cumulatively considerable greenhouse gas emissions.

Findings: No mitigation is needed. See page 4-19 of the Draft EIR.

Facts in Support of Findings: The geographic scope of this resource area is global.

As discussed in Chapter 3 of the Draft EIR, GHG emissions were determined to be less than significant for both the biodiesel production facility and food waste preprocessing facility and other Land Use Master Plan elements. Reductions in GHG emissions that would result from use of biodiesel fuel would have an overall beneficial effect on GHG emissions. Therefore, GHG emissions are not considered to be cumulatively considerable. Lifecycle GHG benefits associated with the production and use of biodiesel, combined with GHG reductions associated with renewable energy generation that is facilitated by the proposed food waste preprocessing facility, would help to reduce cumulative GHG emissions. For these reasons, the project would result in less than significant cumulative impacts on global climate change.

8. Less than Significant Impact Hazards and Hazardous Materials: There will not be any cumulatively considerable hazards impacts.

Findings: No mitigation is needed. See page 4-20 of the Draft EIR.

Facts in Support of Findings: The geographic scope for cumulafive hazards impacts is the project area and immediate vicinity.

As described in Chapter 3, with implementation of the legal requirements discussed in the analysis of cumulative impacts related to the transport, use, and disposal of hazardous materials, impacts would not be cumulativeiy considerable and would be less than significant. With implementation of measures requiring survey and abatement of hazardous building materials, the project would not contribute to cumulative impacts related to the presence of hazardous materials in the soil or groundwater and exposure to hazardous building materials. All of the proposed improvements would be constructed on the MWWTP property and would not obstruct an emergency response or evacuation route. Consequently, the project's incremental impact is not cumulafively significant.

9. Less than Significant Impact Hydrology and Water Quality: There will not be any cumulative hydrology and water quality impacts.

Findings: No mitigation is needed. See pages 4-20 and 4-21 of the Draft EIR.

Facts in Support of Findings: The geographic scope for cumulative hydrology and water quality impacts is the area served by the MWWTP wastewater treatment system, the City of Oakland, and ultimately San Francisco Bay.

As discussed in Chapter 3 of the Draft EIR, stormwater discharges from projects located on the West End property would be subject to the new the statewide General Construction Permit and City of Oakland stormwater permitting requirements, and discharges from the MWWTP would be subject to the plant's NPDES permit. Compliance with the effluent and receiving water limitations as well as monitoring requirements specified in the permit would ensure that adverse water quality effects

would not occur. For these reasons, the project would result in less than significant cumulative impacts on hydrology and water quality.

10. Less than Significant Impact Land Use and Recreation: There will not be any cumulative land use and recreation impacts.

Findings: No mitigation is needed. See page 4-21 of the Draft EIR.

Facts in Support of Findings: The geographic scope for cumulative land use and recreation impacts is project site and West Oakland community.

As discussed in Chapter 3 of the Draft EIR would not create long-term cumulative land use conflicts because it is consistent with existing land use. At a regional scale, the Land Use Master Plan would not impede future development of the San Francisco Bay Trail. For these reasons, the project would result in less than significant cumulative impacts on land use and recreation.

11. Less than Significant Impact Noise: There will not be any cumulative construction and operafional noise and vibration impacts.

Findings: No mitigation is needed. See pages 4-21 and 4-22 of the Draft EIR.

Facts in Support of Findings: The geographic scope for cumulative construction and operational noise and vibration impacts is the immediate project vicinity as well as areas adjacent to any routes designated for access and hauling.

As discussed in Chapter 3 of the Draft EIR, site-specific mitigation measures require each Land Use Master Plan project to meet City of Oakland Noise Ordinance limits or ordinance limits adjusted to account for ambient noise levels (if ambient noise levels already exceed the limit). Further, the potentiai cumulative projects would also be subject to applicable standards and limits specified in the City of Oakland Noise Ordinance based on noise levels occurring at the time each project is constructed, which would ensure that adjacent uses would not be adversely affected by cumulative construction and operational noise. Because the project's traffic would comprise less than 1 percent of existing and future traffic volumes on these roadways, the project's contribution to cumulative traffic noise increases would not be cumulatively considerable. For these reasons, the project would result in less than significant cumulative noise impacts.

12. Less than Significant Impact Public Services: There will not be any cumulative public services impacts.

Findings: No mitigation is needed. See page 4-22 of the Draft EIR.

Facts in Support of Findings: The geographic scope for cumulative public services impacts is the City of Oakland.

As discussed in Chapter 3 of the Draft EIR, the project would not be expected to require additional police or fire protection services, and would not be expected to require new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for police or fire protection. For these reasons, the project would result in less than significant cumulative public services impacts.

13. Less than Significant Impact Transportation: There will not be any cumulative traffic impacts.

Findings: No mitigation is needed. See pages 4-22 and 4-23 of the Draft EIR.

Facts in Support of Findings: The geographic scope of potential cumulative traffic impacts is the roadway network in the MWWTP vicinity, including the I-80, I-880, and I-580 freeways and associated on- and off-ramps; Wake Avenue; Maritime Street; West Grand Avenue (west of Frontage Road); and Frontage Road (between West Grand Avenue and 7th Street). All of the cumulative projects identified in the Draft EIR could contribute traffic to these roadways during construction, and many would increase traffic once constructed, potentially resulting in unacceptable traffic delays at nearby intersections or increases in traffic on the regional freeway system.

As described in Chapter 3, when operating at full capacity at full buildout, the proposed Land Use Master Plan projects are forecast to generate only minor amounts of peak hour traffic, which would not result in cumulatively considerable effects at the study intersections or freeway segments. The project's contribution to the increase in the volume-to-capacity ratio for freeway segments that operate at LOS F would be less than 1 percent. This is less than the 3 percent threshold described in the Draft EIR and therefore would not be cumulatively considerable. The cumulative traffic impact thus is considered less than significant.

14. Less than Significant Impact Utilities: There will not be any cumulative impacts to utilities.

Findings: No mitigation is needed. See pages 4-23 and 4-24 of the Draft EIR.

Facts in Support of Findings: The geographic scope for impacts related to wastewater treatment capacity includes the EBMUD wastewater service area. For water supply, the geographic scope includes the EBMUD service area. The geographic scope for stormwater conveyance capacity includes the MWWTP, which currently accepts all stormwater drainage from the facility and the City of Oakland because stormwater flows from the West End property are directed to the City of Oakland stormwater collection system. For landfill capacity, the geographic scope includes the Bay Area, where disposal of construction-related waste could occur. For disruption of utilities, the geographic scope is limited to the project vicinity, where utilities could require relocation and services could be disrupted.

As discussed in Chapter 3 of the Draft EIR, the project would not require construction of new water, wastewater or stormwater facilities (beyond those proposed as part of the

project). The project would divert solid waste from regional landfills and thus does not contribute to cumulative solid waste impacts. Mitigation is included to prevent disruption of utilities. For these reasons, the project would result in less than significant cumulative utilities impacts.

5.0 Statement of Overriding Considerations

CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. The lead agency may decide to accept significant and unavoidable adverse environmental effects, if the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, adverse effects (CEQA Guidelines Section 15093.)

As set forth in the Draft EIR and Section 4.1 of the above Findings, EBMUD has determined that implementing the project could result in one potentially significant and unavoidable adverse environmental impact that cannot not be reduced to a less-than-significant level after carrying out associated mitigation measures. The only significant unavoidable impact identified for the Land Use Master Plan is the cumulative air quality impact associated with community risks and hazards during operation. Mitigation included in the project can reduce the combined excess cancer risk from emissions associated with the Land Use Master Plan below BAAQMD's 10 in a million project-level threshold. However, this risk would contribute incrementally to the already impacted condition in the MWWTP vicinity; existing sources within 1,000 feet of the MWWTP already exceed the BAAQMD cumulative significance threshold. EBMUD has existing programs to reduce on-site diesel particulate matter (DPM) emissions, and implementation of the biodiesel project would contribute to reductions of DPM emissions in the region. Nevertheless, because project-related mitigation would reduce, but would not completely eliminate, the project's toxic air contaminant (TAC) emissions, this impact is considered to be cumulatively significant and unavoidable.

The benefits of the project include the following:

- Improved odor control through implementation of the odor control upgrades that are part of the Master Plan;
- Improved safety at the MWWTP;
- Flexibility to construct advanced treatment facilities to meet future regulations;
- Maintenance of reasonable wastewater user rates through revenue generation at the MWWTP;
- Potential for creation of local jobs;
- Increased solid waste diversion; and
- Production of renewable energy, including biodiesel, which may be used in heavy-duty trucks that access the Port of Oakland.

The Board hereby finds, in accordance with Section 15093 of the CEQA Guidelines, that these economic, legal, social, technological, and service-related benefits of the project outweigh the potentially significant and unavoidable adverse environmental impacts. These benefits constitute

overriding considerations, and the potentially significant and unavoidable adverse environmental impacts of the project are rendered acceptable in light of these overriding considerations.

In light of these overriding considerations, the Board hereby finds that the potentially significant and unavoidable adverse environmental impact associated with implementing the project is rendered acceptable.

Although the Board finds and determines that, with the excepfion of the one potentially significant and unavoidable adverse environmental effect set forth in Section 4.1, all other potentially significant effects of the proposed project analyzed in the EIR will be mitigated to less-than-significant levels by the imposition of the various mitigation measures, the Board also finds that to the extent that any such impacts set forth in Section 4.2 of this Findings document have any residual unavoidable impacts, such impacts are acceptable in light of the benefits provided by the project.

6.0 Findings Related to Potential Growth Inducing Impacts

CEQA Guidelines section 15126.2 requires the lead agency to discuss the growth-inducing impacts of the proposed project.

Discussion: As analyzed in the Draft EIR Section 4.2, Growth Inducing Impacts, the proposed Land Use Master Plan addresses the need for EBMUD to plan for use of the newly-acquired West End property to meet future regulatory requirements for wastewater treatment. The Master Plan also includes elements to enhance revenues to maintain reasonable rates and increase renewable energy production. None of the projects included in the Land Use Master Plan would increase the wastewater treatment capacity of the MWWTP, so the new facilities would not foster or accommodate growth in the EBMUD wastewater service area and are not intended to remove obstacles to growth.

The project's purpose and implementation of the proposed project have no potential to directiy or indirectiy foster population growth or to result in the construction of additional housing.

7.0 Findings Regarding Alternatives and Selecting the Project

CEQA requires the lead agency to identify alternatives that would avoid or substantially lessen any of the significant adverse effects of a proposed project and to evaluate the comparative merits of the alternatives (CEQA Guidelines, Section 15126.6). Based on the information and analysis in the EIR, the Board hereby makes the following findings on alternatives.

CEQA Guidelines section 15126.6(e) requires analysis of a "No Project" alternative.

Section 15126.6 also requires analysis of a reasonable range of feasible alternatives. Based on the information and analysis contained in the Draft EIR and the Final EIR, the Board hereby makes the following findings on alternatives.

The EIR evaluated three alternatives for the project (Biodiesel with Rail Spur, Land-lease Energy Projects on New Property, and Smaller Scale Biodiesel), in addition to the No Project altemative.

Under the No Project Alternative, the proposed Land Use Master Plan would not be implemented, and the biodiesel production and food waste preprocessing facilifies would not be constructed. Under the No Project Alternative, without construction of the biodiesel production and food waste preprocessing facilities, the community benefits and enhanced revenues through renewable energy generation would not be realized. In addition, the No Project Alternative would not improve the truck queue area, which would expedite truck check-in if implemented as part of the project. Without this improvement, any future impacts associated with truck queuing would not be addressed by this queue area improvement. The No Project Alternative would also not include upgrades to odor control facilities, and would thus have potentially significant odor impacts. It would also not anticipate regulatory requirements. The No Project alternative would therefore not meet the project purpose. Other examined alternatives did not reduce impacts of the project.

7.1 Environmentally Superior Alternative

The Board hereby finds that there is no clearly environmentally superior alternative. The cumulative air quality community risks and hazards impact is significant and unavoidable because of the existing adjacent uses, so none of the project alternatives can eliminate this significant unavoidable impact. The Biodiesel with Rail Spur Alternative reduces criteria pollutants but locates facilities closer to sensitive receptors and has additional construction impacts. The Land-Lease Energy Projects on New Property Alternative has impacts that are essentially the same as those of the proposed project. The Smaller Scale Biodiesel Alternative reduces operational emissions, but also has fewer lifecycle benefits associated with production of renewable fuel, and still cannot avoid the community risks and hazards impact.

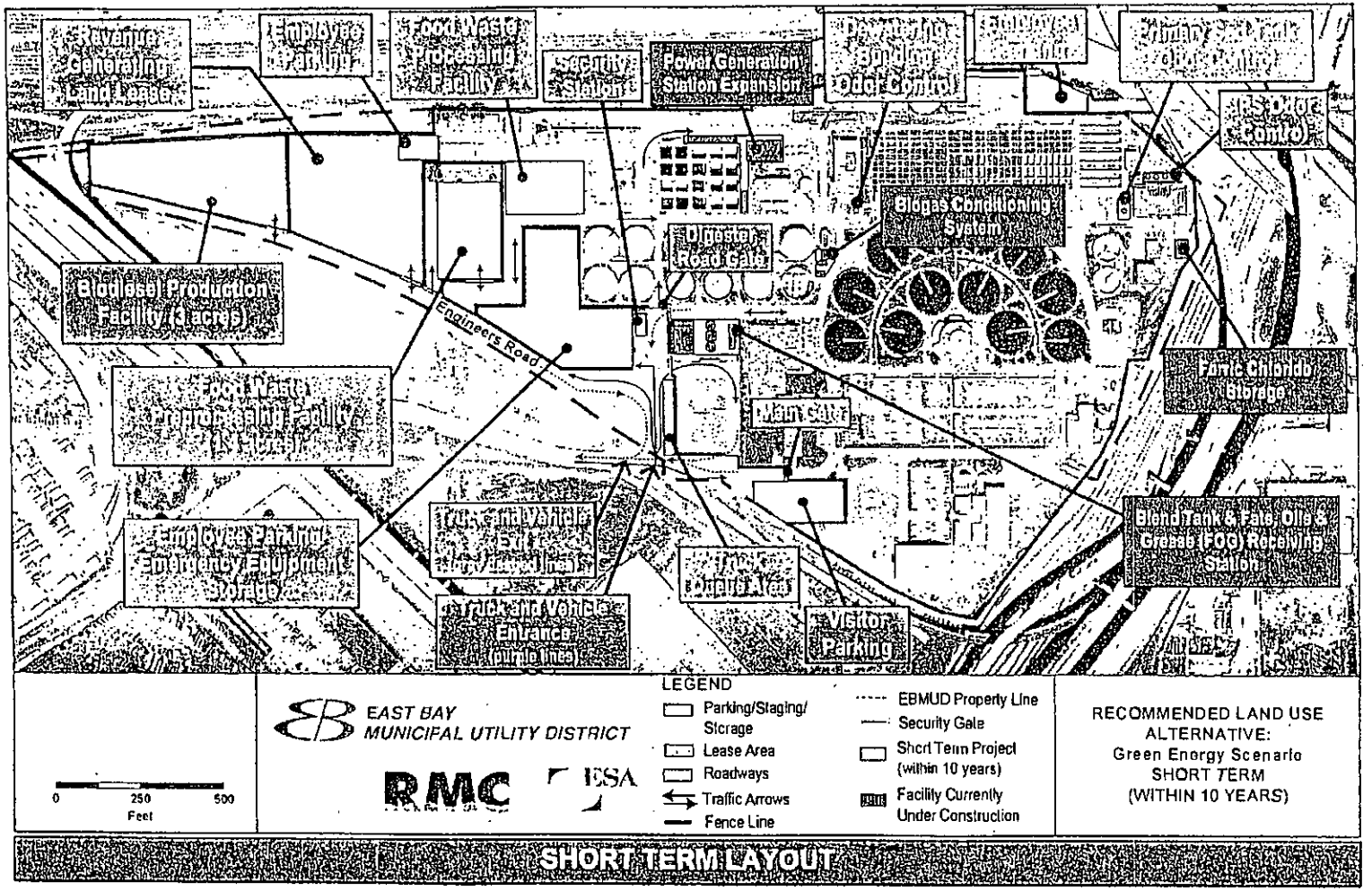

Figure 2-1: MWWTP Recommended Land Use Alternative – Short Term

EXHIBIT B

EAST BAY MUNICIPAL UTILITY DISTRICT LAND USE MASTER PLAN ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Monitoring and Reporting Program: Implementation and Reporting: Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule - Design (D) - Pre-Construction (PC) - During Construction (C) - Operational (O)
3.2 AESTHETICS							
AES-2	Alter Existing Visual Character and Views in the Study Area	AES-2a	Mitigation Measure AES-2a: Maintenance of Construction Worksite Throughout the period of demolition and construction, EBMUD will require that the construction contractor keep the worksite free and clean of all rubbish and debris and promptly remove from the site or from property adjacent to the site of the work, all unused and rejected materials, surplus earth, concrete, plaster, and debris.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Verify that worksite is kept free and clean of all rubbish and debris.	1. D 2. C
		AES-2b	Mitigation Measure AES-2b: Design of Facilities to Be Aesthetically Consistent with Existing Visual Character EBMUD would require all new facilities be, at a minimum, designed to be aesthetically consistent with existing visual character and surrounding wastewater treatment buildings. Design, exterior finishes, and color would blend with the surrounding facilities.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that design is consistent with measure.	1. D
AES-3	New Source of Substantial light or Glare	AES-3	Mitigation Measure AES-3: Lighting Design and Low Reflective Paint EBMUD would require that lighting be consistent with existing lighting in terms of height, spacing and design. New lighting would be shielded and directed to the interior of the project site. New structures and buildings would be painted in low reflective paint consistent with existing structures at the MWWTP.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is incorporated in specifications for the project 2. Confirm that lighting is installed as required by specifications	1. D 2. C.
3.3 AIR QUALITY							
AIR-1	Construction Emissions of Criteria Pollutants and Precursors	AIR-1	Mitigation Measure AIR-1: Criteria Air Pollutant and Precursor Reduction Measures To limit dust, criteria pollutant, and precursor emissions associated with construction of all Land Use Master Plan projects, EBMUD shall include the following measures, as applicable, in contract specifications: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. b. All haul trucks transporting soil, sand, or other loose material off site shall be covered c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited d. All vehicle speeds on unpaved areas shall be limited to 15 miles per hour e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. EBMUD inspector to verify that dust control measures are implemented during construction	1. D 2. C

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Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting: Responsible Party	Implementation and Reporting: Reviewing & Approval Party	Monitoring and Reporting Program: Monitoring and Reporting Actions	Implementation Schedule: Design (D), Pre-Construction (PC), During Construction (C), Operational (O)
			(CCR)). Clear signage shall be provided for construction workers at all access points. g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h. A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding complaints related to excessive dust or vehicle idling shall be posted at the MWWTP entrance. This person shall respond and take corrective action within 48 hours.				
AIR-5	Local Community Risks and Hazards During Project Operation	AIR-5	Mitigation Measure AIR-5: Diesel Particulate Reduction Measures Diesel-powered on-site rolling stock (2 loaders, excavator, and 2 end dump trucks) associated with the food waste preprocessing facility and any other diesel equipment or trucks operating solely within the MWWTP and West End property under the control of EBMUD shall install a CARB-verified Level 3 Diesel Particulate Filter to reduce PM2.5 emissions to achieve a minimum reduction of 50 percent (sufficient to reduce combined emissions to below the BAAQMD CEQA excess cancer risk threshold of 10 in a million). Alternative options for achieving this reduction can also be implemented, including the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the plans for the project. 2. EBMUD to verify food waste preprocessing diesel equipment uses diesel particulate filters or other appropriate measures to reduce DPM emissions	1. D 2. D
AIR-6	Odor Emissions During Project Operation	AIR-6a	Mitigation Measure AIR-6a: Odor Controls in Food Waste Preprocessing Facility EBMUD shall include the following measures in contract specifications: • Roof vents on the proposed building or point sources should be designed to accommodate odor controls in the event that odor problems occur in the future and controls are ultimately needed. • All food waste shall be processed within 48 hours of receipt or protocols shall be implemented to minimize nuisance odor problems and ensure compliance with applicable BAAQMD air permit requirements.	EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the plans for the project. 2. EBMUD to verify food waste preprocessing minimizes nuisance odor problems.	1. D 2. O
		AIR-6b	Mitigation Measure AIR-6b: Odor Controls on Other Land Use Master Plan Elements. All short- and long-term Land Use Master Plan projects shall be reviewed for odor potential during the design phase. Operational and design odor control measures shall be incorporated into the project to minimize off-site odor impacts and ensure compliance with BAAQMD air permit fenceline monitoring limits. Odor controls that could be implemented where appropriate include: activated carbon fiber/carbon adsorption, biofiltration/bio trickling filters, fine bubble aerator, hooded enclosures, wet and dry scrubbers, caustic and hypochlorite chemical scrubbers, ammonia scrubber, energy efficient blower system, thermal oxidizer, capping/covering storage basins and anaerobic ponds, mixed flow exhaust, wastewater circulation technology, and exhaust stack and vent location with respect to receptors.	EBMUD (MP)	EBMUD	1 Confirm that measure is in the design plans for the project.	1. D

EAST BAY MUNICIPAL UTILITY DISTRICT LAND USE MASTER PLAN ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting: Responsible Party	Implementation and Reporting: Reviewing & Approval Party	Monitoring and Reporting Program: Monitoring and Reporting Actions	Implementation Schedule: Design (D), Pre-Construction (PC), During Construction (C), Operational (O)
3.4 BIOLOGICAL RESOURCES							
BIO-1	Potential to Interfere with Wildlife Movement or Impede the Use of Native Wildlife Nursery Sites	BIO-1	Mitigation Measure BIO-1: Protection of Nesting Birds To the extent practicable, project construction activities including tree removal/pruning and demolition will occur outside of the generally accepted nesting season (February 1 to August 31). If tree removal cannot be completed between September 1 and January 31, and it is not feasible to avoid starting construction during the nesting season, then the following measures will be taken: a) No more than two weeks before the initiation of construction/demolition activities that would commence between February 1 and August 31, a nesting bird survey will be conducted within 250 feet of the project site by a qualified biologist. If active nests are observed, buffer zones will be established around the nests, with a size acceptable to the California Department of Fish and Game. Construction activities will not occur within buffer zones until young have fledged or the nest is otherwise abandoned. b) If construction/demolition is halted for more than two weeks during the nesting season, then additional surveys will be conducted as above. c) Nests that are established during construction/demolition will be protected from direct project impact (e.g., trees or a buffer area around the nests shall be flagged and avoided).	EBMUD (MP) EBMUD/BD Owner (BO) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Confirm that trees are removed or surveys performed before nesting season. 3. Confirm bird protection is implemented as needed during construction	1. D 2. PC 3. C
BIO-2	Potential for Conflict with Local Policies or Ordinances Protecting Biological Resources, Such as Tree Preservation Policy or Ordinance	BIO-2	Mitigation Measure BIO-2: Replacement of Protected Trees EBMUD will replace each tree that is removed for this project and that is considered a "protected tree" under the City of Oakland Tree Preservation and Removal Ordinance. The replacement tree (e.g., 5-gallon size) will be planted on site in a suitable location at the MWWTP/West End property.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project 2. Confirm that trees have been replaced	1. D 2. DC

EAST BAY MUNICIPAL UTILITY DISTRICT LAND USE MASTER PLAN ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting: Responsible Party	Implementation and Reporting: Reviewing & Approval Party	Monitoring and Reporting Program: Monitoring and Reporting Actions	Monitoring and Reporting Program: Implementation Schedule (D) Design (PC) Pre-Construction (C) During Construction (O) Operational
3.5 CULTURAL RESOURCES							
CUL-1	Potential to Cause a Substantial Adverse Change in the Significance of a Unique Archaeological Resource	CUL-1	Mitigation Measure CUL-1: Recovery of Buried Cultural Resources If previously unidentified cultural materials are unearthed during construction, EBMUD will halt work in that area until a qualified archaeologist can assess the *significance of the find*. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If any find is determined to be significant, EBMUD and the archaeologist will determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, EBMUD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. *If avoidance is infeasible*, other appropriate measures [e.g., data recovery] will be instituted. Work may proceed on other parts of the project while mitigation for historical resources or unique archaeological resources is being carried out.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Confirm that any cultural resources uncovered during construction are treated in accordance with recommendation from a consulting archaeologist	1. D 2. C
CUL-2	Potential to Cause a Substantial Adverse Change in the Significance of a Paleontological Resource	CUL-2	Mitigation Measure CUL-2: Recovery of Buried Paleontological Resources *In the event that paleontological resources* are discovered, EBMUD will notify a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines § 15064.5. If a brea[1] or other fossil is discovered during construction, excavations within 50 feet of the find will 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. If EBMUD determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to EBMUD for review and approval prior to *implementation*.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project 2. Confirm that any paleontological resources uncovered during construction are treated in accordance with recommendation from a consulting paleontologist	1. D 2. C

[1] A seep of natural petroleum that has trapped extinct animals, thus preserving and fossilizing their remains.

EAST BAY MUNICIPAL UTILITY DISTRICT LAND USE MASTER PLAN ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Implementation and Reporting		Monitoring and Reporting Program	
				Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule: Design (D), Pre-Construction (PC), During Construction (C), Operational (O)
CUL-3	Potential to Disturb Human Remains	CUL-3	Mitigation Measure CUL-3: Recovery of Discovered Human Remains In the event human burials are encountered, EBMUD will halt work in the vicinity and notify the Alameda County Coroner and contact an archaeologist to evaluate the find. If human remains are of Native American origin, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who would then help determine what course of action should be taken in dealing with the remains.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Confirm that any burials uncovered during construction are treated in accordance with recommendation from a consulting archaeologist with appropriate notifications	1. D 2. C
3.7 GEOLOGY							
GEO-1	Facility Damage and Exposure of People to Hazards From Strong Seismic Groundshaking	GEO-1	Mitigation Measure GEO-1: Perform Design-Level Geotechnical Evaluations for Seismic Hazards During the design phase for all other Land Use Master Plan elements that require ground-breaking activities, EBMUD will perform site-specific, design-level geotechnical evaluations to identify potential secondary ground failure hazards (i.e., seismically-induced settlement) associated with the expected level of seismic ground shaking. For specific Land Use Master Plan element sites within the MWWTP that have previously been subject to a geotechnical investigation, a geotechnical memorandum shall be prepared to update the previous investigation. The geotechnical analysis will provide recommendations to mitigate those hazards in the final design and, if necessary, during construction. The design-level geotechnical evaluations, based on the site conditions, location, and professional opinion of the geotechnical engineer, may include subsurface drilling, soil testing, and analysis of site seismic response as needed. The geotechnical engineer will review the seismic design criteria of facilities to ensure that facilities are designed to withstand the highest expected peak acceleration, set forth by the CBC for each site. Recommendations resulting from findings of the geotechnical study will be incorporated into the design and construction of proposed facilities. Design and construction for buildings will be performed in accordance with EBMUD's seismic design standards, which meet and/or exceed applicable design standards of the International Building Code.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that geotechnical studies have been conducted as needed. 2. Confirm that any recommendations from geotechnical study are included in plans and specifications. 3. Confirm that construction is conducted in accordance with specifications.	1. D 2. D 3. C
GEO-2	Facility Damage and Exposure of People to Hazards from Liquefaction and Lateral Spreading	GEO-2	*Mitigation Measure* CEO-2: *Perform Design-Level Geotechnical Evaluations for* Liquefaction and Other Geologic Hazards During the design phase for all other Land Use Master Plan elements that require ground-breaking activities, EBMUD will perform site-specific design-level geotechnical evaluations to identify geologic hazards and provide recommendations to mitigate those hazards in the final design and during construction. For specific Land Use Master Plan element sites within the MWWTP that have previously been subject to a geotechnical investigation, a geotechnical memorandum shall be prepared to update the previous investigation. The design-level geotechnical evaluations will include the collection of subsurface data for determining liquefaction potential, and appropriate feasible measures will be developed and incorporated into the project design. The performance standard to be used in the geotechnical evaluations for mitigating liquefaction hazards will be minimization of the hazards. Measures to	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that geotechnical studies have been conducted as needed. 2. Confirm that any recommendations from geotechnical study are included in plans and specifications. 3. Confirm that construction is conducted in accordance with specifications	1. D 2. D 3. C

EAST BAY MUNICIPAL UTIUTY DISTRICT LAND USE MASTER PLAN ENVIRONMENTAL IMPACT REPORT
MITIGATION MONITORING AND REPORTING PROGRAM

Impact No.	Impact Summary	Mitigation No.	Mitigation Measure (Exact Text)	Monitoring and Reporting Program: Implementation and Reporting: Responsible Party	Reviewing & Approval Party	Monitoring and Reporting Actions	Implementation Schedule - Design (D) - Pre-Construction (PC) - During Construction (C) - Operational (O)
			minimize significant liquefaction hazards could include the following, unless the site-specific soils analyses dictate otherwise: • Densification or dewatering of surface or subsurface soils; • Construction of pile or pier foundations to support pipelines and/or buildings; and • Removal of material that could undergo liquefaction in the event of an earthquake, and replacement with stable material. • If soil needs to be imported, EBMUD would require that the contractor ensure that such imported soil complies with specifications that define the minimum geotechnical properties and analytical quality characteristics that must be met for use of fill material from off-site borrow sources.				
3.8 GREENHOUSE GAS EMISSSIONS							
GHG-1	Greenhouse Gas Construction Emissions	GHG-1	Mitigation Measure GHG-1: GHG Reduction Measures EBMUD shall implement BAAQMD-recommended Best Management Practices (BMPs) for GHG emissions where feasible, which include the following: • At least 15 percent of the fleet should be alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment. • At least 10 percent of building materials should be from local sources. • At least 50 percent of construction waste or demolition materials should be recycled or reused. See also Mitigation Measure AIR-1: Criteria Air Pollutant and Precursor Reduction Measures above.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Construction contractor to verify that BMPs are implemented.	1. D 2. C
GHG-2	Greenhouse Gas Operational Emissions	GHG-2a	Mitigation Measure GHG-2a: Energy Efficiency Measures Measures GHG 2a and 2b apply to the other Land Use Master Plan elements, as applicable, to reduce overall GHG emissions. Direct and indirect GHG emissions shall be estimated based on the final project design, and energy efficiency measures shall be incorporated into the project as necessary to meet the BAAQMD GHG significance threshold in effect at the time of project implementation.	EBMUD (MP)	EBMUD	1. Confirm that emissions are estimated and efficiency measures are incorporated.	1. D
		GHG-2b	Mitigation Measure GHG-2b: Water Conservation Measures for Land Use Master Plan Projects Non-potable water shall be used wherever feasible for equipment and area wash down to minimize GHG emissions associated with increased water demand.	EBMUD (MP)	EBMUD	1. Confirm that non-potable water is used wherever feasible.	1. O

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3.9 HAZARDS AND HAZARDOUS MATERIALS							
HAZ-3	Hazards to Public Health and the Environment due to a Release of Hazardous Building Materials Present in the Buildings that Would be Demolished	HAZ-3	Mitigation Measure HAZ-3: Hazardous Building Materials Surveys and Abatement For any building not already surveyed for lead, a registered environmental assessor or a registered engineer would perform a lead-based paint survey for the structure prior to reuse or demolition. Adequate abatement practices for lead-containing materials, such as containment and/or removal, would be implemented prior to reuse or demolition of each structure that includes lead-containing materials or lead-based paint. For demolition, any PCB- or DEHP-containing equipment or fluorescent lights containing mercury vapors would also be removed and disposed of properly. If removal of a transformer is required, EBMUD or the owner/operator would retain a qualified professional to determine the PCB content of the transformer oil. For removal, the transformer oil would be pumped out with a pump truck and appropriately recycled or disposed of off site. The drained transformer would be reused or disposed of in accordance with applicable regulations.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that hazardous materials surveys have been conducted as needed. 2. Confirm that any recommendations from survey are included in plans and specifications. 3. Confirm that materials are disposed of appropriately	1. D 2. D 3. C
3.10 HYDROLOGY - WATER QUALITY							
HYD-3	Alteration of the Existing Drainage Pattern in a Manner Which Would Result in Flooding	HYD-3	Mitigation Measure HYD-3: Prepare and Implement a Comprehensive Drainage Plan Prior to expanding the stormwater collection system to treat runoff from the West End property, EBMUD shall prepare and implement a Comprehensive Drainage Plan for the Land Use Master Plan that incorporates measures to ensure that the storm drain system and treatment capacity are not exceeded during peak conditions. The drainage plan shall define operational controls necessary to prevent flooding of the MWWTP headworks and/or release of surface runoff off site.	EBMUD	EBMUD	1. Confirm that Comprehensive Drainage Plan has been prepared. 2. Confirm that any recommendations from plan are included in plans and specifications. 3. Confirm that necessary improvements are constructed	1. D 2. D 3. C
HYD-5	Inundation Due to a Catastrophic Tsunami or Seiche	HYD-5	Mitigation Measure HYD-5: Prepare and Implement a Tsunami Response Plan EBMUD shall prepare and implement a Tsunami Response Plan for the MWWTP site that defines emergency response and coordination procedures. The Tsunami Response Plan shall contain information specific to actions that may be necessary related to receipt of a tsunami watch, warning, or as a result of an actual tsunami along the San Francisco Bay. The first priority of emergency management response shall be the protection of life and property.	EBMUD	EBMUD	1. Confirm that Tsunami Response Plan for the MWWTP site has been prepared and implemented	1. O

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3.12 NOISE							
NOI-1	Disturbance from Temporary, Construction-Related Noise Increases in Excess of Noise Ordinance	NOI-1	Mitigation Measure NOI-1: Implement Noise Controls EBMUD's Construction Specifications (013544-3.4) require compliance with local noise ordinances, and measures that shall be employed to meet applicable City of Oakland Noise Ordinance noise limits include the following: • Pile driving activities and operation of other types of impact equipment such as jackhammers should be limited to the daytime hours (7 a.m. to 7 p.m. on weekdays); • If impact pile drivers must be used near the eastern MWWTP boundary, they should not be operated for longer than 10 days to the extent feasible. If pile driving must occur for longer than 10 days near this boundary, sonic or vibratory pile drivers should be used if feasible; • "Quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration) should be employed where feasible (where geotechnical and structural requirements allow); • Pile driving activities with all construction projects at the MWWTP should be coordinated to ensure that these activities do not overlap; • Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) will be used for all equipment and trucks as necessary; and • If any construction activities must occur during the nighttime hours (7 p.m. to 7 a.m. on weekdays, 8 p.m. to 9 a.m. on weekends), operation of noisier types of equipment should be prohibited as necessary to meet ordinance noise limits.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project 2. Construction contractor to verify that construction activities comply with specifications.	1. D 2. C
NOI-2	Temporary Disturbance due to Construction-Related Vibration	NOI-2	Mitigation Measure NOI-2: Implement Vibration Controls To ensure that adjacent freeway structures and future commercial structures to the south are not subject to cosmetic damage, EBMUD shall ensure that any future pile driving activities associated with Master Plan projects do not exceed the 0.2 in/sec PPV threshold at these structures. Measures that could be employed to meet this performance standard include using sonic or vibratory pile drivers where feasible or pre-drilling pile holes.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for projects. 2. Construction contractor to verify that construction activities comply with specifications.	1. D 2. C
NOI-3	Increases in Ambient Noise Levels due to Operational Noise and Vibration	NOI-3	Mitigation Measure NOI-3: Employ Noise Controls for Stationary Equipment EBMUD shall use best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) as necessary on stationary equipment associated with all Master Plan projects in order to comply with applicable City of Oakland Noise Ordinance noise limits, adjusted to reflect ambient noise levels occurring at the time of project implementation (under 2010 conditions, the nighttime noise limit is 54 dBA [Leq] at receiving residential uses to the east and 73 dBA [Leq] at future receiving commercial uses to the south).	EBMUD (MP)	EBMUD	1. Confirm that measure is in the design plans for projects. 2. Confirm best available noise control techniques are used on stationary equipment.	1. D 2. C

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3.14 TRANSPORTATION							
TRA-1	Temporary Construction-Related Increase in Traffic	TRA-1	Measure TRA-1: Construction Traffic Management Plan EBMUD would implement the following measures during project construction at the local intersections outside the MWWTP property: EBMUD and the construction contractor would coordinate with the appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction. EBMUD would develop a construction management plan for submittal to the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan would include at least the following items and requirements: a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours and designated construction access routes; b. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries would occur; and c. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Construction contractor to verify compliance with comprehensive traffic control measures.	1. D 2. C
TRA-7	Safety Hazards Due to Conflicts with Rail Transport	TRA-7a	Measure TRA-7a: Railroad Crossing Safety for New Rail Spur EDMUD shall install pavement markings and warning signs along Engineers Road where the new rail spur would cross to enter the internal driveway for the biodiesel production facility. Pavement markings and warning signs shall conform to standards set forth in the *California Manual on Uniform Transportation Devices* (Caltrans 2010).	EBMUD (MP) EBMUD/BD Owner (BD)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Confirm that markings and signs have been installed.	1. D 2. C
		TRA-7b	Measure TRA-7b: Coordination with Burlington Northern Santa Fe (BNSF) EBMUD and its rail contractor(s) shall work with BNSF during the design phase to obtain the necessary permits and construction approvals for the rail spur and connection with the existing BNSP rail line.	EBMUD (MP) EBMUD/SD Owner (BD)	EBMUD	1. Confirm proper BSNP permits and construction approvals are obtained.	1. D
3.15 UTILITIES							
UTIL-1	Exceed Wastewater Treatment Requirements of the San Francisco Bay Regional Water Quality Control Board		See Mitigation Measure HYD-3: Prepare and Implement a Comprehensive Drainage Plan above.				
UTIL-3	Require Construction of New Stormwater Drainage Facilities or Expansion of Existing Facilities		See Mitigation Measure HYD-3: Prepare and Implement a Comprehensive Drainage Plan above.				

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UTIL-6	Temporary Disruption of Utilities or Services Due to Construction-Related Activities	UTIL-6	Mitigation Measure UTIL-6 Coordinate Relocation and Interruptions of Service with Utility Providers During Construction The construction contractor will be required to verify the nature and location of underground utilities before the start of any construction that would require excavation. The contractor will be required to notify and coordinate with public and private utility providers at least 48 hours before the commencement of work adjacent to any utility. The contractor will be required to notify the service provider in advance of service interruptions to allow the service provider sufficient time to notify customers. The contractor will be required to coordinate timing of interruptions with the service providers to minimize the frequency and duration of interruptions.	EBMUD (MP) EBMUD/BD Owner (BD) EBMUD/FW Owner (FW)	EBMUD	1. Confirm that measure is in the construction specifications for the project. 2. Construction contractor to verify coordination with public and private utility providers to locate and identify underground utilities 3. Construction contractor to verify coordination with public and private utility providers at least 48 hours before the commencement of work adjacent to any utility.	1. D 2. PC 3. C

Notes: MP – Land Use Master Plan, FW – Food Waste Preprocessing Facility, BD – Biodiesel Facility