

ATTACHMENT B

Response to Comments

LIST OF COMMENT LETTERS

1. JONATHAN DORR (May 1, 2015)
2. RAY PERRY (May 1, 2015)
3. MIKE NISEN (April 24, 2015)
4. DEBBIE NISEN (April 24, 2015)
5. CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (April 28, 2015)
6. CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY (April 30, 2015)
7. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (STATE CLEARINGHOUSE) (May 6, 2015)

Comment Letter #1

Claudia Gemberling

From: Jonathan Dorr <jon.dorr@hotmail.com>
Sent: Friday, May 01, 2015 11:16 PM
To: Claudia Gemberling; alicia.nuchols@BOS.CCCounty.us
Subject: Byron High Way-Camino Diablo Road Intersection
Attachments: Flaws in the Initial study.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Here is my public comment on the adequacy of the environmental document.

Thank you
Jonathan Dorr
15147 Byron Hwy

Flaws in the Initial study/Mitigated Negative Declaration

Air quality

Air quality during construction is estimated at 109lbs/day. Is someone going to measure this to make sure that it is within guidelines for the proximity to the homes. Much dust is going to be created and blown onto our homes. Is someone going to pay to have our windows and walls washed when construction is done?

1-1

Storm drains / run off

With a side walk going in, are storm drains going to be put in as well? Is the sewer going to be moved over to accommodate the expansion? Several of the homes on Byron Highway originally had septic systems with leach lines. Have all lines and tanks been accounted for since the expansion may uncover hidden lines that are not on any maps?

The run off from this sidewalk: is it going to go into the seasonal creek that is detailed on the south west side of Byron and Camino Diablo? If so, that creek flows into the many backyards along Byron Highway and Camino Diablo to the east. This area was left of the biological study area, but is connected to the area that is on the study.

1-2

Along the lines of the creek, there are many wild animals not mentioned in the animal study; Including fox, coyote, skunks, opossum, frogs, owls, and Hawks. There are also domesticated livestock in this area.

Noise

With the widening of the road the homes will now be closer to the road by several feet. In the report there is no mention of any samples being taken at peak driving times with the approximate set back that the road will have when done, to see if it is a significant increase in noise levels.

1-3

Traffic volume report

The report sites data from a 2012 study. Current rates and flow of traffic are significantly more than they were at that time.

1-4

Tree removal

If trees are to be removed it says that they are only going to be a minor impact but this is wrong. In the spring and fall we get winds that reach 60 mph and the trees are a significant wind block for the homes along the high way. They are also used for shade in the summer time to cut back on cooling bills.

1-5

Carbon dioxide levels

Once the construction is done, the signal will back traffic up in the north bound direction. This will leave cars idling for long periods of time along the way. During peak traffic conditions this will significantly increase the levels of carbon dioxide in the air, and with the homes being closer to the road, and less trees, it will be even worse for occupants of the homes. 1-6

Power lines

The report says nothing about the moving of the power lines that are overhead. When they widen the road they are going to have to move the lines closer to the homes. There are studies that show major concerns for proximity of power lines to children and the elderly. The EMF or electromagnetic field generated by the lines must be measured to see if there will be a considerable negative impact. 1-7

Schools

The report states that there are no schools in the area so nothing needs to be researched about that. But, there are three home schooling families in the direct vicinity of the construction zone. These homes need to be treated as school sites. The children are home all day working on education just as they would if they were at a traditional school site. The construction noise alone will be a considerable negative impact. 1-8

Visual curb appeal

The road widening will be taking trees, fences, and established ground cover. This will very significantly affect the home owners curb appeal and potential property value. 1-9

COMMENT LETTER #1. JONATHAN DORR (May 1, 2015)

Comment 1-1: Air quality

Air quality during construction is estimated at 109lbs/day. Is someone going to measure this to make sure that it is within guidelines for the proximity to the homes. Much dust is going to be created and blown onto our homes. Is someone going to pay to have our windows and walls washed when construction is done?

Response:

There is no estimate of construction emissions of 109 lbs/day. However, the maximum construction emissions for particulate matter (PM_{2.5}) is estimated to be 1.9 lbs/day for any of the construction phases. According to the Bay Area Air Quality Management District (BAAQMD), it is not reasonably feasible to measure equipment emissions during construction as the thresholds are based on averages. Rather, it will be the responsibility of the CCCPWD on-site project Resident Engineer and Environmental Services Division staff to ensure that the construction contractor is complying with minimizing construction emissions (i.e., controlling dust with water application, minimizing idling times). In addition, dust complaint signs with contact information to CCCPWD and the BAAQMD will be posted within and near the construction area.

CCCPWD will not pay to have windows and walls of houses washed when construction is done as implementation of measures to minimize construction emissions and dust are not anticipated to result in particulate residue on the houses that would require washing.

Comment 1-2: Storm Drains/Run Off

Comment 1-2A: With a side walk going in, are storm drains going to be put in as well? Is the sewer going to be moved over to accommodate the expansion? Several of the homes on Byron Highway originally had septic systems with leach lines. Have all lines and tanks been accounted for since the expansion may uncover hidden lines that are not on any maps?

Response: Yes, storm drains will be installed.

The project will not require relocation of the main sewer line servicing homes along Byron Highway. The Byron Sanitary District was contacted to obtain location information of the main sewer line alignment and associated manholes. Access to the manholes will be made available. Sewer laterals (from the house to the main line) are anticipated to be exposed during construction and will be repaired if damaged. Septic systems and associated leach lines are typically placed behind residential structures and therefore are not anticipated to be encountered during construction.

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BYRON HIGHWAY-CAMINO DIABLO IMPROVEMENTS PROJECT (#0662-6R4094)
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Comment 1-2B: The run off from this sidewalk: is it going to go into the seasonal creek that is detailed on the south west side of Byron and Camino Diablo? If so, that creek flows into the many backyards along Byron Highway and Camino Diablo to the east. This area was left of the biological study area, but is connected to the area that is on the study.

Response: Yes, the runoff from the sidewalk will enter the storm drain inlets and culvert system which will enter into the drainage area on the southwest side of the intersection. The CEQA document acknowledges that the drainage area flows into a culvert underneath Byron Highway and drains into an earthen ditch behind the gas station and residential properties. The drainage area behind the residential properties was not included in the biological study area as the project will not have direct or indirect impacts to this drainage. The project will incorporate applicable best management practices during construction (i.e., silt fence barriers, fiber rolls, etc.) to avoid and minimize construction-related pollutants, debris, and sediment from entering the drainage area. Further, the disturbed areas will be hydroseeded upon project completion or prior to a rain event if still under construction. The hydroseed mix will consist of native seasonal wetland vegetation.

The design considered the additional storm water flows being introduced in the creek from the impervious area being added. A small storm water detention basin will be constructed at the northeast corner of Byron Highway and Camino Diablo Road. It is designed so that runoff discharge rates and durations match the pre-project discharge rates and durations.

Comment 1-2C: Along the lines of the creek, there are many wild animals not mentioned in the animal study; including fox, coyote, skunks, opossum, frogs, owls, and Hawks. There are also domesticated livestock in this area.

Response: The Biological Resources section (IV) of the CEQA Guidelines directs the evaluator to determine if the project will have a substantial adverse effect, either directly or through habitat modifications, on any *species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service* and if the project will *interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites*. As noted above, the project will not impact the drainage area behind the residences. The drainage area southwest of the intersection was not identified to support special-status species nor as a native resident migratory wildlife corridor. The CEQA document identifies several raptors that may occur in the project area and notes that surveys for nesting birds and raptors will be conducted prior to tree removals

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and start of construction activities. If active nests are present avoidance measures as outlined in the CEQA document will be implemented.

The constructed project will not permanently interfere with wildlife movements in the area as the project is limited to road improvements and there are no features that would potentially pose a barrier. However, construction activities may temporarily inhibit dispersal, migration, and daily movement of common wildlife but it is not anticipated considering its location within a heavily traveled road.

Livestock will not be impacted by the project as impacts will be limited to the roadway and frontage of residential properties.

Comment 1-3: Noise

With the widening of the road the homes will now be closer to the road by several feet. In the report there is no mention of any samples being taken at peak driving times with the approximate set back that the road will have when done, to see if it is a significant increase in noise levels.

Response:

As noted in the Noise section (XII) of the CEQA document, traffic noise impacts associated with project operation (constructed project) were evaluated in terms of how project-related traffic noise increases could affect existing residences on existing roadways. Traffic noise levels at the existing residences along the project alignment were modeled using the Federal Highway Administration Traffic Noise Model Version 2.5 for both No Build and Build scenarios under the existing and 2030 cumulative conditions. The existing traffic conditions used in this analysis were from the most recent traffic data collected for this project in December 2012 and January 2013 and future traffic conditions projected by the Contra Costa Transportation Authority travel demand forecasting model which is based on applying growth rates between 2012 and 2030 daily traffic volumes.

To determine the predicted traffic noise increases that would result from the constructed project, the largest alignment alterations of the first row residences located along Byron Highway and Camino Diablo Road within the project area were identified and included in the model. PM peak hour traffic volumes were used for the analysis because these volumes are the highest hourly traffic volumes during a 24-hour day. The modeling results indicate that the increases in traffic noise levels at the modeled receivers are expected to be less than 3 dB, which is the threshold of perceptible change for operation impacts.

Comment 1-4: Traffic volume report

The report sites data from a 2012 study. Current rates and flow of traffic are significantly more than they were at that time.

Response:

More recent traffic volume and turning movement count data is not available; the traffic volume data was collected in December 2012 and January 2013 which was during the preliminary design phase of the project when data collection typically occurs. If traffic rates have increased beyond those documented in 2012 and 2013, this would further support the need for the traffic signal to improve the overall flow of traffic at the intersection.

Comment 1-5: Tree removal

If trees are to be removed it says that they are only going to be a minor impact but this is wrong. In the spring and fall we get winds that reach 60 mph and the trees are a significant wind block for the homes along the high way. They are also used for shade in the summer time to cut back on cooling bills.

Response:

Your comments are not CEQA considerations and rather are related to physical and financial impacts to the property which will be valued during the appraisal process.

Comment 1-6: Carbon dioxide levels

Once the construction is done, the signal will back traffic up in the north bound direction. This will leave cars idling for long periods of time along the way. During peak traffic conditions this will significantly increase the levels of carbon dioxide in the air, and with the homes being closer to the road, and less trees, it will be even worse for occupants of the homes.

Response:

The existing queue for vehicles traveling northbound on Byron Highway turning onto Camino Diablo Road is approximately 50 feet and the backup with the addition of the signal would be 150 feet. While there is an increase in the queue created by the signal, the length is not expected to extend past the Valero gas station. The northbound through traffic will be able to continue unimpeded by the light as the signal will be timed in a manner that will give more green time to the heavier movements and will change throughout the day to accommodate peak time periods. The signal will allow the intersection to function more efficiently, decreasing the overall idling time for vehicles in all directions. Therefore, carbon dioxide levels are not anticipated to increase. Further, the project will not create additional travel through-lanes that would generate a potential increase in traffic and thus an increase in air pollutants.

Comment 1-7: Power lines

The report says nothing about the moving of the power lines that are overhead. When they widen the road they are going to have to move the lines closer to the homes. There are studies that show major concerns for proximity of power lines to children and the elderly. The EMF or electromagnetic field generated by the lines must be measured to see if there will be a considerable negative impact.

Response:

In the project description of the CEQA document we state that utility relocations will be required to accommodate the road widening and thus will require moving the existing utility poles closer to the residences. Electric and magnetic fields (EMF) are present where electricity is used. This includes not only utility transmission lines, distribution lines, and substations, but also the building wiring in homes, offices, and schools, and in the appliances and machinery used in these locations.

Recognizing that there is public interest and concern regarding potential health effects from exposure to EMF, the California Public Utilities Commission (CPUC) has repeatedly noted that EMF is not an environmental impact to be analyzed in the context of CEQA because (1) there is no agreement among scientists that EMF does create a potential health risk, and (2) there are no defined or adopted CEQA standards for defining health risk from EMF.

Comment 1-8: Schools

The report states that there are no schools in the area so nothing needs to be researched about that. But, there are three home schooling families in the direct vicinity of the construction zone. These homes need to be treated as school sites. The children are home all day working on education just as they would if they were at a traditional school site. The construction noise alone will be a considerable negative impact.

Response:

The Public Services section (XIV) of the CEQA document notes that the closest public school is Excelsior Middle School located approximately 1.25 miles north of the project area. Schools and residences are considered sensitive receptors and therefore, as noted in the Noise section (XII) of the CEQA document, noise-reduction measures will be implemented as outlined in Mitigation Measure NOI-1 of the document which would be the same for projects occurring near public schools.

Comment 1-9: Visual curb appeal

The road widening will be taking trees, fences, and established ground cover. This will very significantly affect the home owners curb appeal and potential property value.

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Response:

As noted above in Response 1-5, your comments are not CEQA considerations and rather are related to physical and financial impacts to the property which will be valued during the appraisal process.

Comment Letter #2



I Raymond J. Perry Jr. own two parcels affected with the Byron Highway-Camino Diablo Road Improvement Project. My parcels are 002-140-005-6 00 (15103 Byron Highway) and 002-140-004-9 00 (15125 Byron Highway. In my letter to you it will be in two sections. One section will be the effect on my parcels and the second section will be my response to the proposed mitigated negative declaration (County File No. CP-15-01).

SECTION 1

I will be losing the following due to this project:

1. 1530 sq. ft. on 15103 Byron Highway. I estimate this loss to bring both houses approximately 15 feet closer to the shoulder of the road. I am concerned that the setback appears to be less than 10 feet.
2. Loosing chain link fence on both parcels
3. Loosing portion of driveway on both parcels
4. Trees on both parcels (which provide sound barriers and reduce cooling costs.)
5. Aesthetics (will have to build barrier fence on both parcels to block sound resulting in loss of mountain view)
6. Reduced market value on both parcels due to closeness of house to highway. This also will increase difficulty in renting houses and may result in having to reduce rent. Hopefully, I do not lose my current renters.
7. Reduce income and plans to renovate vacant house on parcel 002-140-005-6 00. I delayed plans to renovate till informed how much property would be taken and now am unable to renovate because roads nearness to house would render it extremely difficult to rent or perhaps eventually sell.

2-1

SECTION 2

I feel that the proposed mitigated negative declaration (County File CP-15-01) has numerous mistakes and errors that need to be corrected. Also, I feel that this should not go to the Board of Supervisors on May 12,2015 because this document is incorrect and that new reports need to be

done (eg. Environment Report, Fish & Game, Federal, State, and local statues need to be addressed".) Also, there is the possibility of ligation.

The following are some concerns, errors, and follow-up that needs to be done before this proposed mitigated negative declaration (County File CP-15-01) can go forward.

The following environmental factors potentially affected are:

1. The sewer line is close to 60 years old and could present a potential problem because it appears it will have to be relocated.
2. There is the possibility of leaking underground storage tanks and contaminated soil at the Trucking Company located at the corner of main street & Camino Diablo because years ago this was an oil and gas Distributor for Signal Oil.
3. At one time there was a gas service station across the street from the Trucking Company therefore the possibility of leaking underground tank sites and contaminated soil could be encountered there as well. 2-2
4. Utilities lines will have to be relocated which is going to be detrimental to property owners.
5. Water quality could be affected with wells in the project area.
6. There is a greater noise problem than acknowledged in your report because the removal of the trees along the frontage will mean loss of a sound barrier for houses on both parcels.

With the 6 factors I have listed above I feel the current environmental report is in error and a new environmental report would be done to possibly avoid litigation.

Regarding other aspects of the declaration:

The report is wrong when it states that the project would be no impact or have a substantial adverse effect on a scenic vista. The scenic and privacy impact on homes with loss of trees will devalue property worth as well as potential sales of homes. 2-3

Air Quality will be adversely affected for the residents in houses that will now sit extremely close to road with this project because the olive trees provide oxygen and sequester CO2. Also, with the removal of all trees for this project will produce more exhaust that will flow unobstructed from vehicles and directly to the house. 2-4

In the report the wind speeds are incorrect. My family and I have lived and owned these parcels since the 1940's and the winds are much higher than your report. This is known by all residents to be an extremely windy area, especially in the late afternoon including during "rush hour traffic." 2-5

The Biological Resource Section is in error. There are hawks that nest in the effected trees along with other species of birds. Also, there are frogs in the area. Fish & Game needs to provide a indept report. Also, less that a mile away there have been siting of foxes. There is the possibility of eagles with a ½ mile radious. 2-6

When the drainage ditch was inspected in this report it stated the ditch was dry. Well, there has been a 4 year drought. What about the years when we have an abundance of rainfall. This was not considered in the report. Therefore, the assertion in the report is not accurate. 2-7

The Utilities & Service System section is in error when it states no impact to comply with federal, state, & local statues and regulations related to solid waste. The almost 60 year sewer system which is going to be relocated could produce serious effects to property owners and the sewer district. 2-8

I feel a NMPDES General Permit must be attained and a waiver is not acceptable. Also, setback requirements have not been address in the report. I am very concerned about 15103 Byron Highway in regards to setback requirements. 2-9

Sincerely,

A handwritten signature in cursive script that reads "Raymond J. Perry Jr.".

Raymond J Perry Jr.

P.O. Box 1215 Pioneer CA, CA 95666

Phone : (209) 304-2603

COMMENT LETTER #2. RAY PERRY (May 1, 2015)

Comment 2-1: Section 1

1. Losing chain link fence on both parcels.
2. Losing portion of driveway on both parcels.
3. Trees on both parcels (which provide sound barriers and reduce cooling costs).
4. Aesthetics (will have to build barrier fence on both parcels to block sound resulting in loss of mountain view).
5. Reduced market value on both parcels due to closeness of house to highway. This also will increase difficulty in renting houses and may result in having to reduce rent. Hopefully, I do not lose my current renters.
6. Reduce income and plans to renovate vacant house on parcel 002-140-005-6. I delayed plans to renovate till informed how much property would be taken and now am unable to renovate because road nearness to house would render it extremely difficult to rent or perhaps eventually sell.

Response 2-1:

Most of your comments aren't related to the CEQA considerations and rather are related to physical and financial impacts to the property which will be valued during the appraisal process. CCCPWD has notified the community of this project and associated impacts through Supervisor Mary Piepho's office and held presentations at the Byron Municipal Advisory Committee (MAC) meetings for the community to express questions and concerns related to project impacts.

Comments 2-2: Section 2

1. The sewer line is close to 60 years old and could present a potential problem because it appears it will have to be relocated.

Response: The sewer line system will not be relocated.

2. There is the possibility of leaking underground storage tanks and contaminated soil at the Trucking Company located at the corner of main street & Camino Diablo because years ago this was an oil and gas Distributor for Signal Oil.

Response: A Phase I Environmental Site Assessment was conducted to identify recorded contaminated sites and assess potential contaminated sites in the project area. Considering the present and historical land uses of the area, subsurface investigations will be conducted where there will be excavations at potentially-contaminated areas prior to construction. If contamination is identified through subsurface investigations, the appropriate agencies and qualified professionals will be notified to determine any remedial actions and handling and disposal

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requirements.

3. At one time there was a gas service station across the street from the Trucking Company therefore the possibility of leaking underground storage tank sites and contaminated soil could be encountered there as well.

Response: See above response.

4. Utilities lines will have to be relocated which is going to be detrimental to property owners.

Response: The only utility that will be relocated is the PG&E pole and distribution line which will vary between 5 and 15 feet toward the residential structures. CCCPWD is not able to respond further as it is not clear what is meant by detrimental.

5. Water Quality could be affected with wells in the project area.

Response: As noted in the Hydrology and Water Quality section (IX) of the CEQA document, depth to groundwater measured from monitoring wells at the Valero gas station located at the southeast corner of the intersection ranged from 7 to 12 feet below ground surface. Maximum excavation is anticipated to be approximately 6.5 feet. Considering the present and historical land uses of the area, subsurface investigations will be conducted where there will be excavations at potentially-contaminated areas prior to construction. If contamination is identified through subsurface investigations, the appropriate agencies and qualified professionals will be notified to determine any remedial actions and handling and disposal requirements.

6. There is a greater noise problem than acknowledged in your report because the removal of the trees along the frontage will mean loss of a sound barrier for houses on both parcels.

Response: Previous studies conducted by Caltrans and other Department of Transportation agencies have shown that vegetation provides minimal noise attenuation and is not considered an effective noise barrier. The project is anticipated to be beneficial as it will result in a smoother road pavement which will contribute to some noise reduction. The removal of trees will be valued during the appraisal process.

Comment 2-3:

The report is wrong when it states that the project would be no impact or have a substantial adverse effect on a scenic vista. The scenic and privacy impact on homes with loss of trees will devalue property worth as well as potential sales of homes.

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Response:

A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. As noted in the Aesthetics section (I) of the CEQA document, the Contra Costa County General Plan identifies the scenic ridges and hills as one of the main scenic resources in Contra Costa County as it forms the backdrop for much of the developed portions of the area. The rolling hills and Mount Diablo ridgelines to the west of Byron provide a scenic vista from Byron Highway. The view of this scenic vista from your property will not be affected by the project. Loss of the trees will be valued during appraisal process.

Comment 2-4:

Air quality will be adversely affected for the residents in houses that will now sit extremely close to road with this project because the olive trees provide oxygen and sequester CO₂. Also, with the removal of all trees for this project will produce more exhaust that will flow unobstructed from vehicles and directly to the house.

Response:

The project will not create additional travel through-lanes that would generate a potential increase in traffic and thus there would be no increase in air pollutant emissions.

Comment 2-5:

In the report the wind speeds are incorrect. My family and I have lived and owned these parcels since the 1940s and the winds are much higher than your report. This is known by all residents to be an extremely windy area, especially in the late afternoon including during "rush hour traffic."

Response:

Comment noted. Further review of wind speeds in the Byron area indicates that average wind speeds range from 7 mph in the winter months to 10 mph in the summer months.

Comment 2-6:

The Biological Resource Section is in error. There are hawks that nest in the effected trees along with other species of birds. Also, there are frogs in the area. Fish & Game needs to provide a indept report. Also, less than a mile away there have been siting of foxes. There is the possibility of eagles with a ½ mile radius.

Response:

The Biological Resources section (IV) of the CEQA Guidelines directs the evaluator to determine if the project will have a substantial adverse effect, either directly or through

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habitat modifications, on any *species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service* and if the project will *interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites*. As noted in the Biological Services section of the CEQA document, Department of Fish and Wildlife (DFW) (formerly Department of Fish and Game) special-status species database was reviewed by a qualified biologist to determine the likelihood of species presence in the area. The CEQA document identifies several raptors that may occur in the project area and notes that surveys for nesting birds and raptors will be conducted prior to tree removals and start of construction activities. If active nests are present, avoidance measures as outlined in the CEQA document will be implemented. The CEQA document was submitted to the DFW and no responses were received.

The constructed project will not permanently interfere with wildlife movements in the area as the project is limited to road improvements and there are no features that would potentially pose a barrier. However, construction activities may temporarily inhibit dispersal, migration, and daily movement of common wildlife but it is not anticipated considering its location within a heavily traveled road.

Further, the project is located within the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) inventory area and is a covered activity. The HCP/NCCP complies with Section 10(a)(1)(B) of the federal Endangered Species Act administered by the U.S. Fish and Wildlife Service and the California Natural Community Conservation Planning Act of 2003 administered by the California Department of Fish and Wildlife (formerly Fish and Game). The HCP/NCCP is intended to provide an effective framework to protect *natural resources and special-status species recovery* in eastern Contra Costa County while improving and streamlining the environmental permitting process for potential impacts on these species and associated habitats. While the project is not anticipated to impact special-status species or suitable habitat, the HCP/NCCP requires compensatory mitigation to the East Contra Costa County Habitat Conservancy for both permanent and temporary impacts to undeveloped lands and reporting applicable species-specific avoidance and minimization measures that will be implemented. The mitigation fees will contribute to recovery of special-status species and associated habitats within East Contra Costa County through purchase and management of preserve lands.

Comment 2-7:

When the drainage ditch was inspected in this report it stated the ditch was dry. Well, there has been a 4 year drought. What about the years when we have an abundance of rainfall. This was not considered in the report. Therefore, the assertion in the report is

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not accurate.

Response:

The Biological Resources section (IV) of the CEQA document reported observations made at the time of the field visits and acknowledged that the drainage ditch is ephemeral and likely only carries water during storm events where they receive both direct precipitation and urban runoff.

Comment 2-8:

The Utilities & Service System section is in error when it states that no impact to comply with federal, state, & local statu[t]es and regulations related to solid waste. The almost 60 year sewer system which is going to be relocated could produce serious effects to property owners and the sewer district.

Response:

The sewer line system will not be relocated.

Comment 2-9:

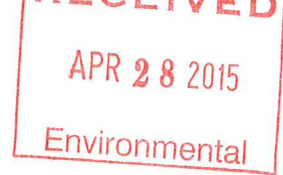
I feel a NMPDES General Permit must be attained and a waiver is not acceptable. Also, setback requirements have not been address in the report. I am very concerned about 15103 Byron Highway in regards to setback requirements.

Response:

The NPDES General Permit allows for a waiver to be issued if the project meets the specific criteria which include soil disturbance between 1 and 5 acres and not exceeding the erosivity value for the proposed construction period. Even if the project qualifies for a waiver, CCCPWD will still be responsible for ensuring that best management practices for water pollution control are identified and implemented during construction activities.

The reduction of the property would be assessed as part of the appraisal process. Property owners impacted by the project would be able to request a variance from the Contra Costa County Department of Conservation and Development considering the loss is a result of this project.

Comment Letter #3



Claudia Gemberling, Environmental Analyst II
Contra Costa Public Works Department
255 Glacier Drive
Martinez, CA 94553

April 24, 2015

Hello Ms. Gemberling,

I have had the opportunity to review the CEQA study/ Mitigated Negative Declaration on the Contra Costa County website. It is my opinion that the Department of Conservation and Development has made a comprehensive and thorough effort in producing the Mitigated Negative Declaration following CEQA guidelines for the Byron Highway / Camino Diablo intersection improvement project.

Qualified biologists conducted habitat assessments, including wetlands, endangered animal, bird, and plant species. No native trees are to be removed within the project boundaries, and no farmland will be affected. Cultural and historical resources were also addressed. The study includes geological, seismic, hydrological, water quality, land use, and possible contaminated soil issues within the railroad area, and cleanup of such, if found.

A construction site involving heavy equipment, compressors, generators, and the like will unfortunately always involve a degree of noise and emissions. This noise issues have been adequately addressed in the study by employing noise reducing practices, including proper mufflers and time restrictions at the project site.

I might add a few comments regarding the emissions generated by the construction equipment. The California Air Resources Board (CARB) has implemented a "five minute idling rule" for heavy construction equipment. Under most circumstances, the machines cannot idle for more than five consecutive minutes under normal operations. This is stipulated under Title 13, Sec. 2449 (3) (a). The construction equipment engines have been categorized as Tier 0, Tier1, Tier 2, Tier 3, and Tier 4 by CARB. Tier 0 engines are the oldest and emit more particulate matter (PM) which are basically a mixture of solids and some liquid material. The tier 0 engines also produce more nitrogen oxide (NOx), which is a gas produced when fuel is burned at high temperatures. The higher the tier rating, the less of the PM and NOx produced from the engines. The state has scheduled a timetable which mandates a complete turnover of construction equipment to tier 4 standards on a sliding scale process, depending on the size of the fleet. Not all construction companies have had the opportunity to completely change their fleets over to the newest machines as of yet, mainly due to economic reasons. Although all categories of the machines are still allowed in use on most projects, I would suggest that only equipment with tier 3 or tier 4 engines be allowed in use the jobsite and stipulated in the contract.

3-1

There will also be heavy trucks that will be needed to bring materials to the jobsite, such as aggregate base, asphalt, concrete, and other materials, as well as off hauling debris.

The construction firm awarded the project should ensure that these vehicles all have the proper certificate of reported compliance for truck and bus regulation issued by the California EPA / Air Resources Board, and also should be stipulated in the contract.

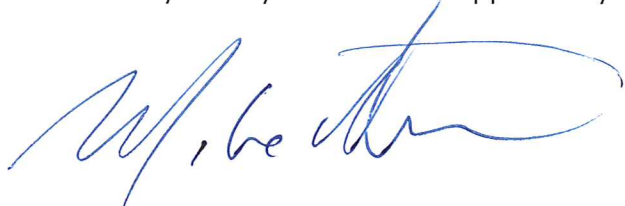
3-2

In the portion of the document entitled "Existing Traffic Conditions", it is stated that Byron Highway and Camino Diablo Road are heavily used truck and arterial routes. It should be noted that efforts are presently underway to remove truck traffic off of Camino Diablo entirely, except for local ingress and egress. Truck traffic is being routed to Marsh Creek Road (State Route 4) via the Byron Highway and vice versa, due to the adverse impact to the residents of Camino Diablo, the narrow configuration of the roadway itself, the lack of consistent shoulders, and the deterioration of the pavement.

3-3

State route 239 will someday help to reduce traffic through the intersection, but this project is still many years in the making and should be considered a very long range goal. My residence is located off of Camino Diablo east of the Byron Highway. We have lived there since 1984. Trying to get across this intersection has been more of a challenge and has grown ever more dangerous over time. I have witnessed accidents and many, many near misses. The intersection improvements are needed to address the major issues at the junction of these two heavily traveled roadways. The project is vital to improving the safety for the traveling public which utilizes the two routes.

Thank you very much for the opportunity to comment on the study,



Mike Nisen

COMMENT LETTER #3. MIKE NISEN (April 24, 2015)

Comment 3-1:

The California Air Resources Board (CARB) has implemented a “five minute idling rule” for heavy construction equipment. Under most circumstances, the machines cannot idle for more than five consecutive minutes under normal operations. This is stipulated under Title 13, Sec. 2449(3)(a). The construction equipment engines have been categorized as Tier 0, Tier 1, Tier 2, Tier 3, and Tier 4 by CARB. Tier 0 engines are the oldest and emit more particulate matter (PM) which are basically a mixture of solids and some liquid material. The tier 0 engines also produce more nitrogen oxide (NOx), which is a gas produced when fuel is burned at high temperatures. The higher the tier rating, the less of the PM and NOx produced from the engines. The state has scheduled a timetable which mandates a complete turnover of construction equipment to tier 4 standards on a sliding scale process, depending on the size of the fleet. Not all construction companies have had the opportunity to completely change their fleets over to the newest machines yet, mainly due to economic reasons. Although all categories of the machines are still allowed in use on most projects, I would suggest that only equipment with tier 3 or tier 4 engines be allowed in use [at] the jobsite and stipulated in the contract.

Comment 3-2:

The construction firm awarded the project should ensure that these vehicles all have the proper certificate of reported compliance for truck and bus regulation issued by the California EPA/Air Resources Board, and also should be stipulated in the contract.

Response:

As noted in the Air Quality section (III) of the CEQA document, estimated construction emissions were analyzed and determined to be below the Bay Area Air Quality Management District (BAAQMD), CEQA Air Quality Guidelines thresholds using an approved model. It is the responsibility of the respective fleet companies to comply with the CARB regulation. The County cannot impose these requirements as it could limit a significant volume of the bidding pool to bid on the job because they did not have new equipment. Imposing this requirement would be particularly restrictive given that the project was determined not to exceed thresholds. In addition to air pollution control measures identified for this project, the project contract specifications require the contractor to comply with air pollution control rules, regulations, ordinances, and statutes. Further, it will be the responsibility of the County's on-site Resident Engineer to ensure that the construction contractor and their subcontractors are in compliance with the air pollution control requirements stipulated in the contract specifications. The project site will also have air pollution complaint signs with contact numbers for the County and BAAQMD if there are air quality concerns during construction.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT
BYRON HIGHWAY-CAMINO DIABLO IMPROVEMENTS PROJECT (#0662-6R4094)
COUNTY CEQA FILE #: CP 15-01

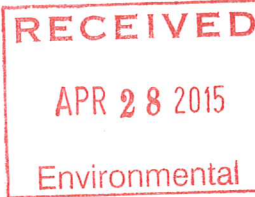
Comment 3-3:

In the portion of the document entitled "Existing Traffic Conditions", it is stated that Byron Highway and Camino Diablo Road are heavily used truck and arterial routes. It should be noted that efforts are presently underway to remove truck traffic off of Camino Diablo entirely, except for local ingress and egress. Truck traffic is being routed to Marsh Creek Road (State Route 4) via the Byron Highway and vice versa, due to the adverse impact to the residents of Camino Diablo, the narrow configuration of the roadway itself, the lack of consistent shoulders, and the deterioration of the pavement.

Response:

Comment noted.

COMMENT LETTER #4



Claudia Gemberling, Environmental Analyst II
Contra Costa Public Works Department
255 Glacier Drive
Martinez, CA 94553

April 25, 2015

RE: Camno Diablo/Byron Highway Project Mitigated Negative Declaration

Ms. Gemberling,

I have reviewed the CEQA study for the upcoming project in Byron. It appears to be very thorough and detailed in addressing the environmental aspects at the site. Issues that may arise were discussed and mitigation procedures noted. With that said, I agree with and support the Mitigated Negative Declaration of April 3, 2015.

This project is very important to the residents of Byron, as well as to all of those who travel through this intersection. Presently, the traffic volume, along with the unsafe conditions at the intersection, have made it very dangerous, especially during commute hours. The project, when completed, will greatly increase safety to the motoring public as well as pedestrian traffic.

Thank you very much,

A handwritten signature in cursive script that reads "Debbie S. Nisen".

Debbie Nisen

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT
BYRON HIGHWAY-CAMINO DIABLO IMPROVEMENTS PROJECT (#0662-6R4094)
COUNTY CEQA FILE #: CP 15-01

COMMENT LETTER #4. DEBBIE NISEN (April 24, 2015)

Comment 4-1: The commenter states that she reviewed the CEQA document which appears to be very thorough in addressing the environmental aspects at the site and agrees and supports the Mitigated Negative Declaration. The commenter further states that the project is very important to the Byron community considering that traffic volume along with unsafe conditions at the intersection have made it very dangerous especially during commute hours.

Response: Letter in support of this project is acknowledged. No further response is necessary.



Central Valley Regional Water Quality Control Board

28 April 2015

Claudia Gemberling
Contra Costa County
Department of Conservation Development
255 Glacier Drive
Martinez, CA 94553

CERTIFIED MAIL
7014 2870 0000 7535 8966

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, BYRON HIGHWAY-CAMINO DIABLO INTERSECTION IMPROVEMENTS
PROJECT, SCH# 2015042014, CONTRA COSTA COUNTY**

Pursuant to the State Clearinghouse's 6 April 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Byron Highway-Camino Diablo Intersection Improvements Project, located in Contra Costa County.

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

5-1

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

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

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

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

**COMMENT LETTER #5. CENTRAL VALLEY REGIONAL WATER QUALITY
CONTROL BOARD (April 28, 2015)**

Comment 5-1: The Central Valley Regional Water Quality Control Board (RWQCB) states that their agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state and as such their comments will address concerns surrounding those issues. The RWQCB identifies various permits that may be required for the project.

Response: The Biological Resources (IV) of the CEQA document notes that permits will be obtained for impacts to the drainage area which is considered state (Regional Water Quality Control Board) and federal (Army Corps of Engineers) jurisdictions, and the Hydrology and Water Quality section notes that a NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbances* [Order No. 2012-0006-DWQ] will be obtained. No further response is necessary.

COMMENT LETTER #6

Claudia Gemberling

From: Hoang, Tan T. <TAN.T.HOANG@leidos.com>
Sent: Thursday, April 30, 2015 12:53 PM
To: Claudia Gemberling
Cc: Hurd, Michael T.; Anzelon, Danny B.
Subject: Comments on the MND for the Byron Highway-Camino Diablo Road Intersection Improvements Project
Attachments: Byron-Camino Comment Letter.pdf

Ms. Gemberling,

On behalf of Chevron Environmental Management Company (CEMC), please see the attached comment letter on the Proposed Mitigation Negative Declaration for the Byron Highway-Camino Diablo Road Intersection Improvements Project. This letter describes the background of inactive, historic crude-oil pipelines within the project's vicinity, including one map that shows the approximate location of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) alignments with respect to the project's layout (Figure 1).

Please let me know if you have any questions. A hard copy of this letter will also be mailed to your office.

Tan Hoang, AICP | Leidos

Land Use Planner | Engineering Solutions Group
phone: 916.979.3742
tan.t.hoang@leidos.com | leidos.com/engineering

NATIONAL SECURITY | HEALTH | ENGINEERING

Leidos
3800 Watt Avenue, Suite 200
Sacramento, CA 95821

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Mike N. Oliphant
Project Manager
Mining and Specialty
Portfolios

**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

April 30, 2015

Stakeholder Communication – Contra Costa County

Ms. Claudia Gemberling
Environmental Analyst II
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553

Subject: **Comments on the Proposed Mitigated Negative Declaration for the
Byron Highway-Camino Diablo Road Intersection Improvements Project**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Gemberling:

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos; CEMC contract consultant) recently reviewed the Proposed Mitigated Negative Declaration for the Byron Highway-Camino Diablo Road Intersection Improvements Project (County File No. CP 15-01). The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in the unincorporated community of Byron in Contra Costa County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied: in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the proposed site overview plan. The location of the pipelines shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that

April 30, 2015

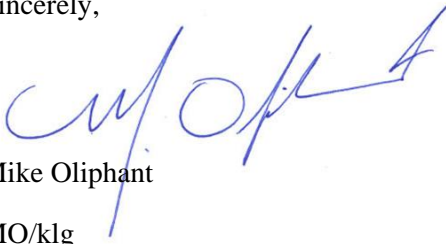
Page 2 of 2

if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

6-1

For more information regarding these historic pipelines, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

Sincerely,



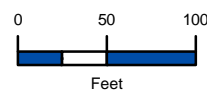
Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Rights of Way – Byron Highway-Camino Diablo Road Intersection Improvements


cc: Mr. Mike Hurd – Leidos
1000 Broadway, Suite 675, Oakland, California 94607

[illegible]

Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work.

HISTORICAL PIPELINE RIGHTS OF WAY

- EXISTING IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- EXISTING ROAD RIGHT OF WAY, DEDICATED RIGHT OF WAY, OR AREA WHERE COUNTY HAS RIGHTS
- EXISTING RAILROAD RIGHT OF WAY
- EXISTING PROPERTY LINES
- PROPOSED RIGHT OF WAY
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT

 Historical Old Valley Pipeline (OVP)
 Historical Tidewater Associated Oil Company (TAOC) Pipeline

BYRON HIGHWAY-CAMINO DIABLO ROAD INTERSECTION IMPROVEMENTS Byron, California	FILE NO.
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FIGURE:

1

**COMMENT LETTER #6. CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY
(April 30, 2015)**

Comment 6-1: Leidos Engineering LLC, on behalf of Chevron Environmental Management Company (CEMC), describes the background of inactive, historic crude-oil pipelines within the project vicinity and identifies the approximate location of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) alignments with respect to the project's layout. Leidos further states that CEMC conducted risk assessments at numerous locations within known historical crude-oil release points along the former OVP and TAOC pipelines and analytical results have indicated that the crude-contaminated soil was non-hazardous. If soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Parties conducting construction activities in the vicinity of these former pipeline right-of-ways may wish to use the information provided in the letter to help prepare for the possibility of encountering pipelines and pipeline-related ACM during the course of their work.

Response: Comments noted. No further response is necessary.

COMMENT LETTER #7

RECEIVED

MAY 11 2015

Environmental



EDMUND G. BROWN JR.
GOVERNOR

May 6, 2015

STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Claudia Gemberling
Contra Costa County
255 Glacier Drive
Martinez, CA 94553

Subject: Byron Highway-Camino Diablo Intersection Improvements
SCH#: 2015042014

Dear Claudia Gemberling:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 5, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Morgan'.

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

7-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015042014
Project Title Byron Highway-Camino Diablo Intersection Improvements
Lead Agency Contra Costa County

Type MND Mitigated Negative Declaration

Description Both Byron Highway and Camino Diablo Road are two-lane roads with no turning lanes and no shoulders at this intersection. Neither road is signalized, with free-through movements on Byron Highway and installation of new traffic signal lights and road improvements to accommodate the addition of left turn lanes on three of the four legs at the intersection. The road widening will provide 12-foot wide travel lanes, 12-foot wide left turn lanes, and 5-foot wide paved shoulders on both roads. In addition, a railroad crossing adjacent to the intersection will be improved with the installation of new railroad panels and crossing gates. The project will also provide pedestrian facilities along the north side of Camino Diablo Road from the intersection of Byron Highway west over the railroad tracks to Main Street.

Lead Agency Contact

Name	Claudia Gemberling		
Agency	Contra Costa County		
Phone	925 313 2192	Fax	
email			
Address	255 Glacier Drive		
City	Martinez	State CA	Zip 94553

Project Location

County	Contra Costa				
City	Byron				
Region					
Lat / Long	37° 52' 9.7" N / 121° 38' 18" W				
Cross Streets	Byron Highway and Camino Diablo Road				
Parcel No.					
Township	1S	Range	3E	Section	3/10
				Base	MDB&M

Proximity to:

Highways	Hwy 4
Airports	
Railways	UPRR
Waterways	Frisk Creek
Schools	Excelsior MS
Land Use	Roads: Public/Semi-Public; Surrounding Parcels: Agriculture, Commercial, Light Industry, Single Family Residential

Project Issues Biological Resources; Noise; Toxic/Hazardous

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Delta Protection Commission; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

Date Received	04/06/2015	Start of Review	04/06/2015	End of Review	05/05/2015
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EDMUND G. BROWN JR.
GOVERNOR

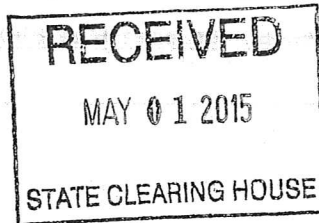


MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

28 April 2015

Claudia Gemberling
Contra Costa County
Department of Conservation Development
255 Glacier Drive
Martinez, CA 94553



CERTIFIED MAIL
7014 2870 0000 7535 8966

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, BYRON HIGHWAY-CAMINO DIABLO INTERSECTION IMPROVEMENTS PROJECT, SCH# 2015042014, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 6 April 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Byron Highway-Camino Diablo Intersection Improvements Project, located in Contra Costa County.

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

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

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

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area; visit the Central Valley Water Board’s website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

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

**COMMENT LETTER #7. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
(STATE CLEARINGHOUSE) (May 6, 2015)**

1-1: Letter from Governor's Office of Planning and Research, State Clearinghouse and Planning Unit stating that the Initial Study Mitigated Negative Declaration (SCH# 2015042014) was submitted to selected state agencies for review and that comments from the responding agencies are provided. The letter further states that a responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are to be carried out or approved by the agency. The State Clearinghouse received and forwarded one comment letter; Central Valley Regional Water Quality Control Board (Comment Letter #5).

RESPONSE: Acknowledgement letter from the State Clearinghouse is noted. No further response is necessary.