

Martinez Refinery Renewable Fuels Project Revised Mitigation Monitoring and Reporting Program

As the lead agency under the California Environmental Quality Act (CEQA), the Contra Costa County (County) is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for the Martinez Refinery Renewable Fuels Project (Project), if it is approved, to ensure that the adopted mitigation measures are implemented as defined in this Revised Environmental Impact Report (REIR). This lead agency responsibility originates in Public Resources Code section 21081.6, subdivision (a) (Findings), and the State Guidelines for Implementing CEQA sections 15091, subdivision (d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

MONITORING AUTHORITY

The purpose of a Mitigation Monitoring and Reporting Program (MMRP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. An MMRP can be a working guide to facilitate not only the implementation of mitigation measures by the Project Applicant, but also the monitoring, compliance, and reporting activities of the County and any monitors it may designate.

The County may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as the Bay Area Air District. The County or its designee(s), however, would ensure that each person delegated any duties or responsibilities is qualified to monitor compliance.

Any mitigation measure study or plan that requires the approval of the County must allow adequate review time. Other agencies and jurisdictions may require additional review time. It is the responsibility of the Applicant to ensure that appropriate agency reviews and approvals are obtained.

The County or its designee would also ensure that any deviation from the procedures identified under the monitoring program is approved by the County. Any deviation and its correction shall be reported immediately to the County or its designee by the Applicant.

ENFORCEMENT RESPONSIBILITY

The County, as the lead agency, is responsible for enforcing the procedures adopted for monitoring.

MITIGATION COMPLIANCE RESPONSIBILITY

Marathon Petroleum Corporation (Marathon or Applicant) is responsible for successfully implementing all the mitigation measures in the MMRP, and shall ensure that these requirements are met by all of its contractors and field personnel. Standards for successful mitigation are implicit in mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely. Other mitigation measures include detailed success criteria. Additional mitigation success thresholds may be established by applicable agencies with jurisdiction through the permit process and through the review and approval of plans required for implementation of mitigation measures.

MITIGATION MONITORING AND REPORTING TABLE

The MMRP describes implementation and monitoring responsibilities, timing, implementation and reporting schedules, and implementation mechanisms or tools for each mitigation measure identified in the EIR, as described below. The table lists the following information, by column:

- Mitigation Measure: Provides the full text of the measure from the Final EIR.
- Monitoring/Reporting Action: Identifies the action to be taken by the Applicant.
- Mitigation Timing: Implementation of mitigation measures may occur before, during, or after construction or during operation, etc.
- Responsible Entity: Identifies the entities that will be responsible for directly implementing the mitigation measures, reporting, and monitoring.
- Compliance Verification: Identifies how compliance will be verified.

Table 1. Martinez Renewable Fuels Program Mitigation Monitoring and Reporting Program

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
3.3 AIR QUALITY				
<p>Mitigation Measure AQ-1a: Implement BAAD Basic Construction Measures and Additional Best Practices.</p> <p>The permittee shall implement the following Basic Construction Measures during construction of the Project:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • 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. • 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). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. <p>The permittee shall implement the following Additional Best Practices measures during construction of the Project:</p> <ul style="list-style-type: none"> • All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. • All excavation, grading, and/or demolition activities shall be suspended when average windspeeds exceed 20 mph. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 	Construction	Implement Basic Construction Measures	DCD	Verify implementation and compliance with Basic Construction Measures.

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<ul style="list-style-type: none"> • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. • All trucks and equipment, including tires, shall be washed off prior to leaving the site. • Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. • Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Only Tier 4 engines shall be used when practicable for construction equipment and zero-emission equipment as available. 				
<p>Minimization and Measure AQ-1b: Implement best management practices for construction activities. The following air emissions reduction BMPs shall be implemented to the maximum extent practicable by the applicant and construction contractors. The following measures shall be incorporated into all construction contracts related to the Project:</p> <ul style="list-style-type: none"> • Provide the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on-site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles, and medium-heavy and heavy-heavy duty trucks. • Portable equipment used during construction should be powered by electricity from the grid or onsite renewable sources, instead of diesel-powered generators. • All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine. • All off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers), used during project construction shall be battery powered. • All heavy-duty trucks entering the construction site, during the grading and building construction phases shall be model year 2014 or later, to the maximum extent practicable. All heavy-duty haul trucks shall also meet CARB's lowest optional low-NOx standard starting in the year 2022, to the maximum extent practicable. 	Construction	Implement BMPs	DCD	Verify implementation and compliance with BMPS

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<p>Mitigation Measure AQ-2: During the construction phase of the Project, the operational Odor Management and Control Plan (OMCP) shall be developed and implemented upon commissioning of the renewable fuels processes, intended to become an integrated part of daily operations at the Facility and other sites, so as to prevent any objectionable offsite odors and effect diligent identification and remediation of any potential objectionable odors generated by the facility and associated sites. The OMCP shall outline equipment that is in place and procedures that facility personnel shall use to address odor issues, facility wide. The OMCP shall include continuous evaluation of the overall system performance, identification of trends to provide an opportunity for improvements to the plan, and updating the odor management and control strategies, as necessary. This OMCP shall be retained at the facility for County or other government agency inspection upon request. The following practices shall be included in the OMCP to reduce the potential of objectionable odors from the storage of renewable feedstocks, operation of the wastewater treatment plant, and any other odor generating activity at the facility and other sites:</p> <ul style="list-style-type: none"> • Develop operating procedures to inspect and evaluate the effectiveness of odor control equipment and operation of the wastewater treatment plant. • All OMCP related records will be retained for a period of 5 years as required under Title V. • Random Self Inspections to be conducted eight times per calendar quarter. • At least semi-annually, the odor complaint log will be reviewed along with the WWTP monitoring data. • If there are fewer than an average of five confirmed complaints per year during the first three years of operation, then the formal review of the complaint log frequency can be reduced to an annual basis. • If there are more than five confirmed complaints in any single year, then the application shall develop additional mitigation strategies in consultation with the BAAD. • In the event that odor complaints are reported, the permittee shall immediately take action to prevent repeat complaints. Investigations by facility staff will begin within one hour, or as soon as practicable, within safety protocols and site logistics constraints. The permittee shall also develop and implement remedial odor mitigation strategies in consultation with the BAAD and County. • Prepare an annual evaluation report of the overall system performance, identifying any trends to provide an opportunity for improvements to the plan, and updates to the odor management and control strategies, as necessary. The report shall be provided to the BAAD and County for review and approval. • Training will be conducted annually for facility staff on the relevant plans for odor prevention, detection, and reporting. Records of this training will be kept onsite for at least five years. • Records will be maintained for any odor control equipment maintenance and repairs. • Records will be maintained for any odor related corrective actions. • Operators will complete monitoring and inspection rounds every day twice per 12-hour shift (i.e., four times per day) where they will walk through the Facility and report any noticeable odors or other issues that could lead to odors emanating offsite (e.g., gas or liquid leaks) to Shift Supervision. 	During construction	Prepare Odor Management Plan	DCD; BAAD	Review and approve plan
	Upon commissioning of the renewable fuels process	Implement Odor Management Plan	DCD; BAAD	Verify plan implementation
	Ongoing during operations	Inspect equipment and prepare annual report	DCD; BAAD	Review and approve annual report

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3.4 BIOLOGICAL RESOURCES				
<p>Mitigation Measure BIO-1a: General Work Site Best Management Practices. The following measures shall be included on all plans and employed by Marathon and its contractors to avoid and minimize impacts to water quality and other beneficial characteristics of wetlands at the Project Site:</p> <ul style="list-style-type: none"> All renovation personnel shall receive environmental awareness training provided by a County-approved qualified biologist. The training shall provide information about special-status species potentially occurring in the Project area, measures being implemented to avoid impacts to the species, and procedures to follow should a listed species be encountered during routine activities. Training shall be conducted to assure understanding by both Spanish and English speakers. Training materials and the qualified biologist's resume shall be submitted to County staff for approval 2 weeks prior to program initiation. No debris, soil, silt, sand, cement, concrete or washings thereof, or other construction-related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into marshes or open water/ditches adjacent to the work areas. All personnel and their equipment shall be required to stay within the designated construction area to perform job-related tasks and shall not be allowed to enter wetlands, drainages and habitat of listed species. Pets shall not be allowed in or near the construction area. Firearms shall not be allowed in or near the construction area, except for armed Marathon security officers who may periodically patrol work sites. No intentional killing or injury of wildlife shall be permitted. The construction site shall be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts and other discarded items) shall be placed in closed containers and properly disposed off-Site. After construction is completed, final cleanup shall include removal of all stakes, temporary fencing, flagging and other refuse generated by construction. Vegetation shall not be removed or disturbed in the cleanup process. 	Prior to construction	Environmental awareness training	DCD	Review and approve training materials
	During construction	Implement General Work Site Best Management Practices	DCD	Verify implementation and compliance

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Mitigation Measure BIO-1b: Spill and Accidental Discharge Prevention. The following measures shall be included on all plans and employed by Marathon and its contractors. Marathon and its contractors shall be responsible for structure operations in a manner that minimizes the risk of spills or the accidental discharge of fuels or hazardous materials. Marathon and its contractors shall, at a minimum, ensure that: <ul style="list-style-type: none"> All employees handling fuels and other hazardous materials are properly trained. All equipment is in good operating order and inspected regularly. Hazardous materials, including chemicals, fuels and lubricating oils, shall not be stored within 200 feet of a wetland or water body. This applies to storage of these materials and does not apply to normal operation or use of equipment in these areas. If refueling is needed on-Site, it will occur at least 100 feet from a surface water feature, and in a designated refueling area with secondary containment/plastic sheeting and a spill containment kit. 	Design	Include measures on plans	DCD	Verify measure included on plans
	Construction	Implement Spill and Accidental Discharge Prevention Measures	DCD	Verify implementation of measures
Mitigation Measure BIO-1c: Emergency Spill and Containment Plan. The following measures shall be included on all plans and employed by Marathon and its contractors. In the event of an accidental spill, the Facility Oil Spill Contingency Plan shall be implemented. Site-specific provisions shall be listed on the Safe Work Permit and included within the job plan maintained on-Site. At a minimum, Marathon and its contractors shall: <ul style="list-style-type: none"> Ensure that each construction crew (including clean-up crews) has sufficient supplies of absorbent and barrier materials on-Site to allow the rapid containment and recovery of spilled materials, and that each construction crew knows the procedure for reporting spills. Ensure that each construction crew has sufficient tools and material on Site to stop leaks. Know the contact names and telephone numbers for all Marathon Martinez Refinery contacts and local, state and federal agencies (including, if necessary, the U.S. Coast Guard and the National Response Center) that might need to be notified in the event of a spill. Follow the requirements of those agencies in cleaning up the spill, excavating and disposing soils or other materials contaminated by a spill, and collecting and disposing waste generated during spill cleanup. 	Design	Include measures on plans; Emergency Spill and Containment Plan	DCD	Verify measure included on plans; Review and approve Safe Work Permit; Review and approve Emergency Spill and Containment Plan
	Construction	Implement plan	DCD	Verify plan implementation and compliance

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Mitigation Measure BIO-1d: Stormwater Pollution Prevention Plan (SWPPP). The Project shall adhere to and implement the requirements of the respective existing SWPPP for the Marathon Martinez Refinery, Avon Marine Terminal and Amorcio Marine Terminal during Project construction. Applicable measures in each SWPPP shall be incorporated into the construction plans by a qualified specialist and implemented prior to construction	Design	SWPPP	SFRWQB	Review and approve SWPPP
	Design	Include applicable measures on construction plans	DCD	Verify measures included on construction plans
	Construction	Implement measures	DCD; SFRWQB	Verify implementation and compliance
Mitigation Measure BIO-1e: In-water Work Restrictions. The following work restrictions shall be included on all plans that include in-water work, and employed by Marathon and its contractors: <ul style="list-style-type: none"> To the extent feasible, in-water work shall be performed between 30 minutes after sunrise and 30 minutes before sunset. In-water work activity shall only occur during the work window specified by the NMFS and CDFW for avoidance of potential impacts to fish species in this region of the San Francisco Bay Estuary, August 1 to November 30. If in-water work outside this time period is required, the work window may be adjusted through coordination with the CDFW, NMFS and USFWS. 	Construction In-Water Work	Implement work restrictions	DCD DCD; CDFW; NMFS; USFWS	Verify compliance Coordinate work window adjustments
Mitigation Measure BIO-1f: Nearshore Habitat Disturbance Minimization. The following measures shall be employed by Marathon and its contractors. The measures shall be included as recommended practices incorporated into all construction contracts related to the Project. The number of round trips made by barges during construction shall be limited to the extent feasible. Barge and support vessels shall transit through the shallows at a no-wake-producing speed to minimize disturbance to bottom sediments. Anchoring shall be minimized to the extent possible.	Construction	Minimize nearshore habitat disturbance	DCD	Review construction contracts Verify implementation and compliance
Mitigation Measure BIO-1g: Demarcation of Limits of Work. Marathon and its contractors shall clearly demarcate the limits of work in the field. All Project-related activity shall be confined to the designated work areas; no entry into adjacent areas shall be allowed by Project personnel. Upon Project completion, material used to mark the work boundary shall be removed.	Construction	Designate work areas	DCD	Verify implementation of measure
Mitigation Measure BIO-1h: Weed Spread Prevention. Marathon and its contractors shall implement measures to ensure that boots, clothing, vehicles and equipment are free of soils and plant parts prior to entering work areas.	Construction	Prevent weeds	DCD	Verify implementation of measure

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
Mitigation Measure BIO-1i: Preconstruction Focused Soft-Bird's Beak Surveys. Focused surveys for soft-bird's beak shall be conducted by a qualified biologist each year during the appropriate blooming period (June 1 through September 30) prior to construction to confirm its absence. Locations of rare plants in proposed construction areas will be recorded using a GPS unit and flagged for avoidance. A qualified biologist shall monitor construction activities occurring in the vicinity of the flagged plants to ensure that no direct or indirect impacts occur.	June 1 through September 30 prior to construction	Focused surveys and report	DCD	Review and approve report
Mitigation Measure BIO-1j: Preconstruction Nesting Bird Surveys. No more than 5 days prior to construction during the nesting bird season (February 1 through September 15), a qualified biologist shall conduct a survey for nesting birds. If work within an area lapses for more than 14 days during the nesting season, the survey shall be repeated. The survey shall encompass all work areas and those areas within a buffer of 250 feet for passerines, 500 feet for small raptors, and 1,000 feet for large raptors. Where accessible, the location of active nests will be recorded using a handheld global-positioning system unit. Should an active nest be discovered, a biological monitor will be required on-Site during construction activities that could cause disturbance of the nest. The biologist may allow work to continue if they determine that the work activity is not likely to cause nest disturbance. The biological monitor shall have the authority to stop work should a nesting bird display signs of agitation. The qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the County's Department of Conservation and Development for review and approval prior to the time that buffers are removed.	Prior to construction Construction	Preconstruction survey and report(s)	DCD	Review and approve report(s)
Mitigation Measure BIO-1k: California Ridgway's Rail and California Black Rail Surveys. Prior to construction occurring during the rail nesting season (February 1 through August 31) within 700 feet of suitable rail habitat, surveys shall be conducted for California Ridgway's rail and California black rail in accordance with the USFWS Survey protocol for California Ridgway's rail. Surveys should be initiated between January 15 and February 1. For each survey station, four surveys are to be conducted. Surveys should be spaced at least two weeks apart and should cover the time period from the date of the first survey through the end of March or mid-April. If California Ridgway's or California black rails are detected during the survey, no work within 700 feet of the rail calling centers (identified via compass bearing and distance estimate during surveys) shall occur between February 1 and August 31, unless otherwise approved by USFWS and CDFW.	Prior to construction	Focused surveys and report	DCD	Review and approve report
Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1a, Mitigation Measure BIO-1b, Mitigation Measure BIO-1c, Mitigation Measure BIO-1g and Mitigation Measure BIO-1h.	See Mitigation Measure BIO-1a, Mitigation Measure BIO-1b, Mitigation Measure BIO-1c, Mitigation Measure BIO-1g and Mitigation Measure BIO-1h.			
Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1a, Mitigation Measure BIO-1b, Mitigation Measure BIO-1c, Mitigation Measure BIO-1e, Mitigation Measure BIO-1g, Mitigation Measure BIO-1h, Mitigation Measure BIO-1j and Mitigation Measure BIO-1k	See Mitigation Measure BIO-1a, Mitigation Measure BIO-1b, Mitigation Measure BIO-1c, Mitigation Measure BIO-1g and Mitigation Measure BIO-1h.			

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<p>Mitigation Measure BIO-7a: Vessel Strike Minimization. The following mitigation measure shall be implemented during all on-going business operations and shall be included as part of contractual agreement language to ensure that contract vessels are informed of all on-going operational responsibilities.</p> <p>Marathon shall update pre-arrival document materials and instructions sent to tank vessels agents/operators scheduled to arrive at the Marine Terminal with the following information and requests:</p> <ul style="list-style-type: none"> • Available outreach materials regarding the Blue Whales and Blue Skies incentive program. • Whale strike outreach materials and collision reporting from NOAA. • Request extra vigilance by ship crews upon entering the traffic separation scheme shipping lanes approaching San Francisco Bay and departing San Francisco Bay to aid in detection and avoidance of ship strike collisions with whales. • Inform all vessel traffic of vessels 300 gross registered tons or larger to reduce speeds to 10-knots when transiting within the designated Vessel Speed Reduction zones. • Request compliance to the maximum extent feasible (based on vessel safety) with the 10-knot speed reduction zone. Understand and agree that decisions concerning safe navigation and maneuvering of participating vessels remain entirely with ship masters and crew. • Encourage participation in the Blue Whales and Blue Skies incentive program. 	Construction, ongoing during operations	Include measure in contracts Provide information and requests	DCD	Confirm measure included in contracts Review information and request materials
<p>Mitigation Measure BIO-7b: Sturgeon Action Funding. Marathon Refining and Marketing Company, LLC (Marathon) shall conduct and support the following activities to further the understanding of vessel strike vulnerability of sturgeon in San Francisco, San Pablo, and Suisun Bays and the Carquinez Strait. The support shall be based on criteria that establish Marathon's commensurate share taking into account the increase in vessel calls to the Avon and Amorcio Marine Oil Terminals. Support shall include coordination with CDFW and Research Sturgeon to ensure appropriate messaging on information flyers suitable for display at bait and tackle shops, boat rentals, fuel docks, fishing piers, ferry stations, dockside businesses, etc. to briefly introduce interesting facts about the sturgeon and research being conducted to learn more about its requirements and how the public's observations can inform strategies being developed to improve fisheries habitat within the estuary.</p>	Operation	Sturgeon Action Funding	DCD; CDFW	Confirm funding provided
<p>Mitigation Measure BIO-9a: Marathon Refining and Marketing Company, LLC (Marathon) shall continue to participate and assist in funding ongoing and future actions related to nonindigenous aquatic species (NAS) as described in Mitigation Measure BIO-9B of the Tesoro Avon Marine Oil Terminal Lease Consideration Project Final Environmental Impact Report (FEIR) and Mitigation Measure BIO-7b of the Amorcio Marine Terminal FEIR. The level of funding shall be revisited through a cooperative effort between California State Lands Commission staff, the DWR, CDFW, and Marathon, and shall be based on criteria that establish Marathon's commensurate share NAS actions costs taking into account the increase in vessel calls to the Avon and Amorcio Marine Oil Terminals.</p>	Operation	NAS funding	DCD; CSLC	Confirm funding provided

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
3.5 CULTURAL AND TRIBAL RESOURCES				
<p>Mitigation Measure CR-1: Discovery of Unknown Cultural or Archaeological Resources. The following Mitigation Measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:</p> <p>All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the cultural resource is also a tribal cultural resource (TCR) the representative (or consulting) tribe(s) will also require notification and opportunity to consult on the findings.</p> <p>If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.</p> <p>Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.</p> <p>In the event the Project design changes, and ground disturbance is anticipated beyond the Area of Potential Effect, as it is currently defined by the Cultural Resources Inventory Reports, further surveys shall be conducted in those new areas to assess the presence of cultural resources. Any newly discovered or previously recorded sites within the additional survey areas shall be recorded (or updated) on appropriate Department of Parks and Recreation (DPR) 523-series forms. If avoidance of these cultural resources is not feasible then an evaluation and/or data recovery program shall be drafted and implemented.</p>	Prior to any ground disturbance and throughout construction	Upon find of prehistoric or historic-period archaeological resources	DCD; Tribal representative, if required	Confirm suspension of work upon find and resource determination; Approve avoidance or other applicable measures.

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
3.7 GEOLOGY AND SOILS				
Mitigation Measure GEO-2: Submittal of Final Geotechnical Evaluation Report. Prior to issuance of a grading or building permit for the equipment changes associated with the Project, the Applicant shall submit a final geotechnical evaluation report prepared by a licensed engineer, for approval by the Department of Conservation and Development, Peer Review Geologist, along with payment for the peer review fee. The report shall specify final recommendations for seismically and structurally sound installation of new structures, equipment and foundations in accordance with the California Building Code standards in effect at the time the permit application is submitted. Construction drawings submitted with the building permit application shall include appropriate detail to demonstrate compliance of the Project with the standards of the applicable California Building Code.	Prior to issuance of grading or building permit	Prepare and submit to the County a Final Geotechnical Evaluation Report	DCD; County Peer Reviewing Engineering Geologist or Geotechnical Engineer	Review of Final Geotechnical Evaluation Report
Mitigation Measure GEO-6: Implement Mitigation Measure GEO-2.	See Mitigation Measure GEO-2.			
Mitigation Measure GEO-7: Implement Mitigation Measure GEO-2.	See Mitigation Measure GEO-2.			
3.9 HAZARDS AND HAZARDOUS MATERIALS				
Mitigation Measure HAZ-1: The permittee shall comply with mitigation measures as outlined in the Operational Safety/Risk of Accident sections of the EIRs for both Amorco and Avon MOTs and as incorporated by reference into the leases as regulatory (lease) conditions. These measures include CLSC-established requirements for preventative maintenance, including periodic inspection of all components related to transfer operations pipelines. The permittee shall comply with those requirements, as well as with the CSLC's operational requirements, including Article 5.5 Marine Terminal Oil Pipelines 17 (California Code of Regulations, Title 2, Sections 2560-2571). The requirements, which are discussed in detail in the Avon and Amorco EIRs, are as follows: <ul style="list-style-type: none">• Installation of Remote Release Systems• Maintaining of Tension Monitoring Systems• Maintaining of Allision Avoidance Systems• Development of a Fire Protection Assessment• Participation in USCG Ports and Waterways Safety Assessment Workshops• Response to any Vessel Spills near the Project Prior to Project operations, the permittee shall complete routine inspection, testing and maintenance of all equipment and systems conducted in accordance with manufacturers' recommendations and industry guidance, as well as consideration of for general industry guidance on effective maintenance of critical equipment at the MOT.	Prior to operations	Complete routine inspection, testing, and maintenance	DCD	Verify routine inspection, testing, and maintenance
	Ongoing during operations and upon request	Provide evidence of compliance	DCD; OSPR; CSLC	Verify evidence of compliance
	Ongoing during operations	CSLC-approved third-party oversight	DCD; CSLC-approved third-party	Verify compliance

MITIGATION MEASURE	TIMING	MONITORING/ REPORTING ACTION	RESPONSIBLE ENTITY	COMPLIANCE VERIFICATION
<p>Upon request, Marathon shall provide evidence to relevant regulatory agencies that these facilities, operational response plans, and other applicable measures have been inspected and approved by CSLC and/or OSPR and determined to be in compliance.</p> <p>If terminal operations do not allow for regular compliance and inspection of LKS and MOTEMS requirements by the CSLC and OSPR, Marathon shall employ a CSLC-approved qualified third-party to provide oversight as needed to ensure the same level of compliance as for a petroleum-handling MOT facility, and to ensure maximum protection of the environment from potential spills and resulting impacts.</p>				

Notes:

Contra Costa County Department of Conservation & Development (DCD); Bay Area Air District (BAAD); San Francisco Regional Water Quality Control Board (SFRWQB); California Department of Fish and Wildlife (CDFW); National Marine Fisheries Service (NMFS); U.S. Fish & Wildlife Service (USFWS); California State Lands Commission (CSLC); CDFW Office of Spill Response (OSPR)