

ATTACHMENT 7

PUBLIC COMMENTS

Attachment 7 includes written public comments received by the Department of Conservation and Development after the close of the 78-day public review period on draft MND SCH #2020100267 on December 23, 2020.

The public comments include letters received between February 2, 2021 and May 28, 2021 that are included in Attachment 4 of the CDLP18-02022 CPC Staff Report for the June 23, 2021 CPC hearing. Section VII (Public Comments) of the June 23, 2021 CPC Staff Report, which is Attachment 1, addresses the letters. The letters are from:

- Hanson Bridgett on behalf of Discovery Builders, Inc. received on February 2, 2021;
- Adams Broadwell Joseph & Cardozo, received on April 29, 2021;
- Pacific Gas and Electric Company (PG&E), received on May 20, 2021;
- PG&E, received on May 28, 2021; and
- PG&E to Ameresco dated May 25, 2021, received on May 28, 2021.

These letters are included in **Section A** of this Attachment 7.

The Department received two letters on June 23, 2021, including letters from:

- Hanson Bridgett on behalf of Discovery Builders, received after 1:00 pm; and
- City of Pittsburg, received after 5:00 pm.

Staff provided the two letters to the County Planning Commission and reported to the Commission that it had reviewed the letters and did not find anything in either letter that would alter any findings in MND SCH #2020100267. The letters received prior to the CPC hearing are included in **Section B** of this Attachment.

The Department received an email on June 25, 2021 from Hanson Bridgett, that included two attachments. The email and attachments received after the CPC hearing are included in **Section C** of this Attachment.

Section D of this Attachment includes staff responses to the comments in the letters received on June 23, 2021 in Section B and in the email received on June 25, 2021 in Section C.

SECTION A

***PUBLIC COMMENTS RECEIVED
BETWEEN FEBRUARY 2, 2021 AND MAY 28, 2021***

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Re: Ameresco Kelley Canyon RNG LLC Mitigated Negative Declaration

Dear Mr. Muraoka:

We submit this letter on behalf of our client, Discovery Builders, Inc., in connection with the above-referenced Mitigated Negative Declaration (“MND”) prepared and circulated by Contra Costa County (“County”) for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project (“Project”). Discovery Builders has an application pending with the County to develop a residential subdivision, known as Stoneman Park, adjacent to the proposed landfill facility and pipeline. Please see **Figure 1** on the next page, depicting the location of Stoneman Park vis-à-vis the Project.

The MND has a number of information gaps that must be addressed, both for practical purposes and to satisfy the requirements of the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Reg., tit. 14, § 15000 *et seq.*). For the reasons detailed below, we request that the County consider and address these concerns in a recirculated MND before moving forward with approval. Please note that our client is pro-development, and is supportive of development projects, but wants to ensure that the welfare of local residents, including future residents of Stoneman Park, is adequately protected.

Most significantly, the MND does not contain sufficient information to appreciate risks and impacts the Project’s pipeline may have on surrounding residential neighborhoods. Specifically, the Project’s 3.4-mile pipeline will pass within a few hundred feet of Stoneman Park and within 50 feet of other sensitive receptors, which in turn could present significant, undisclosed risks to and impacts on these populations.

These omissions result from:

- (1) insufficiently detailed risk assessments that fail to identify the location and severity of significant environmental concerns, including a failure to identify key environmental setting features such as landslide, liquefaction, and other compromised soils that could result in pipeline leaks;
- (2) instances of improper, deferred mitigation measures to remedy risks and ensure proper construction and operation of the pipeline; and

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- (3) failure to consider foreseeable future residential developments, such as Stoneman Park.

Given the information gaps present in the MND, it is impossible for our client – or any member of the public – to understand, with any sense of accuracy, the potential risks associated with the proposed Project.

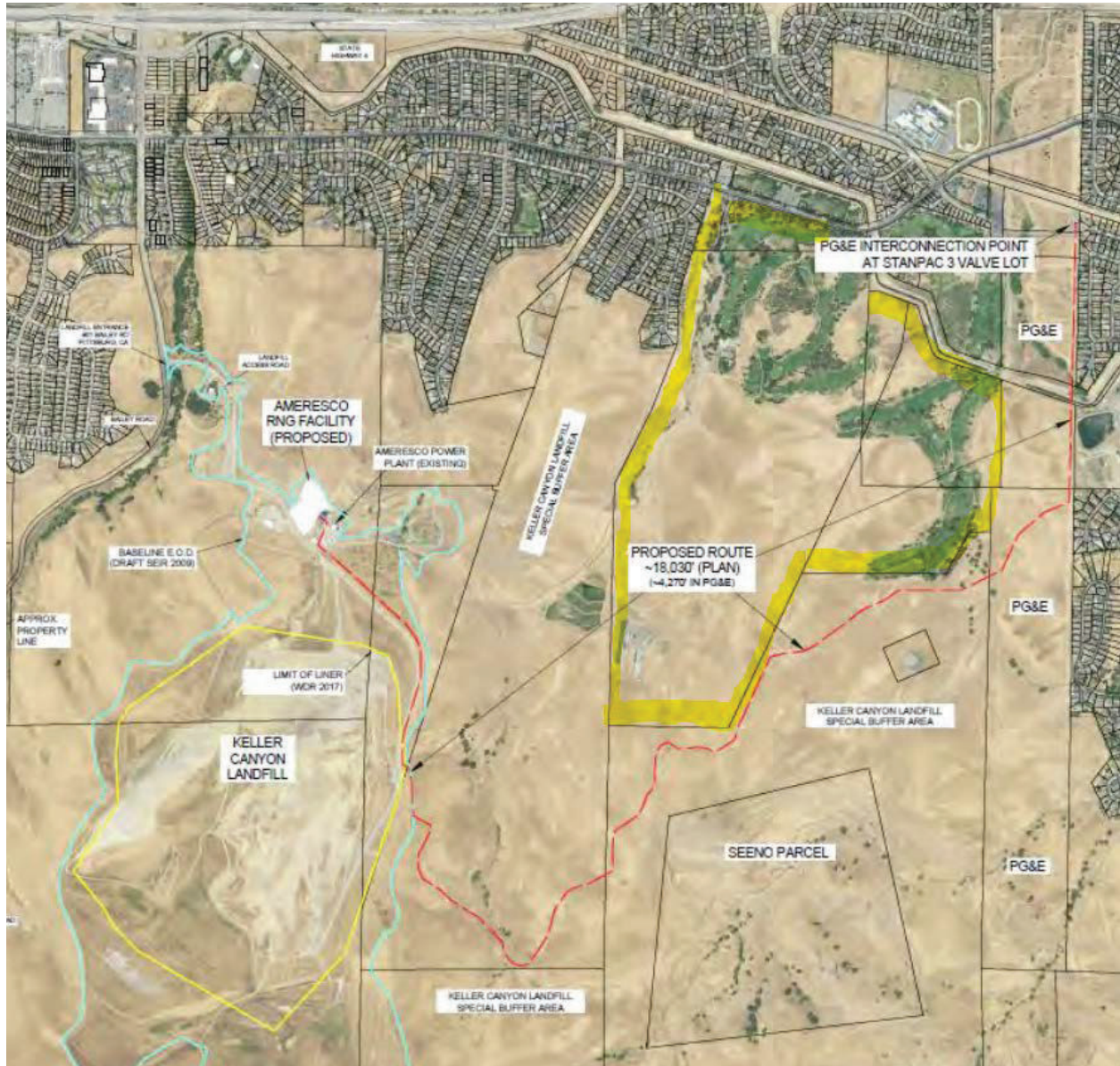


Figure 1: Map depicting Project in relation to boundaries of Stoneman Park subdivision (highlighted in yellow)

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Please note, again, that our client is not anti-development. Here, we merely believe the approval process is unfolding too quickly and without proper attention to certain details, and we think all parties can agree that pipeline risks, including those from potential leaks, ruptures, and other dangers, present credible and disastrous threats, and that any pipeline carrying combustible

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substances through open space areas must be thoroughly vetted and conditioned to ensure the public is kept safe. To assist the County in providing the requisite information, our client has retained a pipeline expert, who has prepared a report that is attached to this letter as Attachment A. This report identifies both the information necessary for the public to understand risks associated with the proposed pipeline, and mitigation measures the County should adopt to ensure the pipeline is safely constructed and operated.

I. LEGAL AND PROJECT FRAMEWORK.

A. CEQA Framework.

The fundamental goals of environmental review under CEQA are “information, participation, mitigation, and accountability. [Citations.]” (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-444, citing Pub. Resources Code, § 21000(a).) CEQA documents, such as a the MND for the Project, “inform the public and its responsible officials of the environmental consequences of their decisions before they are made.” (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 55, 564.) To be adequate, such a document must do more than disclose a project’s environmental impacts; it must also meaningfully evaluate the level of environmental significance of such impacts. (*Poet, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 64.) Even if County staff or the MND drafters already know how the Project will impact the environment, the “critical point” is that the public and County decision-makers “must be equally informed.” (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404.)

CEQA compliance “serve[s] an important purpose in helping to shape and inform [public officials’] exercise of discretion.” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 122.) In this way, CEQA protects not only the environment but also informed self-government. (*Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 576.) When it enacted CEQA, the Legislature also declared that it is the policy of the state to “[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.” (Pub. Resources Code, § 21001(d).)

CEQA is “enforced with powerful remedies to ensure that the review process is completed appropriately and the various findings are made before projects go forward. Litigants, including members of the public, may apply to courts to order agencies to void, either in whole or in part ‘any determination, finding, or decision ... made without compliance’ with CEQA. [Citations.]” (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 713.)

B. Ameresco Project Description.

Ameresco Keller Canyon RNG LLC (“Ameresco”) operates an existing landfill gas-to-energy power plant and seeks to expand its collection and control system as the Keller Canyon Landfill (“Landfill”) continues to dispose of waste. Ameresco proposes to construct both a renewable natural gas processing facility (that will be adjacent to existing facilities) and a pipeline system that siphons natural gas from the Landfill. While the proposed processing facility will be built almost entirely on Landfill land, the pipeline will stretch 3.4 miles and transport large quantities of natural gas (consisting of nearly 100% methane) from the new processing facility to a PG&E natural gas transmission pipeline network. (MND at 184.) Much of this alignment runs through

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open space areas, and through swaths of soil that are riddled with stability and corrosivity problems.

For reference, the MND indicates that the nearest existing residences are 0.33 miles north-northwest and 0.4 miles west of the proposed Project site. (MND at 3.) Moreover, the pipeline may come within 50 feet of the nearest existing residences. (MND at 164.) These estimates do not account for the pipeline's proximity to proposed Stoneman Park, an application for which is currently pending with the County.

From the Project map, it is clear that the pipeline would run adjacent to a substantial portion of Stoneman Park, and would be closer than 0.33 miles in some instances. The exact distance must be confirmed by the County, but the pipeline potentially runs as close as 400 feet (0.08 miles) to Stoneman Park's residential footprint. As such, the environmental impacts considered in the MND are of significant importance to Discovery Builders.

II. THE MND FAILS TO INCLUDE SUFFICIENT INFORMATION FOR THE PUBLIC AND DECISION-MAKERS TO EVALUATE THE SCOPE AND SEVERITY OF POTENTIAL IMPACTS.

As explained herein, the MND does not comply with CEQA. As the lead agency, the County must "use its best efforts to find out and disclose all that it reasonably can." (See CEQA Guidelines, § 15144; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1197 [CEQA document "must include detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed projects"].) An agency may not "hide behind its own failure to gather relevant data." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.)

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The MND fails to provide sufficient information for the public and decision-makers to evaluate the magnitude and severity of the Project's potential impacts. In some instances, the MND fails to consider significant risks altogether. Lack of information regarding the impact itself is an obstacle to determining whether mitigation measures are necessary or whether proposed mitigation would be effective. Potential risks that are inadequately addressed relating to certain aesthetic, geological, hydrological, noise, hazardous material, and other safety concerns are outlined below. We respectfully request that all of the requisite information be provided and evaluated in a recirculated MND.

A. Geological Concerns

The MND discloses a number of significant environmental effects related to geology and soils. (MND at 137.) However, the locations of these geological concerns are not clearly delineated, making it impossible to evaluate the adequacy of the proposed mitigation measures.

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- **Strong Seismic Ground Shaking.** Ground conditions within the Project site are not homogenous. The pipeline traverses three "[dormant] deep-seated landslides." (MND at 138.) "Strong ground shaking could trigger reactivation of shallow slope failures within the dormant landslide, resulting in a potentially significant impact." (MND at 138.) The MND fails to address the degree to which the pipeline's integrity could withstand this seismic activity. Moreover, landslide areas are not clearly marked on maps or diagrams. Without such information, it is impossible to assess the potential

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risk of pipeline upset due to seismic activity on the existing and future residents in the Project area. Mitigation measures in place include an automatic shutoff valve, implementing a ground movement monitoring program, and requiring that the pipeline be oriented such that it parallels the topographic contour. (MND at 139.) Given the environmental setting is unclear, substantial evidence fails to support the effectiveness of the proposed mitigation. (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027 [efficacy of mitigation must be supported by substantial evidence].)

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Regardless, the mitigation proposed fails to adequately address this significant impact. Mitigation Measure Geology 1(D) requires implementation of a ground movement monitoring program under which an inspector will provide recommendations for “supplemental/special geotechnical investigations or other corrective work.” (MND, p. 139.) This mitigation measure, however, does not require implementation or compliance with any of these recommendations. Monitoring a project’s environmental impacts by itself does not constitute mitigation, because studying an environmental impact does not reduce or avoid it. Future studies of potential impacts are impermissible where they are not coupled with mitigation measures designed to address impacts identified in the study. (See *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 (“*Defend the Bay*”).) Additionally, Mitigation Measure Geology 1(E)’s reliance on “other safety measures” is impermissibly vague. (See *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (“*Preserve Wild Santee*”) [mitigation is legally inadequate if it is so undefined that it is impossible to gauge its effectiveness].)

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• **Seismic-related Ground Failure.** The MND discloses that a “small portion” of the proposed processing facility site is at-risk for liquefaction. (MND at 140.) The proposed pipeline corridor also crosses limited sections of drainage channels that are potentially at-risk of liquefaction. (MND at 140.) The MND fails to include maps or diagrams delineating these at-risk areas and instead references only the Seismic Hazard Zone map of the Honker Bay Quadrangle for this proposition. This document does not appear to be readily available, another potentially significant omission which impedes the public’s and decision-makers’ ability to fully appreciate the significant impact of pipeline upset due to ground failure. Additionally, Mitigation Measure Geology 2 suffers from the same affliction as Mitigation Measure Geology 1(D). Mitigation Measure Geology 2 requires only future evaluation and preparation of a report regarding the liquefaction potential of at-risk soils—but does not require implementation of any recommendations stemming from that evaluation. (See *Defend the Bay, supra*, 119 Cal.App.4th at p. 1275.)

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• **Landslides.** Three landslide areas were identified along the pipeline corridor. (MND at 142.) The MND discloses that there is potential that portions of the dormant landslide could be reactivated, which may result in a potentially significant impact to the pipeline within that area (MND at 142), and by extension, the surrounding neighborhoods. Incredibly, the MND fails to specifically identify the location of these landslide areas. Without information related to location of landslides or sensitive soils, it is impossible for the public and decision-makers to understand the scope and severity of the potential impact. Additionally, Mitigation Measure Geology 3 is legally inadequate in that it relies on future study and fails to require that “any special
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recommendations/special specially engineering” be incorporated into the design. (See *Defend the Bay, supra*, 119 Cal.App.4th at p. 1275.)

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- **Location on Unstable Soil.** As discussed above, there is a potential for landslides and soil creep along the pipeline corridor area, which could result in a significant impact. (MND at 145.) The original geologic map of the site prepared by Tetra Tech confirmed the presence of “four deep-seated landslides that are dormant at present, along with more than 10 shallow- to moderate-depth landslides on the slopes on the project site.” (MND at 145.) The MND fails to depict where along the pipeline corridor these risks lie. Failure to identify these areas makes it impossible to assess the efficacy of any proposed mitigation measures.

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- **Erosion or Loss of Top Soil.** Soils in the Project area are subject to medium to rapid runoff and a moderate to high hazard of erosion that could result in a potentially significant impact at two identified locations along the pipeline corridor. (MND at 143-144.) Not only does the MND fail to identify the two locations along the pipeline corridor, it also provides legally inadequate vague and deferred mitigation measures. For instance, Mitigation Measure Geology 4(A) requires placement of the pipeline below potential scour depth, “where feasible.” (MND at 144.) The mitigation fails to identify a standard for feasibility rendering the mitigation impermissibly vague and impossible to gauge its effectiveness. (*Preserve Wild Santee, supra*, 210 Cal.App.4th at p. 281; CEQA Guidelines, § 15126.4, subd. (a)(1)(B) [formulation of mitigation measures shall not be deferred until some future time].) With respect to the “scour assessment,” the proposed mitigation offers no objective evaluation standards and fails to obligate Ameresco to prevent erosion or loss of top soil. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B) [deferral of mitigation may be appropriate if the agency (1) commits itself to the mitigation; (2) adopts specific performance standards the mitigation will achieve; and (3) identifies the types of potential actions that may feasibly achieve that performance standard].) As such, the measures are inadequate under CEQA and must be revised.

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- **Location on Expansive Soil.** Tetra Tech determined that native soils are anticipated to have a “very severe corrosion potential to buried ferrous metals.” (MND at 146.) As such, the expansive and corrosive soils on the Project site could result in potentially significant impacts on the proposed processing facility and the pipeline. (*Id.*) The MND fails to disclose the location of these soils, making it impossible for the public and decision-makers to understand the associated risks to nearby homes. Mitigation measures include continued and enhanced expansion and corrosion testing requirements subject to review and approval and retention of a licensed corrosion engineer to identify “suitable types of piping and necessary protection for underground metal conduits and fittings.” (*Id.*) These mitigation measures appear to be lacking in performance standards that would allow for objective review, and are therefore inadequate under CEQA. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) At a minimum, internal corrosion monitoring facilities must

16-11 be included as required under Title 49 C.F.R. section 192.477. (Attachment A, pp. 5, 35.)¹

B. Hazardous Material Concerns

The proximity of the pipe to Stoneman Park – and the possibility of pipe failure or leakage – require additional evaluation of impacts related to the potential corrosive effects of surrounding soils and gas transmission. As explained herein, the MND omits critical information related to pipeline safety and potential hazards.

16-12 The proposed gas transmission pipeline is subject to strength requirements based on population density near the pipeline. (MND at 160.) Such classifications range from 1 (rural) to 4 (densely populated). The most populated area contemplated by Ameresco along the pipeline corridor is a Class 3 residential neighborhood in which the pipeline will run approximately 50 feet from the nearest homes. (MND at 163.) In all areas, the pipeline will remain in compliance with Class 4 requirements. (MND at 164.) While the pipe will adhere to the strictest requirements, the corrosive nature of the soils and/or the gas running through the pipeline are not discussed in detail, making it difficult for the public or decision-makers to fully evaluate the potential gas transmission risk.

The MND states only that “[a]ll federal, State, and industry standards will be met or exceeded (MND, p. 169), but fails to include information as to how those standards will be met. (See Attachment A, pp. 2-25 [identifying applicable federal regulatory standards].) Part 192 of the U.S. Department of Transportation regulations (Title 49 C.F.R. (2021)) sets forth minimum federal safety standards for pipeline transmission of gas covering over 300 pipeline safety activities. The federal standards do not, however, dictate how to properly perform these safety activities. Our expert identified nearly 60 federal requirements applicable to the Project. (Attachment A, pp. 2-25.) These include, among others, the following:

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- Implementation of a continuing program to minimize the detrimental effects of stray electrical currents (49 C.F.R. § 192.473);
 - Annual testing of cathodic protection (49 C.F.R. § 192.465);
 - Hydrostatic testing of pipeline (49 C.F.R. § 192.503);
 - Preparation of a manual of written procedures for operation and maintenance activities, as well as emergency response (49 C.F.R. § 192.605);
 - Procedures to identify, investigate, and respond to abnormal conditions including increase or decrease in pressures or flow rates (49 C.F.R. § 192.605);

¹ Attachment A to this letter is a report prepared by Don Deaver, P.E. evaluating the adequacy of the MND’s analysis of pipeline hazards and safety. A copy of Mr. Deaver’s curriculum vitae is attached to this letter as Attachment B.

- Implementation of procedures for continuing surveillance activities to identify adverse operating and maintenance conditions, as well as corrective actions to be taken should any adverse conditions be encountered (49 C.F.R. § 192.613);
- Development and implementation of damage prevention program (49 C.F.R. § 192.614);
- Preparation and implementation of emergency response plans to effectively respond to emergency events, provide emergency shutdown and pressure reduction as needed, and to make safe any actual or potential hazard to life or property (49 C.F.R. § 192.615);

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- Public awareness program identifying hazards associated with unintended release of gas, steps to be taken for public safety, and procedures for reporting an emergency event (49 C.F.R. § 192.616);
- Preparation and implementation of procedures for conducting failure investigations (49 C.F.R. § 192.617);
- Preparation and implementation of a patrol program to observe surface condition on and adjacent to the pipeline for indications of leaks or other factors affecting safety and operation (49 C.F.R. § 192.705); and
- Completion of leakage surveys four times per year for Class 4 locations (49 C.F.R. § 192.706).

Requirements related to cathodic protection and stray electrical currents are particularly relevant given the existing overhead high-voltage electrical transmission lines in the utility corridor where the pipeline would be located. (MND, p. 184; Attachment A, p. 31.) Stray currents can cause severe corrosion to buried pipelines, as well as pose potential safety hazards for personnel constructing and maintaining the pipeline, or others in the vicinity of this infrastructure. The potential for these risks must be analyzed in the MND.

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There are a number of other applicable federal requirements, including Part 68 and Part 370 of the United States Environmental Protection Agency (“EPA”) regulations (Title 40 C.F.R. (2021)) related to risk management programs and public disclosure of hazardous chemicals under the Emergency and Community Right-to-Know Act.² (Attachment A, pp. 14-25.) Please provide all materials prepared by the Project applicant and submitted to the County demonstrating compliance with these important federal safety regulations. (See Gov. Code, § 6250 et seq [Public Records Act].) Failure to inform the public and decision-makers of the magnitude and severity of potential hazards related to pipeline safety runs afoul of CEQA’s information disclosure requirements.

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Additionally, the pipeline hazard analysis – amounting to less than two pages in the MND – is insufficient to adequately address safety risks posed by construction and operation of the pipeline near residential areas. The MND analyzes a potential impact radius of only 72 feet based on the Title 49 C.F.R. Part 192 standard for instantaneous ignition. (MND, p. 165.) An

² For a full list of all applicable requirements please refer to Attachment A, pages 2-25.

16-15

impact radius of 72 feet only accounts for the homes immediately adjacent to the pipeline corridor, wholly ignoring the safety of the remaining residents. Regardless, instantaneous gas release is unlikely in the context of the Project. (Attachment A, pp. 34-35.) More common in this type of situation is “delayed ignition” wherein vapor clouds formed by a gas release travel a distance before ignition – creating a large vapor cloud explosion. To ensure safety of nearby existing and future residential communities, the potential impact radius should be expanded to 2,214 feet in accordance with the formula set forth in Part 68 of the EPA regulations (Title 40 C.F.R. section 192.903). (Attachment A, pp. 34-35.)

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Finally, the MND fails to adequately consider all factors relevant to pipeline failure, whether that be pipeline leakage or pipeline rupture. (See MND, pp. 166-169.) While identifying various factors related to pipeline failure, the MND appears to only consider hoop stress in concluding that the risk of pipeline failure is less than significant. Internal pressure is not the only source of stress to the pipeline that should be considered. (Attachment A, p. 34.) Other factors that must be considered include pipeline stress due to seismic, landslides, or unstable soil (all of which have potential presence at the Project site as disclosed in the MND), residual stress at joint welds, pressure fluctuation due to connection to the PG&E pipeline, as well as the risk of external damage due to any future excavation work in the utility corridor. (Attachment A, pp. 12 [potential threats to pipeline], 31, 33-34.) This is particularly relevant because the data on reported incidents versus pipeline failure clearly demonstrate that stress level by itself is not the only criterion affecting pipeline safety. (Attachment A, pp. 36-38.)

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The MND should be revised and recirculated to address the deficiencies identified in the report prepared by Don Deaver, P.E. included as Attachment A. At a minimum, the MND should disclose how all applicable safety standards will be met and additional mitigation should be developed to address *all* potential threats to the pipeline (not just those related to internal stress) in accordance with these standards. (See Attachment A, pp. 11-14 [citing regulations related to risk assessment and mitigation measures].)

C. Aesthetic Concerns

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The MND exhibits significant gaps in information with respect to aesthetic impacts due to fencing, views of the processing facility from Stoneman Park, and the proposed PG&E metering station. Without additional information, it is impossible to determine whether and to what extent existing or future residents in the vicinity of the Project will be significantly impacted.

- **Fencing and Access Roads Along Pipeline Corridor.** The MND is silent as to whether fencing or access roads are planned to protect or service the pipeline. Fencing may be an eyesore when visible from a residential neighborhood, and any plans to install fencing along the pipeline corridor should be detailed. Similarly, construction of access roads may be an aesthetic concern. We request that the County provide further clarification as to plans to construct either additional fencing or access roads. If there are no plans to install fencing or access roads, it is essential that the MND explain how the pipeline will be secured and, should an emergency occur, how the Project applicant or emergency personnel will be able to access the pipeline.
- **View of Processing Facility.** The proposed processing facility will be adjacent to and northwest of the existing plant. (MND at 44.) The Project would require

equipment ranging from 25 to 50 feet in height. (MND at 44-45.) Though the natural topography shields the existing plant from the City of Pittsburgh to the north (MND at 45, 47), it is unclear whether the facility would be completely obscured from future residents of Stoneman Park, which is located approximately 5,000 feet east/northeast of the proposed processing facility. The MND fails altogether to address this impact.

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- **Redwood Trees.** Ameresco will plant coast redwoods on the Landfill property to screen the view from residences to the north. Minimum height of the trees will be 10 to 12 feet. (MND at 46.) It is unclear, however, whether the 10- to 12-foot trees would be sufficient to obscure the view of the processing plant, especially considering at least some equipment will stand 50 feet high. It is further unclear whether trees would obscure views of the plant vis-à-vis homes within Stoneman Park. Again, the MND fails to contemplate future residents of Stoneman Park as sensitive receptors.

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- **PG&E Metering Station and Ameresco Interconnect Station Fencing.** The proposed project will require PG&E to add a metering station approximately 50 feet to the south of the existing valve lot 3 to accommodate the new gas receiving equipment. (MND at 12.) The station will be approximately 4,000 square feet. (MND at 12.) A 7-foot tall security fence will be constructed to surround the metering station. (MND at 12.) Additionally, an Ameresco interconnect station will be attached to the PG&E metering station and would include a pipeline riser, valving, and pig station for future pipeline inspections. (MND at 12.) This fenced enclosure may be as large as 2,700 square feet. (MND at 12-13.) Metering and interconnect stations may be visible from the northeastern portion of Stoneman Park. Visual simulations from existing and reasonably foreseeable vantage points should be prepared to adequately analyze aesthetic impacts of the metering station. (See MND at Figure 16.)

The MND should be revised and recirculated to adequately address potential aesthetic impacts to existing and future residential development, including Stoneman Park.

D. Hydrological Concerns

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The Landfill comprises its own watershed encompassing approximately 573 acres and all active area runoff is collected and conveyed to the existing terminal adjacent to the proposed processing facility. (MND at 177.) Development of the proposed processing facility would increase the watershed by approximately 84,000 square feet. (MND at 177.) The MND does not disclose whether the pipeline is in the same watershed. We request that this information be provided so that any potential hydrological concerns as they relate to surrounding residential subdivisions may be adequately assessed.

E. Noise Concerns

While operational noise does not appear to be a significant concern, noise impacts related to construction of the processing facility and pipeline are a concern for existing and reasonably foreseeable future residents.

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- **Pipeline Construction Noise.** Some of the pipeline would be installed approximately 50 feet from the nearest existing residences to the east. (MND at 199.) We estimate that the pipeline will be installed less than 400 feet away from the nearest residences of Stoneman Park. Installation of the pipeline requires excavation ranging from four feet to approximately 44 feet to meet clearance requirements. (MND at 199.) After the pipeline is installed, the trench would be backfilled to its original contour. (MND at 199.) The MND provides that pipeline construction noise levels would be anticipated to occur for relatively short intervals in various locations along the pipe corridor and would be approximately 77 dBA at a distance of 50 feet. (MND at 199.) Thus, at a distance as great as 400 feet, we estimate noise levels of approximately 59 dBA in Stoneman Park, nearing if not exceeding the maximum 60 dBA typically acceptable for single-family residences. As such, we request that a noise study be performed in the vicinity of Stoneman Park to evaluate pipeline construction noise. Noise levels would be significantly higher at homes situated 50 feet from the pipeline, and the MND assesses construction noise impacts at neither sensitive receptor locations.

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- **Processing Facility Construction Noise.** Noise levels during construction will vary “greatly” depending on the construction activity. (MND at 197.) At the nearest existing residences (as identified in the MND), noise generated from construction activities at the processing facility would be approximately 50 to 60 dBA. (MND at 197.) To the extent pipeline construction occurs after occupancy of Stoneman Park, noise levels would likely be less than those reported because the nearest receptors are closer to the proposed processing facility than Stoneman Park. Assuming construction equipment will generate approximately 60 dBA at 1,600 feet away (MND at 197), noise levels at Stoneman Park would be approximately 50 dBA at 5,000 feet away. The MND should be revised and recirculated to evaluate the impact of the processing facility construction noise on residents of Stoneman Park.

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- **Ground-borne Vibration.** The MND concludes that impacts related to ground-borne vibration and noise are less than significant. (MND at 200.) However, use of an excavator in installation of the underground pipeline would generate a vibration level of approximately .031 in/sec PPV, similar to a large bulldozer. (MND at 201.) As such, during construction, occupants in the nearest residences may perceive vibration levels. (MND at 201.) Vibration levels are estimated to remain below the threshold of “architectural damage” (.2 PPV) at all times during construction and the MND concludes the impact is less than significant. (MND at 201.) While levels may not threaten architectural integrity of nearby structures, excessive noise and vibration may well be bothersome to existing residents, and future Stoneman Park residents in the event construction is ongoing. The MND should be revised and recirculated to address impacts of groundborne vibration on sensitive receptors, *i.e.*, residents – not just physical structures.

F. Additional Concerns.

In addition to the inadequacies discussed above, the MND omits discussion of other potential concerns. For example, additional information regarding the following is necessary to evaluate potential environmental impacts:

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- The pipeline's physical components and operating parameters to better understand risks of leaks and ruptures;
- Characterization of soils through which the pipeline will run, which present landslide, liquefaction, corrosivity, and other challenges; and
- Pipeline protection in terms of security and fire safety, and what potential aesthetic and other impacts such components would have.

As such, we request that the MND be revised to include consideration and discussion of such issues to assuage concerns for current and future residents of the area.

III. THE AMERESCO MITIGATED NEGATIVE DECLARATION FAILS TO CONSIDER REASONABLY FORESEEABLE FUTURE DEVELOPMENT.

16-25

The MND fails to consider Stoneman Park, a reasonably foreseeable residential development, despite the fact that the Stoneman Park project application is pending with the County

The baseline for assessing environmental conditions in the vicinity of the project is measured at the time the notice of preparation is published. (CEQA Guidelines, § 15125(a).) In a landmark decision, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, the California Supreme Court acknowledged that environmental conditions evolve over time and agreed that an agency may predict environmental conditions that would exist when a project begins operation. (57 Cal.4th 439.) Under this interpretation, the County should consider the effects the proposed Project will have on Stoneman Park because it is a reasonably foreseeable development that is currently under consideration with the County. As such, the MND should be revised and recirculated to consider environmental impacts to the future residents of Stoneman Park. Some examples of areas that should be reevaluated include:

16-26

- **Division of an Established Community.** The MND provides that the proposed processing facility and pipeline will not create a physical division of an established community. (MND at 183.) The processing facility will be located "almost entirely" on Landfill property while the pipeline will run underground and be approximately 3.4 miles in length. (MND at 183.) Though the proposed facility and pipeline would not divide an already-established community, the MND does not consider communities yet to be built. From the project map, it appears that the pipeline would run close to, but not come into contact with, the southeastern side of Stoneman Park.

16-27

- **Potential Impact Radius.** The potential impact radius of the proposed pipeline, in case of incident, was calculated at 72 feet. (MND at 185.) This is a concern in the case of pipe failure or leakage considering the proximity between the proposed pipeline and Stoneman Park. Even a remote possibility of catastrophic pipe failure or leakage of large quantities of flammable gas close to a residential neighborhood may give rise for concern. The MND should be revised and recirculated to evaluate this impact and explicitly describe safety precautions that will protect current and future residents from pipe failure or leakage. (See Attachment A, pp. 34-35.)

16-28

- **View of Processing Facility.** As discussed above, it is unclear whether the proposed processing facility would be completely obscured from future residents of

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16-28

Stoneman Park. The subdivision is located approximately 5,000 feet east/northeast of the proposed processing facility, and intervening topography might obscure views of the facility from proposed homes. We request that the MND be revised and recirculated to evaluate aesthetic impacts on the viewshed of residents living at Stoneman Park and to clarify whether the processing facility would be visible from the subdivision vantage point.

IV. CONCLUSION

16-29

Discovery Builders appreciates the County's consideration of its comments and respectfully requests that the MND be revised to address these deficiencies and subsequently recirculated. To reiterate, our client is not adverse to the ultimate development of the Project, but merely is asking that the risks associated with the project, and especially the contemplated pipeline, are evaluated in significantly more detail. We therefore ask that the County slow down this process, request the applicant provide the additional data, and recirculate an updated MND so that our client and the public can better understand the impacts of the Project.

Further, please provide us with notice by mail of all actions the County plans to take with respect to the Project pursuant to, inter alia, Public Resources Code sections 21083.9, 21092(b)(3), and 21092.2. Understanding that the pandemic has made noticing somewhat challenging in certain circumstances, we will accept notice by electronic mail.

Very truly yours,



Christina L. Berglund
Senior Counsel

CLB:msf

Attachments

cc: Louis Parsons (via email lparsons@discoverybuilders.com)
Sean Marciniak (via email smarciniak@hansonbridett.com)
Jeanne Pavao (via email jpavao@seenohomes.com)
David Young (Via email dyoung@discoverybuilders.com)

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Of Counsel

*Not admitted in California.
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April 29, 2021

Via E-Mail and U.S. Mail

John Kopchik, Director
Stan Muraoka, Principal Planner
Department of Conservation & Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Email: john.kopchik@dcd.cccounty.us;
stanley.muraoka@dcd.cccounty.us

Re: **Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267)**

We write on behalf of Contra Costa Residents for Responsible Industry (“Residents”) to express our support for the Ameresco Keller Canyon RNG Processing Facility and Pipeline Project, LP18-2022 (SCH 2020100267) (“Project”) proposed by Ameresco Keller Canyon RNG LLC (“Applicant”). Residents is an unincorporated association of individuals and labor organizations concerned about the potential public and worker health and safety hazards and environmental and public service impacts of the Project.

We are pleased to report that Residents and the Applicant have negotiated and executed a legally enforceable settlement agreement whereby the Applicant is required to implement additional measures, described below, to address the concerns raised by Residents in its comments on the Project related to air quality, public health and safety, and biological resources. The Applicant is also relocating the Project transmission line, which will further reduce impacts. Based on the legally enforceable settlement agreement and changes in the Project, the concerns of Residents have been settled and resolved and Residents supports approval of the Project.

4906-032acp

A. Air Quality

1. All diesel-powered construction equipment shall be Tier 4 Final construction equipment during all construction phases of the Project, to be confirmed on site by the on-site construction supervisor during each day of use.
2. Mitigation measures recommended by BAAQMD in its CEQA Guidelines Table 8-2 will be implemented to reduce fugitive PM10 and PM2.5 emissions, including, but not limited to, the following:
 - 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 mph.
 - 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 [CCR]).
 - 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.

3. In addition to the measures listed in BAAQMD's CEQA Guidelines Table 8-2, Ameresco will implement the following measures at the RNG processing facility:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day, subject to weather conditions.
 - Excavation, grading, and/or demolition activities shall be minimized when sustained, average wind speeds exceed 30 mph, where feasible.
 - All earth-moving equipment, including their tires, shall be washed off prior to leaving the site.
 - Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction.
 - Subject to landowner approval, 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, where feasible.
 - On-road diesel trucks used for Project construction shall be equipped with BACT to reduce NO_x and PM emissions, to the extent feasible.

B. Public Health and Safety

1. Ameresco shall monitor gas levels during Project operation at the Project facilities to detect leaks of hazardous gases at the processing facility, including but not limited to methane and hydrogen sulfide (H₂S), and report any exceedances of applicable thresholds to BAAQMD annually. The Applicant will implement any actions determined necessary by BAAQMD, the County, or other applicable Certified Unified Program Agencies (CUPA) to prevent catastrophic accidents from occurring at the Project facilities, and to mitigate impacts to nearby sensitive receptors related to excess hazardous gases released by the Project.
2. The dust-control measures required under Condition of Approval 20.5 (Dust Suppressants) shall be implemented at night and on weekends, as feasible, to control the release of fugitive dust.

C. Biological Resources

1. Prior to performing preconstruction surveys, Ameresco shall retain an independent biologist to perform surveys to detect the presence of plant and animal species present at the Project site and immediately surrounding area, including but not limited to surveys for Burrowing Owl, Golden Eagle, Nesting and Migratory Birds, American Badger, San Joaquin Kit Fox, Special Status Bats, and all wetland features, in order to determine the distribution of species at the Project site prior to preconstruction surveys.
2. Mitigation measures shall be implemented, to the extent feasible, for species detected by surveys required under Section C.1. of this Agreement that are not covered by the East Contra Costa County Habitat Conservation Plan.

Thank you for your attention to this matter.

Sincerely,



Kendra Hartmann

KDH:acp



RECEIVED on 05/20/2021 LP18-2022
By Contra Costa County
Department of Conservation and Development

May 20, 2021

Anne Nounou
Contra Costa County

Ref: Gas and Electric Transmission and Distribution

Dear Anne Nounou,

Thank you for submitting the CDLP18-02022 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



RECEIVED on 05/28/2021 LP18-2022
By Contra Costa County
Department of Conservation and Development

May 28, 2021

Stanley Muraoka
Contra Costa County
30 Muir Rd
Martinez, CA 94553

Ref: Gas and Electric Transmission and Distribution

Dear Stanley Muraoka,

Thank you for submitting 901 Bailey Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



Pacific Gas and Electric Company
P.O. Box 770000
San Francisco, CA 94177-1490

RECEIVED on 05/28/2021 LP18-2022
By Contra Costa County
Department of Conservation and Development

May 25, 2021

Mr. Michael Bakas
Executive Vice President
Ameresco, Inc.
111 Speen Street, Suite 410
Framingham, MA 01701

Subject: System Feasibility Study for Interconnection of the Keller Canyon, LLC renewable gas project to PG&E's Gas System in Pittsburg, CA

Dear Mr. Bakas:

PG&E has completed a System Feasibility Study for the Ameresco Keller Canyon, LLC renewable gas project for interconnection to the PG&E gas system, pursuant to your recent Request for Gas Supply Interconnection.

PG&E approves the project interconnection on L191-1 at approximately Mile Point 1.4 (37.999967, -121.906667).

Our project team will continue to work with Ameresco project management as we continue with facility design and route surveys. Please don't hesitate to get in touch if you have any questions.

Sincerely,

Jeffrey G. Ryan

Jeffrey G. Ryan
Interconnection Contracts Manager
Wholesale Marketing & Business Development – Gas Operations
Pacific Gas and Electric Company

SECTION B

***PUBLIC COMMENTS
RECEIVED ON JUNE 23, 2021***

CHRISTINA L. BERGLUND
SENIOR COUNSEL
DIRECT DIAL (916) 491-3031
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E-MAIL cberglund@hansonbridgett.com



RECEIVED on 06/23/2021 LP18-2022
By Contra Costa County
Department of Conservation and Development

June 23, 2021

VIA ELECTRONIC MAIL ONLY

Stan Muraoka, AICP
Contra Costa County Department of
Conservation and Development
30 Muir Road
Martinez, CA 94553
E-mail: stanley.muraoka@dcd.cccounty.us

Re: Comments on Ameresco Keller Canyon RNG LLC Final
Mitigated Negative Declaration

Dear Mr. Muraoka:

We submit this letter in advance of the Planning Commission hearing and on behalf of our client, Discovery Builders, Inc., in response to the Final Mitigated Negative Declaration ("MND") prepared by Contra Costa County for the Ameresco Keller Canyon RNG Processing Facility and Pipeline ("Project"). This letter serves to supplement our initial comment letter dated February 2, 2021. While the Project has been revised in response to public comments received, the MND remains inadequate. We reiterate the need to slow down the process to ensure that all significant environmental impacts have been fully analyzed prior to Project approval.

As discussed herein, the MND remains inadequate — lacking proper consideration of potential impacts, particularly as they relate to hazards, impermissible deferral of mitigation, and substituting the good-faith, reasoned analysis that is the hallmark of CEQA with numerous technical reports that have not been made available for public review. Moreover, the Final MND includes significant new information in the form of Project revisions and changes to mitigation measures. The County indicates that the Project revisions would not require recirculation of the MND because the changes do not result in new significant impacts. (Final MND, p. 3.) The County misses the point. CEQA requires recirculation where, like here, meaningful public review is precluded because the MND is fundamentally inadequate. (CEQA Guidelines, § 15088.5.) We respectfully request that the County correct the identified deficiencies and recirculate a revised CEQA document for public review.

I. THE FINAL MND INCLUDES SIGNIFICANT NEW INFORMATION TRIGGERING RECIRCULATION.

A lead agency is required to recirculate an MND when the document must be substantially revised. Substantial revision of the MND means "a new, avoidable significant effect is identified and mitigation measure[s] or project revisions must be added to reduce the effect to insignificance; or the lead agency determines that the proposed mitigation measure[s] or project revision[s] will not reduce potential effect[s] to less than significant, and new measures or

Hanson Bridgett LLP
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revisions will be required.” (CEQA Guidelines, § 15073.5.) The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it. (*Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, 108 (“*Spring Valley Lake*”).)

HB-2

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Here, revisions in the Final MND have brought to light substantive Project changes, not previously disclosed or evaluated. The MND must be recirculated to allow not only the public, but also the decision makers the opportunity to evaluate this new information.

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- **Realignment of RNG Pipeline.** The alignment of Segment 1 has been revised to connect to the existing PG&E Line 191-1 one mile south of the connection previously identified in the draft MND. (Final MND, p. 5.) The Final MND indicates that this new alignment eliminates potential impacts to residential development adjacent to PG&E-owned property. (Final MND, pp. 5-6.) It appears, however, that by eliminating 3,000 feet of pipeline, the Project is now closer to the residential development to the south of those homes. The Final MND fails to address potential impacts to these homes due to the realignment of the Project.

HB-3

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- **Cathodic Protection Monitoring Program.** Similarly, the County appears to be modifying “consistency measures” in the Final MND. For example, response to comment 16-13 states that the applicant will implement a cathodic protection monitoring program. This appears to revise and supplement the cathodic protection system described in the MND. (See MND, p. 163.) The MND impermissibly treats these “consistency measures” as a component of the Project rather than as a set of mitigation measures designed to reduce project impacts. As held in *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 651-652, an MND cannot incorporate mitigation measures into the description of the project and then conclude that any potential impacts from the project will be less than significant. Doing so precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. (*Id.* at pp. 655-657.) A need to further strengthen mitigation measures, demonstrates the existence of a significant impact. The MND fails to describe the extent of the Project’s impacts prior to implementation of these “consistency measures” in violation of CEQA.

HB-4

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- **Alternating Current Mitigation Study.** Response to comment 16-14 indicates that “during design of the pipeline, a full Alternating Current (AC) Mitigation Study will be performed.” (Staff Report, p. 17.) This new mitigation appears to have been developed in response to significant environmental impacts related to stray electrical currents from overhead transmission lines. (See Hanson Bridgett Letter, Comment 16-14.) The need for additional mitigation implicates a potentially significant impact due to stray electrical currents. The MND must be revised and recirculated to fully analyze impacts related to stray electrical currents and develop mitigation to avoid or reduce significant impacts. (*Vineyard Area Citizen for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (“*Vineyard*”) [recirculation required where new information reveals a new potentially significant impact]; CEQA Guidelines, §15088.5(a)(3) [recirculation required when information added to the final EIR consists of new mitigation measures].) Moreover

HB-5

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HB-5

the AC Mitigation Study is not included in the Mitigation, Monitoring and Reporting Program for the Project and there is no assurance that it will be made enforceable. (See Pub. Resources Code, § 21081.6(b) [mitigation measures that are adopted must be enforceable]; accord CEQA Guidelines, § 15126.4(a)(2).)

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HB-6

- **Borrow Sites.** The Final MND indicates that “significant volumes of select earth materials will be transported from pre-determined borrow site locations on the Keller Canyon Landfill property.” (Final MND, pp. 21-22, 148, 160.) This was not disclosed previously. The Final MND concludes that this work “would have zero impact because if not moved for the construction of the RNGPF, it would be moved to comply with the landfill’s already permitted construction and operations.” (Final MND, pp. 21-22.) This is incorrect and runs afoul of CEQA’s baseline principles. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310 [when evaluating a proposed change, existing physical conditions rather than the maximum level of operations allowed at the facility under its permits set the baseline; CEQA Guidelines, § 15124(a)(3) [existing conditions baseline may not include hypothetical conditions, such as conditions that might be allowed under existing permits but that have not occurred].)

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HB-7

- **New Technical Studies.** The Final MND identifies three new technical reports that were prepared after the MND was released for public comment. (Final MND, p. 3.) These reports have not even been provided for public review. Replacing analysis with technical reports and a conclusory assurance that the Project revisions do not result in new significant impacts deprives the public of a meaningful opportunity to comment. (*Spring Valley Lake, supra*, 248 Cal.App.4th at p. 108 [recirculation required where city replaced 26 pages of EIR text with 350 pages of technical reports].)

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HB-8

While we can appreciate that many of the Project revisions included in the responses to comments were intended to alleviate concerns raised by the public, unfortunately, in doing so, the Project has been substantially changed in a manner that deprives the public of opportunity to comment on significant impacts. (See CEQA Guidelines, § 15088.5; *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112.) The MND should be revised and recirculated to address this significant new information and allow the public the opportunity to comment. (See *Vineyard, supra*, 40 Cal.4th 412, 447 [recirculation is not mandated when the new information “merely clarifies or amplifies” the previously circulated CEQA document, but is required when it “reveals, for example, a new substantial impact or a substantially increased impact on the environment”].)

II. THE FINAL MND RELIES ON VARIOUS TECHNICAL REPORTS THAT WERE NOT PREVIOUSLY CITED.

The County responded to several comments by generally referring to a number of technical reports prepared as background documents. (See, e.g., Responses to Comments, 11-30, 16-2, 16-6.) In several instances, the MND altogether fails to provide specific reference to these reports. This is insufficient under CEQA.

A reader of the MND is not expected to “ferret out an unreferenced discussion [and] interpret that discussion without assistance.” (*Vineyard, supra*, 40 Cal.4th at p. 442; see *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955-956 [an adequate MND requires more than raw data; it also requires an analysis of that data to provide decision makers with sufficient information to make intelligent decisions]; CEQA Guidelines § 15147 [environmental review documents must include technical detail “sufficient to permit full assessment of significant environmental effects ... by members of the public”].)

HB-9

For example, the Geology and Soils chapter of the MND refers to various geotechnical reports including the “Tetra Tech Geotechnical Feasibility reports” to support that there is a potentially significant impact due to seismic-related ground failure at the proposed RNG processing facility site. (MND at 140-141.) However, nowhere does the MND indicate where within these comprehensive reports the public can locate the relevant analyses. (See CEQA Guidelines § 15148 [the environmental review document “shall cite all documents used in its preparation including, where possible, *the page and section number* of any technical reports which were used as the basis for any statements in the EIR,” italics added].)

The MND remains inadequate by failing to clearly identify information contained in the technical reports referenced in the Final MND.

III. THE STONEMAN PARK SUBDIVISION IS A REASONABLY FORESEEABLE DEVELOPMENT.

HB-10

The County indicates that the Stoneman Park development is located in the City of Pittsburg and “at this point is speculative and not reasonably foreseeable.” (Responses to Comment 16-4, 16-25.) That Stoneman Park is located outside of the County’s jurisdiction does not relieve it of its obligation to analyze the Project’s impacts on the future residents. (*American Canyon Community United for Responsible Growth v. City of American Canyon* (2015) 145 Cal.App.4th 1062, 1082 citing *City of Marina v. Bd. of Trustees* (2006) 39 Cal.4th 341, 359-360 [“The Supreme Court recently confirmed that an agency must identify and attempt to mitigate the extraterritorial environmental effects of any project it intends to carry out or approve”]; Pub. Resources Code, § 21060.5 [CEQA defines “environment” as the “physical conditions which exist within the area which will be affected by a proposed project”].) Where development is foreseeable as it is here, CEQA requires it be taken into consideration.

The County’s position that the Stoneman Park is not reasonably foreseeable is unsupported by substantial evidence. Discovery Builders submitted an application for preliminary review for the Stoneman Park development on July 6, 2017, more than three years before the Notice of Public Review was issued for the Project. Moreover, the City of Pittsburg has desired to process land use entitlements allowing development of Stoneman Park since as early as 2008 when it entered into an Exclusive Negotiating Rights Agreement with Discovery Builders, giving the County nearly 13 years notice of a future residential development in the immediate vicinity of the Project site. Discovery Builders submitted an application to the City of Pittsburg for a General Plan Amendment, Rezone, and Tentative Map related to Stoneman Park in November 2020 followed by a second submittal earlier this month.

HB-10

The Final MND even references the vesting tentative tract map for Stoneman Park dated October 9, 2020. (Final MND, p. 36.) CEQA Guidelines sections 15144-15145 allow a lead agency to determine that an impact is too speculative for evaluation only after investigating whether reasonable analysis of the impact can be feasibly provided. Here, a reasonable analysis of the pipeline's impacts on future homes is certainly feasible. The County has already considered the impact on other nearby residential developments. Stoneman Park is no different.

The County's comment that the construction of the Project would likely be completed by the time that residents occupy the Stoneman Park subdivision is well taken. (See Response to Comment 16-21 and 16-22.) Nevertheless, given the infirmities in the MND and the need to revise and recirculate it for public comment, it is far from certain that operations for the Project would commence in 2022 as planned, making it increasingly likely that the Stoneman Park subdivision will be complete and occupied by residents by the time that Project is underway.

IV. THE MND CONTINUES TO FAIL TO ADEQUATELY ADDRESS POTENTIALLY SIGNIFICANT IMPACTS.

Despite the fact that the MND cites to several technical reports, there remain a number of information gaps in the MND, which must be corrected. (See *Joy Road Area Forest & Watershed Assn. v. California Dept. of Forestry & Fire Protection* (2006) 142 Cal. App. 4th 656, 677 [MND must include "substantial evidence" such that there is "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion"].) As discussed below, the following impacts should be addressed in a recirculated MND to ensure that all potential environmental impacts are assessed.

- **Location of Areas at Risk of Landslide, Liquefaction, Soil Expansion, and Erosion.** Our initial comments pointed out a number of information gaps preventing proper assessment of potentially significant impacts related to geology and soils. (See Hanson Bridgett Letter, Comments 16-4 through 16-10.)

HB-11

The Final MND and the County's responses to comments fail to identify these specific hazard areas on readily available and easily accessible maps or diagrams making it impossible to evaluate not only the magnitude of the impact, but the efficacy of proposed mitigation measures. The County merely refers to "comprehensive geotechnical reports" completed to assess geology-related hazards. (See Staff Response to Comments 16-6 through 16-10.) "[A] report 'buried in an appendix,' is not a substitute for [the] 'good faith reasoned analysis'" CEQA requires. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1293.) CEQA documents "must include detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed projects." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197; see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296,311 [An agency may not "hide behind its own failure to gather relevant data"].)

- **Potential Impact Radius.** The Final MND indicates that the potential impact radius ("PIR") has been reduced from 72 feet to 55 feet due to the reduction in the maximum

HB-12

allowable operating pressure of the RNG pipeline from ~680psi to ~400psi. (Final MND, p. 4.) However, as was noted in our initial comment letter and accompanying exhibit submitted by our pipeline expert, that analysis is inadequate because it fails to consider the potential for a delayed or non-instantaneous ignition.

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HB-12

The MND states that PIR “refers to the area that may be impacted due to catastrophic failure of the pipeline, such as a rupture or an explosion.” (MND, p. 165.) It goes on to state that “any incidents that might be possible would almost always be a leak rather than a rupture.” (MND, p. 168.) A reduction in PIR therefore is not substantial evidence that impacts due to pipeline leakage would be less than significant.

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HB-13

- **Access to Entire Pipeline Corridor.** In response to comment 16-18, the County confirms that the proposed pipeline and processing facility would not require construction of additional access roads. (Response to Comment 16-18.) While this clarification helps to assess potential aesthetic impacts, it does not properly address how the pipeline would be secured or how emergency personnel would be able to access certain portions of the pipeline in the event of catastrophic failure, leakage, or other emergency.

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HB-14

- **Aesthetic Impact of Warning Tape.** In response to comment 16-18, the County clarifies that the proposed pipeline and processing facility would not require construction of new fencing. (Response to Comment 16-18.) While this clarification helps to assess the aesthetic impacts the potential pipeline may have vis-à-vis the Stoneman Park subdivision, it fails to consider the full aesthetic impact of the pipeline. For example, response to comment 16-16 indicates that the pipeline will be buried underground and will be marked with warning tape to prevent accidental dig-in, the impact of which remains unanalyzed.

V. THE MND CONTINUES TO IMPROPERLY DEFER MITIGATION MEASURES.

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HB-15

A mitigation measure that simply requires an applicant to undertake a future study and comply with recommendations resulting therefrom is inadequate under CEQA. (*King & Gardiner Farms, LLC v. Cty. of Kern* (2020) 45 Cal. App. 5th 814, 856 [“an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report”].) Details of mitigation measures may be left to later design or engineering work if mitigation that can meet a specified performance standard is known to be available. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 25.)

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HB-16

Several of the mitigation measures continue to lack objective performance standards and do little to commit the applicant to undertaking them. For example, the County noted that “expansive soils are not anticipated to pose significant impacts to the future pipeline based on geotechnical studies completed along the pipeline route.” (Response to Comment 16-10.) However, the MND notes that the “Soil Survey of Contra Costa County indicates the soil series identified within the project areas are *highly expansive and highly corrosive*. Laboratory testing performed by Tetra Tech indicates the soils are *moderately to highly expansive*, and over the

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HB-16 long-term soils are considered to be corrosive.” (MND, p. 145.) To mitigate potential impacts, the County has adopted Mitigation Measure Geology 5, which requires preparation of additional reports and additional testing. It does not require implementation of any recommendations stemming from those reports or identify necessary measures that will be taken as a result of those tests. (See *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275; *Poet LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 738 [“the deferral of the formulation of mitigation measures requires the agency to *commit* itself to *specific performance criteria* for evaluating the efficacy of the measures implemented”]; CEQA Guidelines § 15126.4, subd. (a)(1)(B).)

Similarly, improperly deferred mitigation measures exist elsewhere in the MND. (See, e.g., Mitigation Measure Geology 4(a) [requires placement of pipe below scour depth “where feasible”]; Mitigation Measure Geology 2 [requiring future evaluation and preparation of a report regarding liquefaction potential of at-risk soils].)

VI. CONCLUSION

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HB-17 We appreciate the County’s responses to our comments despite the fact that they were received after the public review period has closed. As you are aware, in approving the Project, the County must consider it in light of “the whole of the record before it (including the initial study and any comments received).” (CEQA Guidelines, § 15074(b).) The close of the administrative record does not occur until the County approves the project. (See Pub. Resources Code, § 21167.6.)

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HB-18 Though noted in our initial letter, it bears repeating. Our client is pro-development and not fundamentally opposed to the proposed Project. Rather, the concern remains the adequacy of the analysis under CEQA. For the reasons articulated above, we respectfully request that the MND be recirculated to ensure that potential impacts are adequately assessed, and sufficient information is provided to the public to evaluate this assessment.

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We look forward to reviewing a revised and recirculated MND for the RNGPF and pipeline project. Please feel free to contact my office with any questions or concerns.

Very truly yours,



Christina L. Berglund
Senior Counsel

CLB:msf

cc: Louis Parsons (lparsons@discoverybuilders.com)
David Young (dyoung@discoverybuilders.com)



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

RECEIVED on 06/23/2021 LP18-2022
By Contra Costa County
Department of Conservation and Development

June 23, 2021

Contra Costa County Planning Commission
30 Muir Road
Martinez, CA 94553

Sent via email: planninghearing@dcd.cccounty.us

RE: Item 2a - Ameresco Keller Canyon RNG, LLC (Applicant) – Republic Services (Owner), County File CDLP18-02022

Chair Van Buskirk and Members of the County Planning Commission,

Thank you for the opportunity to comment on the Ameresco Keller Canyon Project. On December 16, 2020, the City of Pittsburg ("City") submitted a comment letter on the proposed mitigated negative declaration (MND), at which time the City stated concerns with the MND, including inconsistencies and omissions within the project description, as well as numerous instances of inadequate analyses.

CP-1

As part of the revised proposal, the applicant has moved the interconnect point (previously proposed to be next to the Delta De Anza Trail, homes/residents and the City Water Treatment Plant) to an area approximately 5,000 feet south, to a location within 125 feet of homes/residents ("Proposed Location" on the following page). While an improvement, the City believes that by adding an additional approximately 750 feet of pipe to locate the interconnect point further south ("Suggested Location" on the following page), the project would add a nearly 500-foot buffer between the new interconnect point and residential structures. If stability is the concern precluding this and causing safety concerns, the City would note that PG&E should be required to remove its existing line running through this same area immediately. PG&E also has five electric towers that sit parallel with this more southern interconnect point.

CP-2

As noted in the comment letter, and in light of the complexity and potential impacts of this project on surrounding homes and critical infrastructure needed to serve the residents of Pittsburg, the City believes that the current MND is inadequate and a full environmental impact report (EIR) should be prepared. The EIR process would help to ensure a proper analysis is conducted, provide additional and warranted opportunities for the public to review, ask questions, and provide comment on both the project (as revised) and the scope of the environmental analysis. Further, an EIR would examine alternatives which should be considered by the Planning Commission and Board of Supervisors prior to any decision to approve a project.

CP-3

Sincerely,

Garrett Evans
City Manager

CC: Federal Glover, Supervisor, Contra Costa County District 5
John Kopchik, Director, Department of Conservation & Development
Pittsburg City Council

CP-4



SECTION C

***PUBLIC COMMENTS
RECEIVED ON JUNE 25, 2021***

Subject	CDLP18-02022 - Ameresco Keller Canyon RNG LLC Final Mitigated Negative Declaration
From	Christina L. Berglund
To	Stanley Muraoka
Sent	Friday, June 25, 2021 10:43 AM
Attachments	<<FINAL AMERESCO Evaluation Risks to the Public Proposed Ameresco Gas Transmission Pipeline.pdf>> <<DEAVER CV 2020.pdf>>

Mr. Muraoka,

In response to comment 16-2, the June 23, 2021 staff report for the above referenced project indicates that information regarding locations of landslide risk provided in Tetra Tech reports is available upon request. Please provide the following documents listed in response to comment 16-2.

- Tetra Tech reports, Tetra Tech BAS, 2019
- Geotechnical Feasibility Report, Ameresco Gas Processing Plant, Keller Canyon Landfill, Pittsburg, California, Tetra Tech Job # BAS-136E
- Tetra Tech BAS, 2020
- Geotechnical Engineering Report, Renewable Natural Gas Transmission Pipeline, Ameresco Keller Canyon, Pittsburg, California, Tetra Tech Job #BAS 18-136E
- Tetra Tech BAS, 2019 and 2020. Geology and Soils
- Darwin Myers Associates, 2020. Geologic Peer Review/Geotechnical Reports & CEQA Assessment, LP18-2022/APN 094-360-019, etc. & 094-080-012, Bay Point Area, Contra Costa County, DMA Project # 3006.20

We further request the following supplemental technical assessments, which were prepared after the MND was circulated for public review are identified in the Final MND as available upon request.

- Tetra Tech, 2021. *Addendum No. 1 – Supplemental Geotechnical Assessment, Proposed RNG Pipeline Realignment, Project No. BAS 18-136E*
- Swaim Biological, Inc., 2021. *Ameresco Keller Canyon RNG Pipeline Alternative Evaluation*
- FirstCarbon Solutions, 2021. *Ameresco Keller Canyon – RNG Pipeline (email)*

We can submit a formal Public Records Act request, if necessary.

Finally, while our comment letter dated February 2, 2021 was included in the staff report, we note that the report prepared by pipeline expert, Don Deaver, and attached to our comment letter has been omitted. As attached, we are resubmitting Mr. Deaver's evaluation along with his CV to ensure their inclusion in the record.

Very truly yours,

Christina

HB-1A

HB-2A

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Evaluation of Risks to the Public

Proposed Ameresco Gas Transmission Pipeline

Introduction

Purpose of this report is to evaluate the information related to public safety risks due to construction, operation, and maintenance of the proposed gas transmission line from Ameresco's new renewable natural gas processing facility to PG&E's nearby gas transmission system. The contents of this report will cover:

1. Overview of Federal Title 49 CFR Part 192 Regulations and on gas transmission pipelines.
2. Overview of EPA Title 40 CFR Part 68 regulations.
3. Emergency Planning and Community Right-to-Know Act.
4. Summary of information and opinions in the Contra Costa County study of potential impacts study of the proposed Ameresco gas transmission pipeline.
5. Analysis of information and opinions in the Contra Costa County environmental impacts report.
6. Studies on the Effects of Operating Pressure and Pressure Induced Stress on Pipeline Failures.

Overview of Title 49 CFR Part 192

Title 49 CFR Part 192 is titled *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*. This regulation covers over 300 pipeline safety activities to be done, but not how to properly perform these activities. This was an arrangement reached by the U.S. Department of Transportation (DOT) and the gas pipeline industry whereby the industry would provide how-to-do-it standards and recommended practices and the U.S. DOT would specify limit regulations to activities to be performed.

States are required as a minimum to enforce Title 49 CFR Part 192 and are allowed to develop and implement additional regulations that are consistent with the Federal pipeline regulations. Currently, requirements in Title 49 CFR Part 192 that apply to the Ameresco gas transmission pipeline include:

1. Conduct class location surveys. (192.5)
2. Incorporate industry standards and related published documents. (192.7)
3. Materials and components must be (192.53):
 - a. Able to maintain the structural integrity of the pipeline under temperature, seismic, and environmental conditions and
 - b. Chemically compatible with any gas that is transported.
4. Pipe must be designed with sufficient wall thickness or must be installed with adequate protection to withstand anticipated external loads that will be imposed on the pipe after installation. (192.103)
5. The design factor for calculating the maximum internal design pressure for Class 4 locations is 0.4 times the specified minimum yield strength of the pipe. (192.111)
6. Each piping component of a pipeline must be able to withstand external loadings without impairment of its serviceability at stresses allowed for pipe of comparable material in the same location. (192.143)
7. Except for station piping, each new transmission line must be designed and constructed to accommodate passage of internal inspection devices.

(192.150)

8. Where entrained vapors in gas may liquefy, the compressor must be protected against liquids that could cause damage and have a means to remove the liquids. (192.165)
9. Each compressor station must have pressure relief or other suitable protective devices to ensure the maximum allowable operating pressure is not exceeded by more than 10%. (192.169)
10. Each compressor station must have adequate fire protection facilities. (192.171)
11. Each point on the pipeline must be within 2.5 miles of a block valve. (192.179)
12. Welding must be performed by a qualified welder in accordance with a qualified welding procedure. (192.225)
13. Welding must be visually inspected by a properly qualified inspector. (192.241)
14. Nondestructive testing of welds must be performed by a process that clearly indicates the presence of defects that may affect the integrity of the weld. (192.243)
15. Each transmission line must be constructed in accordance with comprehensive written specifications that are consistent with Title 49 CFR Part 192.
16. Construction of each transmission line must be inspected to ensure compliance with Title 49 CFR Part 192. (192.305)
17. Each length of pipe and each component must be visually inspected to ensure it has not sustained any damage. (192.307)
18. All practical steps shall be taken to protect each transmission line from movement or to sustain abnormal loads from (192.317):

- a. Washouts,
 - b. Floods,
 - c. Unstable soil,
 - d. Landslides, or
 - e. Other hazards.
19. Corrosion control procedures on the design, installation, operation, and maintenance of cathodic protection systems must be carried out or under the direction of a person qualified in pipeline corrosion control methods. (192.453)
20. Each buried pipeline must have (192.455):
- a. An external protective coating that meets the requirements in 192.461 and
 - b. A cathodic protective system designed to protect the pipeline.
21. Each pipeline under cathodic protection must be tested at least annually to determine whether it meets requirements. (192.465)
22. Each buried pipeline must be electrically isolated from other underground structures. (192.467)
23. Each pipeline that may be subjected to stray electrical currents shall have a continuing program to minimize the detrimental effects of such currents. (192.473)
24. Corrosive gas may not be transported by pipeline, unless the corrosive effects of the gas have been investigated. (192.475)
25. Each new transmission line must be designed to prevent internal corrosion including (192.476):
- a. Be configured to reduce the risks that liquids will collect in the line,

- b. Have effective liquid removal features where the line's configuration allows liquids to collect in the line, and
 - c. Use corrosion monitoring at locations with significant potential for internal corrosion.
26. If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of internal corrosion measures. (192.477)
27. In-line inspection must comply with API Std. 1163, ANSI/ASNT ILI-PQ, and NACE SP 0102. (192.493)
28. Each pipeline shall be hydrostatically tested to substantiate (192.503):
- a. Its maximum allowable operating pressure and
 - b. Ensure all potentially hazardous leaks are located and eliminated.
29. Each pipeline operator shall prepare and follow for each pipeline a manual of written procedures for conducting operating and maintenance activities and for emergency response. (192.605)
30. Each pipeline operator shall promptly respond to a report of a gas odor inside or near a building. (192.605)
31. Each pipeline operator shall implement applicable control room procedures. (192.605)
32. Each transmission line operator must have procedures to identify, investigate, and respond to each abnormal condition where design limits have been exceeded including increase or decrease in pressures or flow rate outside normal limits. (192.605)
33. Each operator shall have a procedure for and conduct continuing surveillance activities on each transmission line to determine and take corrective actions on adverse operating and maintenance conditions. (192.613)

34. Each pipeline operator shall determine if each pipeline segment is in satisfactory and unsatisfactory condition. (192.613)
35. If a pipeline segment is in unsatisfactory condition and the unsatisfactory condition creates an immediate hazard, the pipeline segment cannot be operated. (192.613)
36. If a pipeline segment is in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the pipeline segment. (192.613)
37. Each pipeline operator shall develop and implement a damage prevention program that at least includes requirements to (192.614):
 - a. Develop procedures for safe excavation activities to be followed by their excavators and third-party excavators,
 - b. Notify the public in the vicinity of the pipeline and excavators who work in the area of the pipeline location of the program's existence,
 - c. Provide a continuous means of receiving one-call and other notifications of excavation and construction work in the vicinity of each pipeline segment,
 - d. Provide for temporary marking of each pipeline where excavation activity may be performed, and
 - e. Provide for onsite inspection of excavation activities where there may be reason for damage to the pipeline.
38. Each pipeline shall have full time emergency response plans to (192.615):
 - a. Receive notices of events that require an immediate response by the pipeline operator;
 - b. Provide prompt and effective response to each notice of an emergency including:
 - (1) Gas detected inside or near a building and

- (2) Explosion and/or fire located near or involving a pipeline facility;
 - c. Provide emergency shutdown and pressure reduction in the affected parts of the pipeline system; and
 - d. Making safe any actual or potential hazard to life or property.
39. Each pipeline operator shall have a public awareness program to educate the public, government organizations, municipalities, school districts, businesses, and person engaged in excavation activities on (192.616):
- a. Hazards associated with unintended releases from a gas pipeline facility,
 - b. Steps to be taken for public safety, and
 - c. Procedures for reporting such an event.
40. Each operator shall have procedures for conducting failure investigations of failures and shall investigate each failure to determine (192.617):
- a. Causes of each failure and
 - b. Identify actions to prevent a recurrence.
41. Each operator shall have procedures to determine the design pressure of the weakest element in each pipeline segment. (192.619)
42. Each pipeline operator shall ensure pipelines in Class 3 or 4 areas contain gas that is readily detectable concentration in air of one-fifth of the lower explosive limit by a person with a normal sense of smell. An operator must conduct periodic sampling of the gas with an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable. (192.165)
43. Each operator must have written control room management procedures if the transmission line has a compressor station and a SCADA system. The control room procedures shall at least include (192.631):
- a. Definition of the roles and responsibilities of a controller during:

- (1) Normal operations,
 - (2) Abnormal operations, and
 - (3) Emergency operating conditions;
- b. A method of controlling shift changes (requires 24 hours operation);
 - c. Conduct point to point verification between SCADA displays and field instrumentation;
 - d. Controller fatigue mitigation;
 - e. Written alarm management program for SCADA systems;
 - f. Management of change process for control room operations; and
 - g. Provide training for controllers.
44. Each segment of pipeline that is determined to be unsafe must be replaced, repaired, or removed from service. (See 912.613) (192.703)
45. Hazardous leaks must be repaired promptly. (192.703)
46. Each operator shall have a patrol program to observe surface condition on and adjacent to the transmission lines right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation. Frequency of patrols is determined by factors affecting safety, operation, and maintenance. (192.705)
47. Leakage surveys of a transmission line shall be conducted at least (192.706):
- a. Twice a year for Class 3 locations or
 - b. Four times a year for Class 4 locations.
48. Line markers must be placed and maintained as close as practical over each buried transmission line where necessary to identify the locations of the

transmission line. (192.707)

49. Operators of onshore steel transmission lines must have pipeline failure prediction procedures and shall analyze anomalies or defects to determine at least (192.712):
 - a. The predicted failure pressure at the location of each anomaly or defect;
 - b. Remaining life of the pipeline segment at the location of the anomaly or defect;
 - c. Initial and final remaining flaw sizes must be determined using an appropriate fracture mechanics model;
 - d. Each unrepaired anomaly and defect shall be re-evaluated before 50% of the remaining life has expired; and
 - e. In performing the analysis on anomalies and defects, an operator must account for all uncertainties in the in-line inspection unless the anomaly and defect dimensions have been verified using in situ direct examination and measurements.

50. An operator must keep records for the life of the pipeline of all investigations, analyses, and other actions taken for compliance with section 192.712. Records shall include:
 - a. Each technical approach used for each anomaly or defect;
 - b. All data used and analyzed for each anomaly or defect;
 - c. Pipe and weld properties;
 - d. Procedures used for the analysis;
 - e. Evaluation methodology used;
 - f. Engineering models used;
 - g. Direct in situ examination and measurement data;

- h. Each in-line inspection tool run information evaluated including multi tool run evaluations;
 - i. Pressure testing data and results;
 - j. In-the-ditch assessments;
 - k. All measurement tool, assessment, and evaluation accuracy specifications and tolerances used in technical and operation results;
 - l. All finite element analysis results;
 - m. The numbers of pressure cycles to failure of each anomaly and defect;
 - n. The number of annual pressure cycles and the pressure counting method and data;
 - o. Fracture mechanics evaluation methods;
 - p. Safety factors used for fatigue life and predicted failure pressure calculations;
 - q. Reassessment time intervals for each anomaly and defect;
 - r. Date of each assessment;
 - s. Confirmations of the procedures and results by subject matter experts; and
 - t. Approvals by operations management personnel.
51. Except for rupture discs, each pressure relieving device in a compressor station must be inspected and tested and must be operated periodically to determine that it opens at the correct set pressure. (192.731)
52. Each compressor station building must have a fixed gas detection and alarm system. (192.736)
53. Each launcher and receiver must be equipped with a device capable of safely relieving pressure in the barrel before removal or opening of the

launcher or receiver. (192.750)

54. Each operator shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion. (192.751)

55. Minimum requirements for each pipeline owner/operator for qualification of individuals performing tasks on a pipeline facility that are required by Title 49 CFR 192 and affects the operation and integrity of a pipeline include (192 Subpart N):
 - a. Development and implementation of a written qualification program.
 - b. Development of a list of all tasks to be performed on a pipeline.
 - c. Preparation of instructions on how to perform each task.
 - d. Development of minimum training requirements for each task.
 - e. Development of qualification testing and required proof of adequate knowledge, skills, and ability to perform each task in addition to on-the-job observation.
 - f. Development of instructions for supervisors to monitor the compliance performance of each qualified person to perform each task in accordance with instructions and procedures.
 - g. A process whereby unqualified persons are allowed to perform a covered task in accordance with instructions and procedures if trained, directed, and observed by a person qualified to perform the covered task.
 - h. Minimum record keeping requirements.
 - i. Periodic retraining requirements on each task for individuals qualified to perform the task.

56. Each operator shall develop and implement a written integrity management program that at least includes the following elements for a high consequence area including the area around the Ameresco 4-inch pipeline (192 Subpart O):

- a. Compliance with ASME B31.8S, *Managing System Integrity of Gas Pipelines*.
- b. An identification of all potential high consequence areas.
- c. A baseline integrity assessment plan that at least includes:
 - (1) Identification of all potential threats to each covered pipeline segment and information supporting threat identifications.
 - (2) The threats to each pipeline segment shall at least include:
 - (a) Third-party damage;
 - (b) Mechanical damage;
 - (c) Inadequate and incorrect operating pressures;
 - (d) Human error;
 - (e) Seismicity, geology, and soil stability;
 - (f) Internal corrosion;
 - (g) External corrosion;
 - (h) Stress corrosion cracking;
 - (i) Manufacturing defects;
 - (j) Construction defects; and
 - (k) Cyclic fatigue.
 - (3) Methods selected to assess the integrity of the line pipe including an explanation on why each integrity assessment method is chosen.
 - (4) To identify and evaluate each potential threat to a covered pipeline segment, the operator must gather and integrate data and information

on all covered and non-covered pipeline segments operated by the pipeline owner/operator.

- (5) An operator must conduct a risk assessment that considers the likelihood of failure and consequences of failure on the identified potential threats for each covered pipeline segment.
- (6) The operator must use the risk assessment to:
 - (a) Prioritize baseline and continued integrity reassessments of each covered pipeline segment.
 - (b) Determine additional preventative and mitigative measures needed for each covered pipeline segment.
- (7) The integrity assessment used on each covered pipeline segment must be based on each identified threat.
- (8) The analysis of anomalies detected by in-line inspection surveys shall be performed in accordance with section 192.712, Analysis of predicted failure pressure and section 192.937(c)(1).

57. Additional preventative and mitigative measures to address identified threats are to at least include (192.935):

- a. For the threat of third-party damage, enhance the damage prevention program.
- b. For the threat of outside force damage:
 - (1) Increase frequency of patrols,
 - (2) Add external protection to piping,
 - (3) Reduce stress from external loads,
 - (4) Relocate the line, and

- (5) Run in-line inspections with geospatial and deformation detection tools.
 - c. For the threat of a gas release, install automatic or remote control block valves.
58. Develop and implement a continuing process of evaluation and integrity assessments to maintain a pipeline's integrity. (192.937)

Overview of U.S. EPA Title 40 CFR Part 68 Regulations

In 1999, the U.S. Environmental Protection Agency (EPA) issued Title 40 CFR Part 68 on accident prevention programs for facilities that “handle, manufacture, store, or use toxic substances and highly flammable substances”. These regulations provide technical guidance on how to determine if a facility is subject to these regulations and how to comply with Title 40 CFR Part 68.

The goal of Title 40 CFR Part 68 and the risk management program it prescribes is to prevent accidental releases of substances that can cause serious harm to the public and the environment from short-term exposures from releases that occur from facilities handling toxic and highly flammable materials.

Title 40 CFR Part 68 was required by the Clean Air Act “to issue a rule specifying the types of actions to be taken by facilities to prevent accidental releases of hazardous chemicals into the atmosphere and reduce their potential impact on the public and the environment”.

U.S. EPA Title 40 CFR Part 68 requires development of a risk management plan that at least includes:

1. A worse case hazardous material analysis including:
 - a. Release flow rates,
 - b. Evaporation rates for liquid releases, and
 - c. Release duration times.

2. Analyze onsite and offsite consequences based on distance to public receptors:
 - a. Toxic exposures,
 - b. Explosions, and/or
 - c. Fires.
3. Analyze potential offsite consequence analysis of:
 - a. Toxic exposures if a toxic substance release,
 - b. Explosives if a flammable substance release,
 - c. Ignition of a flammable substance, and/or
 - d. Fire from a flammable substance release.
4. Determine the locations of offsite population impacts based on:
 - a. Hazardous distances from release to endpoint of hazardous conditions and
 - b. Distances from the release point of each offsite population receptor.
 - c. Public receptors include any residual population, schools, hospitals, prisons, parks, and major office, commercial and industrial areas.

After the hazardous endpoint distances are determined from the facility, a determination must be made whether the risk management plan (RMP) is required to be a level 1, level 2, or level 3 RMP. Level 1 is the least comprehensive RMP and level 3 is the most comprehensive RMP. The criteria for each RMP level include:

1. RMP level 1 criteria:
 - a. No serious accidental releases within past five (5) years and

- b. Distance to a toxic, flammable, or explosive endpoint of a worse-case release is less than the distance to any public receptor.
2. RMP level 2 criteria:
 - a. Experienced at least one serious accidental release within past five (5) years and
 - b. At least one serious public receptor exists within a toxic, flammable, or explosive endpoint.
 3. RMP level 3 criteria:
 - a. Meets level 2 criteria and
 - b. Process is an OSHA 29 CFR 1910.119 process safety management facility.
 - c. Is a chemical manufacturing, paper manufacturing, petroleum manufacturing, or coal products manufacturing facility.

The U.S. EPA provides and requires compliance with significantly more comprehensive documents than the U.S. Department of Transportation. For compliance with Title 40 CFR Part 68, the U.S. EPA provides:

1. EPA 555-B-04-001, *General Guidance on Risk Management Programs for Chemical Accident Prevention*;
2. EPA 550-B-00-001, *Risk Management Program Guidance for Propane Storage Facilities*; and
3. EPA 550-B-99-009, *Risk Management Program Guidance for Offsite Consequence Analysis*.

The U.S. DOT also provides TTO Number 14 for gas pipeline integrity management programs titled *Derivation of Potential Impact Radius Formula for Vapor Cloud Dispersion*. U.S. DOT Title 49 CFR Part 192 applies to gas that is “natural gas, flammable gas, or gas which is toxic or corrosive”.

Specific Requirements for Risk Management Programs (RMP) Under Title 40
CFR Part 68

Each written RMP for each covered facility from level 1 through level 3 shall at least include:

1. An executive summary that includes a brief description of each of the following:
 - a. Accidental release prevention and emergency response policies;
 - b. Each stationary source and regulated substances handled;
 - c. Worse-case release scenario(s) and any alternate release scenarios;
 - d. In general, the accidental release prevention program for each specific chemical;
 - e. Five-year accident history;
 - f. Emergency response programs; and
 - g. Planned areas of safety improvement.
2. Copy of the operator's single registration form (see 68.160).
3. Data on offsite consequence analysis for each covered chemical.
4. Written emergency response program including:
 - a. Specific actions to be taken in response to accidental releases of regulated substances,
 - b. Procedures for informing the public on accidental releases,
 - c. Procedures for informing local agencies responsible for responding to accidental releases, and
 - d. Information on emergency health care.

Additional requirements for a level 2 RMP at least include the following:

1. Five or six digit NAICS code for each process.
2. Names of all chemicals handled.
3. Date of most recent revision of safety related information.
4. List of Federal and state regulations and industry-specific codes and standards used to demonstrate compliance with safety requirements.
5. Major hazards identified.
6. Process controls in use.
7. Mitigation systems in use.
8. Monitoring and detection systems in use.
9. Latest hazard review or update including:
 - a. Identify all hazards associated with the process;
 - b. Identify all hazards associated with the regulated substances;
 - c. Potential for equipment malfunction that could cause an accidental release;
 - d. Potential for human error that could cause an accidental release;
 - e. Safeguards needed to control the hazards, prevent equipment malfunction, or human error;
 - f. Safeguards used to control the hazards, prevent equipment malfunction, or human error;
 - g. Steps needed to detect or monitor releases;
 - h. Steps taken to detect or monitor releases; and

- i. Update the above review process at least every five (5) years and whenever any major changes are made in the process.
10. Changes in processes and facility since last hazard review or update.
11. Operating procedures to at least cover:
 - a. Initial startup of any facility,
 - b. Normal operations,
 - c. Temporary operations,
 - d. Emergency shutdown and operation,
 - e. Normal shutdown,
 - f. Startup following a normal or emergency shutdown, and/or
 - g. Startup following each major change in operations and/or facility that requires a hazard review.
12. Extensive training of operating and maintenance personnel to at least include:
 - a. Each person involved with operating a process shall be trained and tested for competency on operating procedures that pertain to their duties.
 - b. Each person involved in maintaining the on-going integrity of the process shall be trained.
 - c. Personnel must be trained on any updated or new procedures prior to startup after a major process change.
13. Each owner or operator shall ensure that inspections and tests are performed on process equipment following recognized and generally accepted “good engineering practices”.
14. Each owner or operator shall investigate each incident which resulted in or could have (near miss) resulted in a catastrophic release.

Additional requirements for a level 3 RMP at least include:

1. Comprehensive process hazard analysis using a team having expertise in engineering and process operations.
2. Mechanical integrity program for:
 - a. Pressure vessels,
 - b. Storage tanks,
 - c. Piping systems,
 - d. Pressure relief systems,
 - e. Emergency shutdown systems,
 - f. Operating controls and monitoring devices,
 - g. Mechanical integrity written procedures, and
 - h. Mechanical integrity records.
3. Management of change process.

Emergency Planning and Community Right-to-Know Act

EPA Title 40 CFR Part 370 is titled *Hazardous Chemical Reporting: Community Right-to-Know*. Purpose of this rule is to provide the public with important information on the hazardous chemicals in their communities.

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) required Local Emergency Planning Committees (LEPC) to:

1. Develop emergency response plans,
2. Review the plans at least annually, and

3. Provide information about chemicals in the community to citizens.

Emergency response plans are to be developed by the LEPCs with stakeholder participation. LEPC membership must at least include:

1. Elected state and local officials;
2. Police, fire, civil defense, and public health officials;
3. Environmental, transportation, and hospital officials;
4. Facility owners; and
5. Representatives from community groups and the media.

To find your LEPC where you live, contact your State Emergency Response Commission (SERC). Requirements for each community emergency response plan at least include:

1. Identification of each facility handling extremely hazardous substances,
2. Identification of transportation routes of extremely hazardous substances,
3. Designation of a community coordinator for each plan,
4. Designation of a facility emergency coordinator(s) to implement each plan,
5. Outline of emergency notification procedures,
6. Description on how to determine the affected area and population due to releases,
7. Description of local emergency equipment and facilities and names of persons responsible for local emergency equipment,
8. Outline of evacuation plans,
9. Training program for emergency responders, and
10. Methods and schedules for exercises of each emergency response plan.

Minimum reporting requirements include:

1. Report each hazardous chemical at your facility that meets or exceeds the applicable threshold levels by submitting:
 - a. A MSDS (or SDS) for each hazardous chemical or
 - b. List of all hazardous chemicals grouped by the specific health and physical hazards (see Section 370.66).
2. Within 30 days of a request by the LEPC, submit an MSDS (or SDS) for each hazardous chemical at your facility.
3. The following Tier I inventory information must be reported for the previous year.
 - a. Certification that information is true, accurate, and complete.
 - b. Calendar year for reporting period.
 - c. Complete name and location of the facility.
 - d. Whether facility is manned or unmanned.
 - e. Estimate of maximum number of occupants present at any one time. If location is unmanned, indicate “not applicable”.
 - f. Phone number of the facility (optional).
 - g. North American Industry Classification System (NAICS) code for the facility.
 - h. Dun & Bradstreet number of your facility.
 - i. Facility identification numbers assigned under the toxic release inventory (TRI) and Risk Management Program, if applicable.

- j. Indication whether the facility is subject to emergency planning notification requirements under EPCRA, Section 302 under 40 CFR Part 355.
- k. Indication whether the facility is subject to the chemical accident prevention requirements under Section 112(r) of the Clean Air Act, 40 CFR Part 68 also known as the Risk Management Program.
- l. Name, mailing address, phone number, and e-mail address of the owner or operator of the facility.
- m. Name, title, phone number, 24-hour phone number, and e-mail address of the facility emergency coordinator, if applicable.
- n. Name, title, phone number, and e-mail of person to contact for the information in the Tier I response.
- o. Name, title, phone number, and e-mail of at least one local individual that local responders can contact if responding to a chemical accident at this facility.
- p. An estimate of the maximum amount of hazardous chemicals in each category present at the facility during the previous year.
- q. Maximum number of days that any single hazardous chemical within each hazard category was present at the facility during the prior year.
- r. General location of hazardous chemicals in each hazard category within the facility. One or more of the following may be attached:
 - (1) Site plan on buildings, lots, and areas throughout the facility;
 - (2) List of site coordinate abbreviations;
 - (3) Descriptions of dikes and other safeguard measures for storage locations throughout the facility; and
 - (4) Any other attachments.

4. If required by state and local officials, the following additional information shall be provided:
 - a. Chemical name of pure chemicals (non-mixtures).
 - b. Indication whether the chemical is a solid, liquid, or gas and whether the chemical is an EHS.
 - c. For mixtures, provide:
 - (1) Mixture name;
 - (2) Product name or trade name, as provided on MSDS or SDS;
 - (3) Name of EHS in the mixture;
 - (4) Indicate hazard categories of the mixture;
 - (5) Estimate of maximum amount of the mixture at the facility during any day during the prior year;
 - (6) Maximum number of days the hazardous chemical or mixture was present at the facility during the previous year; and
 - (7) Type of storage facilities that the hazardous chemical or mixture.
5. The required inventory information must be submitted before March 1 to the SERC, LEPC, and fire department with jurisdiction over the facility.

Community access to information includes:

1. Any person may obtain an MSDS (or SDS) for a specific facility by writing to the LEPC. The LEPC must provide the MSDS (or SDS).
2. Any person may request Tier II information for a specific facility by writing to the SERC or the LEPC. The SERC or LEPC must provide the Tier II information.

Local fire department inspection requirements include:

1. Allow the fire department with jurisdiction over the facility to conduct an on-site inspection of the facility and
2. Provide the fire department with information about the specific locations of hazardous chemicals at your facility.

Summary of Information and Opinions in the Contra Costa County Study on Potential Impacts of the Proposed Ameresco Gas Transmission Pipeline

Information and opinions in the Contra Costa County study on potential impacts of the proposed Ameresco gas transmission pipeline include the following assertions by the County and Ameresco, though in many cases these assertions are conclusory and are unsupported by facts.

1. Project description
 - a. The processing facility that delivers gas to the proposed pipeline will operate 24 hours a day/7 days a week. Therefore, the pipeline will also operate 24 hours a day/7 days a week.
 - b. The processing plant (and pipeline) will be manned by two operators for 40 hours per week. Therefore, the processing facility and pipeline will be staffed for operation about 24% of the time ($40 \div 24 \times 7$).
 - c. The design of the pipeline will meet or exceed all regulatory requirements and/or industry standards.
 - d. The pipeline will go under the Contra Costa Canal.
 - e. The pipeline will terminate in a metering station owned and operated by Ameresco.
 - f. The Ameresco metering station will connect to an existing PG&E STANPAC 3 gas transmission pipeline located in a PG&E utility corridor with electric transmission towers with high-voltage electric lines.
 - g. The pipeline length is 3.4 miles and 0.8 miles will be located in PG&E's corridor.

- h. The pipeline will consist of 4-inch diameter, 0.237-inch wall, Grade B steel pipe that is wrapped.
 - i. The pipeline is designed for a maximum operating pressure of 680 psig.
 - j. The pipeline will be buried with a minimum of 48 inches of cover.
 - k. The applicant, Ameresco, has “extensive experience with safely operating pipelines that carry RNG (reclaimed natural gas) in many locations across the country”.
 - l. The pipeline will be designed to the “highest available design standards for protection of public health and safety and the natural environment”.
 - m. The pipeline will be designed to the most stringent requirements for a Class 4 location, buried deeper than required, receive extensive testing, and inspection of 100% of the welds.
2. Properties of reclaimed natural gas
- a. Natural gas will not burn unless the mixture with air is within a range of roughly 5 to 15 percent of natural gas.
 - b. The combustible mixture has a very high ignition (auto ignition) temperature of about 1150°F.
 - c. Natural gas is lighter than air, so it can dissipate into the air rapidly, making accidental combustion difficult.
 - d. A chemical odorant called mercaptan is added to make leaks easy to smell. The mercaptan has a “rotten egg” smell that is a warning of a gas leak.
3. Pipeline regulations and design features
- a. Pipeline will be designed and operated in accordance with federal and state regulations.

- b. The pipeline will be designed in compliance with American Society of Mechanical Engineers (ASME) B31.8.
- c. Industry codes and standards for the pipeline include those of OSHA, ASME, and American Society for Testing and Materials (ASTM).
- d. Pipelines will be designed to meet or exceed Class 4 requirements and operate under 20% of the pipe's specified minimum yield strength.
- e. Pressure relief systems will be included at unspecified locations to ensure the pipeline does not overpressure.
- f. Ameresco will work with PG&E engineers to meet requirements to tie-in to PG&E system.

4. PG&E utility corridor

- a. The PG&E gas transmission runs along the eastern edge of the corridor within about 50 to 100 feet of homes along the eastern edge of the corridor.
- b. The corridor also contains water lines and high voltage transmission lines.
- c. The distances of the Ameresco transmission line from PG&E's 20-inch line, the water lines, and high voltage towers is not specified, but are very important to avoid third party excavation damage to the new 4-inch pipeline.

5. Operation and maintenance

- a. Potential unforeseen contingency events could include:
 - (1) Processing facility failure,
 - (2) Pipeline rupture,
 - (3) Power failure or outage, and

- (4) Earthquakes.
- b. Contingency measures for the pipeline include:
 - (1) Pipeline flow rate and pressure will be monitored at unspecified locations and any change outside normal operating parameters will cause the pipeline and processing facility to be shut down.
 - (2) In case of a large earthquake, the processing facility will be shut down and the pipeline valves at unspecified locations will be closed.
- 6. Project life
 - a. Will be at least 20 years and
 - b. The agreement may extend the time after 20 years.
- 7. Other public agencies whose approval is required include:
 - a. Bay Area Air Quality District,
 - b. California Department of Fish and Wildlife,
 - c. California Public Utilities Commission,
 - d. City of Pittsburg,
 - e. Contra Costa Water District,
 - f. East Contra Costa County Habitat Conservancy,
 - g. Regional Water Quality Control Board San Francisco Bay Region,
 - h. U.S. Army Corps of Engineers,
 - i. U.S. Bureau of Reclamation, and
 - j. U.S. Fish and Wildlife Service.
- 8. Sensitive receptors of emission and releases to the atmosphere

- a. Only potential receptors from emission from the processing plan are included.
- b. No potential receptor releases from the pipelines are included.

9. Landslides and soil instability potential impacts

- a. Three landslide areas extended into the pipeline's route.
- b. There is a potential for substantial soil erosion which could result in a potentially significant impact at two locations along the pipeline route.
- c. There is a potential for landslides and soil creep along the pipeline route which could result in potentially significant impacts.
- d. The expansive and corrosive soils could result in potentially significant impacts on the proposed pipeline.

10. Effect of pipeline pressure on safety of the nearby community

- a. The pipeline will be designed to meet the most stringent, Class 4 location even though the pipeline location (Class 3) allows higher pipe stresses.
- b. By designing the pipeline to meet Class 4 requirements with a lower pipe stress, the pipeline provides the "greatest level of safety for the nearby community".
- c. Pressure and flow rate shall be monitored and any change outside normal operating parameters will shut off the pipeline. (The effects of change in the pressure of PG&E's pipeline are not addressed.)

11. Gas leakage detection

- a. Hazardous gas detectors shall be strategically located in the processing facility area to detect gas leaks from the facility.
- b. Odorant will be added to the gas in the pipeline for minimum detection of leaks by the public.

12. Pipeline hazard analysis

- a. The potential impact radius was based on the minimum requirements in Title 49 CFR 192 was calculated at 72 feet for 4-inch pipe and a pressure of 685 psig.
- b. The minimum potential impact radius for the interconnecting 20-inch pipeline at a pressure of 685 psig is 361 feet was not included.
- c. The inadequate basis for the PIR of 72 feet for public safety of 5,000 BTU/ft.²-hr. was not addressed.
- d. The potential for a delayed or non-instantaneous ignition was not addressed.
- e. The report indicated that the first 2.6 miles of the pipeline would be located in a Class 1 location for low population areas. However, the report did not address future development that will increase the class location of much of the 2.6 miles to a Class 3 location.
- f. Figure 9-4 in the report shows that the 72 feet impact radius included homes on the east side of the 4-inch pipeline within the PG&E corridor.
- g. The deeper the pipe is buried in combination with low SMYS results in a higher probability of leakage versus a rupture.
- h. Pipelines operating at a sufficiently low stress are less likely to fail in a rupture mode and are more likely to fail in the leak mode.

Analysis of Information and Opinions in The Contra Costa County Environment Impacts Report

My analysis of information and opinions in the Contra Costa County Study on Potential Impacts of the proposed Ameresco gas transmission pipeline include:

1. The information on the pipeline constituted only one (1) or two (2) percent of the entire environment report.

2. The analyses of the pipeline's impacts are based on documents prepared by Ameresco and that are inadequate.
3. Ameresco's planned manpower only includes plant personnel about 24 percent of the time. No pipeline personnel are to be provided at the facility.
4. Pipeline personnel have to be available for emergency response 24 hours a day and 7 days a week.
5. Compliance with Title 49 CFR 192 requires instructions, training, and qualification of pipeline personnel to perform over 100 specific tasks.
6. Title 49 CFR 192 requires supervisors to oversee the compliance with pipeline personnel qualification requirements.
7. Ameresco is required to have a written program with processes and procedures to qualify both Ameresco employees and contractors.
8. Individuals who are not qualified by the Ameresco qualification program are allowed to perform a specific task if under the direction, observation, and control of a person qualified by Ameresco to perform each specific task.
9. The PG&E corridor's high voltage electric transmission line may induce stray currents into the 4-inch gas pipeline.
10. Because the 4-inch gas pipeline is connected to a PG&E pipeline, the 4-inch pipeline's pressure will be a function of pressure in PG&E's pipeline.
11. Pressure fluctuations in PG&E's interconnected pipeline were not addressed.
12. Details on Ameresco's "extensive experience with safely operating pipelines" were not included in the report.
13. Ameresco should be required to identify and provide information on the "highest available design standards for protection of public health and safety" that will be followed on the project.

14. Little information is provided on the operation, maintenance, emergency response, and integrity management of the proposed Ameresco 4-inch pipeline.
15. On October 1, 2019, the U.S. Department of Transportation issued significant numbers of new regulations that Ameresco will unlikely have compliance experience, because they require several highly trained and qualified engineering subject experts to cover the new requirements.
16. Ameresco mischaracterized the hazardous properties of natural gas. Comments include:
 - a. When released into the atmosphere, large amounts of ignitable mixtures of natural gas in air will exist.
 - b. The 1150°F temperature is the auto ignition temperature of natural gas and has little to do with the temperature in which natural gas will ignite in air.
 - c. The dispersion of natural gas in air is not based on Ameresco's concept that natural gas behaves like a helium filled balloon. The dispersion of a substance in air is based on the sizes of the particles, gas, and vapors. The movement of gas in air is primarily based on air movement.
 - d. Odorants used in gas pipelines are well known to be ineffective because:
 - (1) They are not ethyl mercaptan,
 - (2) Adsorption to soil and other solids as they travel underground from the leak site,
 - (3) Oxidation into sulfur components that have little odor, and
 - (4) The inability of many people to have limited or no sense of smell.
 - e. Detection of natural gas by the public should be based on gas detection instrumentation with alarms as required in Title 49 CFR 192.736 for compressor stations.

- f. The ignition energy for natural gas can be as low as 0.3 milli joules.
17. Federal and state regulations for pipeline safety are titled as “minimum standards” and contain requirements on certain activities to be performed, but not how to perform the activities.
 - a. Ameresco should be required to provide the written processes and procedures for design, construction, pressure testing, operation, maintenance, emergency response, and integrity management of the proposed 4-inch pipeline as a condition of approval.
 - b. Ameresco’s written processes and procedures should be provided and reviewed for adequacy before approval for the pipeline is given.
 18. The Ameresco 4-inch pipeline should be required to comply with all applicable parts of ASME B31.8, ASME B31S, and ASME B31Q not just the design requirements as a condition of approval.
 19. American Petroleum Institute (API) and National Fire Protection Association (NFPA) standards and recommended practices should be included for compliance purposes as a condition of approval.
 20. Few requirements in Title 49 CFR Part 192 are specific to Class 4 locations.
 21. The PG&E corridor boundary appears to be coinciding with the back property lines of homes.
 22. The PG&E gas transmission line and Ameresco’s 4-inch pipeline will be closer to homes than 100 feet and very close to the back yards of homes. The back yards should be considered as part of a home.
 23. Ameresco should be required to repair all leaks as soon as possible after they are found, because it is impractical to predict with accuracy the migration of natural gas through the soil toward homes.
 24. Maintenance on water lines in the PG&E corridor must be directed and inspected by pipeline owners to avoid excavation damage to pipelines.

25. No details are provided on emergency response by Ameresco to “contingency events”.
26. Written processes and procedures are not provided on how landslide and soil instability issues will be addressed by Ameresco.
27. Internal pressure is not the only source of stress to a pipeline. Other sources of stress including bending from movements due to seismic, landslide, and unstable soil. Other sources include residual stress at welds.
28. External loads must be provided for the design of pipelines as required by Title 49 CFR 192.103 and 192.143. This data is critical to understanding the risk posed by operations to human safety and health and the environment.
29. A lower stress level does not guarantee the “greatest level of safety” for the nearby community. See the included section on studies on the effects of internal pressure and pressure induced stress on pipeline failures.
30. Although gas detectors will be located at various places in the processing facility area, why aren’t gas detectors with alarms provided along the 4-inch pipeline route for public safety?
31. The potential impact radius equation in Title 49 CFR 192 is based on an instantaneous ignition and a radiant heat level of 5,000 BTU per ft.²-hr.
32. A radiant heat level of 5,000 BTU per ft.²-hr. can cause second degree burns in 5 seconds or less. Older people have little tolerance to burns and second degree burns can be fatal to older people.
33. The EPA PIR equation is based on a heat radiation of 1520 BTU per ft.²-hr. which could cause second degree burns in 40 seconds for middle age adults. Older people have a low tolerance to burn injuries and a lower heat radiation should be used.
34. Instantaneous ignition of a gas release is unlikely unless Ameresco provides ignition sources along the 4-inch pipeline which is very unlikely.
35. Delayed ignition, on the other hand, can allow vapor clouds to form that travel a distance before ignition to create a large vapor cloud explosion as

covered in U.S. DOT study TTO Number 14 and required in EPA Title 40 CFR Part 68.

36. The PIR for a 4-inch gas pipeline at 685 psi for the EPA standard is 2,214 feet, not 72 feet.
37. The Title 49 CFR 192 PIR equation is based on a person finding shelter within 30 seconds. Older people and young children will be unlikely to find shelter in time to avoid critical burns.
38. Undetected underground gas leaks can migrate hundreds of feet from a gas pipeline creating safety risks outside the project area. The environmental review document does not address this real and significant risk.
39. Ameresco does not plan to provide internal corrosion monitoring facilities in the 4-inch pipeline as required by Title 49 CFR 192.477. This is significant.
40. The depth of pipeline burial does not affect whether a pipeline leaks or ruptures unless Ameresco fails to respond to a notice of excavation by others and provide inspection of the excavation activities.
41. The report does not specify the types of sensors and systems to be used to detect pipeline leakage or rupture. Continuous detection of leaks and ruptures in a gas pipeline can be a challenging activity, especially if pressures and/or flow rates are not constant. This data is critical to understanding the risks posed by operators to human safety and health and the environment.
42. The report does not specify the types of in-line inspection tools to be used and how often is “on a regular basis”? This data is critical to understanding and controlling the risks posed by operation to human safety and health and the environment.
43. The statement that the proposed pipeline will have no impact of a school may apply to the school’s buildings, but does not apply to the students that may be outside during recess, physical activities, or walking from home to school and back. More discussion and evaluation are needed to properly understand all risks.

Studies on Effects of Operating Pressure and Pressure Induced Stress on Pipeline Failures

The estimated percent of incidents versus stress level for ruptures from figure 9 in the subject unnumbered American Gas Association (AGA) report by Kiefner, Gideon, and Smith of Battelle were:

Percent of Incidents versus Hoop Stress – Ruptures

Hoop Stress ksi	Corrosion	Outside Forces	Const. Defect/Matl. Failure	Total
1-3	10	36	8	18.0
3-6	10	5	12	9.0
6-9	10	14	10	11.3
9-12	20	19	3	14.0
12-15	5	8	13	8.7
15-18	5	3	10	6.0
18-21	4	3	5	4.0
21-24	8	2	4	4.7
24-27	9	3	6	6.0
27-30	1	3	6	3.1
30-33	2	1	6	3.0
33-36	5	1	13	6.3
36-39	5	1	1	2.3
39+	7	1	4	4.0
Totals	100	100	100	100

The percent of incidents versus stress level for leaks from figure 8 in the subject unnumbered AGA report were:

Percent of Incidents versus Hoop Stress – Leaks

Hoop Stress ksi	Corrosion	Outside Forces	Const. Defect/Matl. Failure	Total
1-3	18	40	15	24.3
3-6	24	8	10	14.0
6-9	30	14	4	16.0
9-12	10	20	10	16.7
12-15	3	2	9	4.7
15-18	2	4	2	2.7
18-21	2	3	2	2.3
21-24	2	2	4	2.7
24-27	2	2	8	4.0
27-30	2	1	11	4.7
30-33	1	1	10	4.0
33-36	1	1	6	2.7
36-39	1	1	4	2.0
39+	2	1	3	2.0
Totals	100	100	100	100

Relevant information in AGA Report No. 158 on the number of reported pipeline incidents. A total of only 5,610 in-service incidents reported contained enough information to determine if a leak or rupture was involved with the incidents.

Relevant information and data on these 5,610 gas transmission failures included:

1. 35.7% (2003) of the incidents were indicated as ruptures.
2. 9.2% (514) of the incidents were indicated as ruptures that propagated more than one foot along the pipe axis.
3. Five previous analysis of DOT gas pipeline incident data between 1970 through 1978 indicated that about one third of all reportable incidents were classified as ruptures.
4. The number of incidents involved with exceeding the MAOP of the piping was 4.4%. In 1982, about 28% of the reported incidents involved exceeding the MAOP of the piping.

5. During 1970-1984, 14.8% (867) of the 5,861 total number of incident reports did not include information on the failure pressure of the piping. The DOT failed to require complete data in these and other incident reports.
6. The percentages of reported incidents versus stress level at failure were:

Hoop Stress Level versus Percent of Incidents

Hoop Stress Level, ksi	Percent of Incidents
0-3	22.2
3-6	16.8
6-9	13.3
9-12	8.0
12-15	6.3
15-18	3.4
18-21	2.6
21-24	2.9
24-27	2.0
27-30	1.7
30-33	1.6
33-36	1.4
36-39	0.7
39+	2.4
N.A.*	14.8

*Not available

These data confirm the earlier AGA data on pipeline ruptures. Hoop stress was overstated in Title 49 CFR Part 192 as the only criteria affecting ruptures and safety.

Fifty-two and three tenths percent (52.3%) of all incidents occurred at a hoop stress of 9 ksi or less. For incidents with reported failure stress data, 61.4% (52.5% ÷ 0.852) of the incidents occurred at a hoop stress of 9 ksi or less. The data on reported incidents versus failure stress level clearly show that stress level by itself is not the only criterion affecting pipeline safety.

R. D. Deaver, P.E.



January 26, 2021

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CURRICULUM VITAE

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ACADEMIC BACKGROUND:

Bachelor of Science in Industrial Engineering in 1964, Texas A & M University.
Member of Tau Beta Pi, the oldest engineering honor society in the United States.

WORK EXPERIENCE AND AREAS OF EXPERTISE:

Royce Don Deaver worked for Exxon Pipeline and Exxon affiliates for over 33 years. Exxon experience included numerous technical and management positions. Work activities involved consulting within Exxon, on the Trans Alaska Pipeline System, ARAMCO in Saudi Arabia, Exxon pipeline affiliates, and numerous oil and gas industry committees and work groups. Work activities at Exxon as a subject matter expert and later at DEATECH as a consultant and as an expert witness involved:

1. Pipeline regulations,
2. OSHA regulations,
3. Pipeline accident analysis,
4. Pipeline corrosion control,
5. Pipeline welding,

6. Pipeline metallurgy,
7. Pipeline inspection,
8. Pipeline materials,
9. Nondestructive testing,
10. Fracture prevention and control,
11. Pipeline failure investigation and analysis,
12. Project management,
13. Pipeline facility design,
14. Main pipeline design,
15. Pipeline construction,
16. Pipeline construction specifications,
17. Pipeline pressure testing,
18. Pipeline repairs,
19. In-line pipeline inspection,
20. Fluid dynamics,
21. Pipeline surge analysis,
22. Explosion simulations and analysis,
23. Fire exposure simulations and analysis,
24. Statistical data analysis,
25. Integrity analysis,
26. Pipeline integrity management,
27. Liquid measurement,
28. Gas measurement,
29. Leak detection,
30. Pipeline operations and control,
31. Pipeline maintenance,
32. Pipeline repairs,
33. Pipeline stress analysis,
34. Mechanical damage assessment,
35. Pipeline rupture simulations,
36. Pipeline fire and explosions analysis,
37. Pipeline marking,
38. Gas underground migration,
39. Petroleum underground migration,
40. Piping fitness for service assessments,
41. Automatic pipeline shutdown,
42. Hydrogen sulfide safety,
43. Oil and gas production operations,
44. Gas detection and odorization failures,
45. Cast iron pipe problems,
46. Vintage pipeline problems,
47. Pipeline excavation damage prevention,
48. Pipeline safety management,
49. Pressure control and limiting,
50. Pipeline easement assessments, and
51. Pipeline construction environmental damage mitigation.

PROFESSIONAL LICENSE:

Registered in Texas in the area of mechanical engineering.

INDUSTRY SERVICE:

I have served on the following committees and task groups.

- * ASME B31.4 Code Committee for cross country liquid pipelines
- * ASME B31.11 Code Committee for slurry pipelines
- * ASME Work Group on Pipeline Design Requirements
- * ASME Task Group on Mechanical Damage and Integrity Assessment
- * ASME Work Group to update pipeline welding requirements
- * ASME Work Group on Offshore Pipelines
- * Coordinator of API Work Group on State of the Art in pipeline leak detection
- * Chairman of API Committee on Pipeline Markers
- * API Committee on Gas Measurement
- * API Committee on Liquid Measurement
- * API Measurement Training Committee
- * API/NIST Task Group on Volume Standards Calibration
- * API Task Group on Dynamic Liquid Measurement Computations
- * API Task Group on Meter Provers
- * Chairman of API Task Group on Statistical Analysis of Measurement Quantities
- * API Planning Committee for 1997 API Pipeline Conference
- * API Users Subcommittee on Line Pipe Standards
- * API Welding Committee
- * Joint Welding Committee on API 1104 and API 1107
- * API Task Group on Laser Welding
- * Owner Companies Technical Review Task Group Chairman on TAPS Fluid Measurements
- * TAPS Prover Calibration Task Group
- * TAPS Vapor Pressure Measurement Task Group
- * TAPS Corrosion Peer Group
- * TAPS Fluid Measurement Peer Group
- * TAPS Smart Pigging Task Group
- * Coordinator of pipeline and marine terminaling research for Exxon Corporation
- * Exxon Corporation Pipeline Research Steering Committee
- * Exxon Corporation Terminaling Steering Committee
- * Exxon Corporation Metrication Committee
- * Seadock Offshore Pipeline Advisory Committee
- * API Pipeline School of Technology
- * Investigation team on Exxon fire at the Baton Rouge refinery
- * ARAMCO Consulting Group
- * Design coordinator for industry marine terminal in Santa Barbara, California

Industry service awards included the following.

- * American Petroleum Institute Award for service involving many contributions to programs of API (1994)
- * American Petroleum Institute Award in recognition for 40 years of service in standards development activities of API (2010)

EXPERT WITNESS CASES

Lawsuits in which I have been involved include, but were not limited to:

1. PG&E San Bruno explosion;
2. Union Pacific/Kinder Morgan reimbursement dispute;
3. Santa Monica Charnock Aquifer MTBE contamination investigation;
4. McAllen, Texas gas gathering leaks and petroleum contamination;
5. El Paso Carlsbad, New Mexico explosion;
6. Tenneco West Houston explosion;
7. Bellingham, Washington Olympic Pipeline rupture and fire;
8. Koch Kaufman County, Texas LPG explosion;
9. Koch Industries Clean Water Act violations;
10. Longhorn Pipeline Environmental Assessment dispute;
11. El Paso Bushland, Texas explosion;
12. Atmos McKinney, Texas explosion;
13. Atmos Dallas, Texas explosion;
14. Atmos Irving, Texas explosion;
15. Atmos Cleburne, Texas explosion;
16. Occidental Elk Hills, California explosion;
17. Enterprise Johnson County, Texas explosion;
18. Luminant/EMS pipeline construction dispute;
19. Northern Natural Gas Iowa explosion;
20. Oakland Port Authority/Kinder Morgan dispute;
21. Enbridge/British Petroleum mismeasurement dispute at Sarnia, Canada;
22. British Petroleum North Slope, Alaska oil spill;
23. Washington Gas explosion at Penn Marr in Maryland;
24. XTO BOA Plant maintenance incident;
25. Amoco rupture near Peoria, Illinois;
26. Texas New Mexico/EOTT leak and contamination in Midland, Texas;
27. Signature Flight Support pipeline leak in Anchorage, Alaska;
28. Explorer rupture in North Texas;
29. Columbia Gas explosion in West Virginia;
30. Atmos North Richland Hills explosion in Fort Worth, Texas;
31. AGL explosion in Douglasville, Georgia;
32. West Shore leak in Wisconsin;

33. Northwest Pipeline dispute with ADA County Highway Department in Boise, Idaho;
34. Plains All American Leak in Santa Barbara County, California;
35. Plains All American Pipe Quality Dispute;
36. Enbridge right-of-way-clearing gas explosion in Rusk County, Texas;
37. Enbridge gas pipeline fire in Wheeler County, Texas;
38. Kinder Morgan deadly rupture in Illinois;
39. Energy Transfer rupture in South Texas;
40. Atlantic Coast Pipeline Safety Analyses for Wintergreen;
41. VNG Southside Connector Safety Analyses;
42. CenterPoint incident in Shreveport, Louisiana;
43. Atmos incident in Dallas, Texas;
44. Colonial contractor dispute in Newark, New Jersey;
45. Magellan contractor dispute in Houston area;
46. Buckeye vs. Edison Consolidated leak in Chicago area;
47. Anadarko gas explosion near Denver, Colorado;
48. Keystone Pipeline permit application review for U.S. DOT;
49. Review proposal for U.S. DOT on higher allowable operating pressure in Part 195;
50. San Francisco lawsuit against Secretary of U.S. DOT;
51. Washington Gas explosion in Silver Springs, Maryland;
52. Buckeye failure in the St. Mary's River in Indiana;
53. Atmos incident in Stephenville, Texas; and
54. Atmos incident in Gatesville, Texas.

R. D. Deaver, P.E.

November 24, 2020

SECTION D

***STAFF RESPONSES TO PUBLIC COMMENTS
RECEIVED ON JUNE 23, 2021 AND JUNE 25, 2021***

Attachment 7, Section D includes staff responses to the comments in the letters received on June 23, 2021 in Section B and in the email received on June 25, 2021 in Section C. The comments within each letter and email have been numbered.

- A. Hanson Bridgett on behalf of Discovery Builders: On June 23, 2021, Hanson Bridgett submitted a letter to staff prior to the CPC hearing on the Ameresco RNGPFP Land Use Permit application. In addition to submitting the letter, an attorney with Hanson Bridgett spoke at the CPC hearing and repeated some of the comments in the letter. Following are staff responses to the 18 comments as numbered in the letter.

Staff Response to Comment HB-1: The comment stating that the MND should be recirculated is not supported by the evidence regarding the project's impacts. Recirculation of an MND is required only when new information demonstrates a "new, avoidable significant effect." CEQA Guidelines Section 15073.5(b). Here, even though the Project's impacts are less than significant with mitigation, those less-than-significant impacts are further reduced by the Project revision reflected in the Final MND. In response to the City of Pittsburg's concerns about the pipeline expressed in its comment letter, the applicant has realigned the proposed RNG pipeline in the PG&E property. The RNG pipeline would tie-in to existing PG&E Line 191-1 thereby eliminating a wide range of potential impacts to residential neighborhoods that are described in the MND. In addition, the revised project moves the pipeline an additional 25 feet away from the proposed Stoneman Park development. Please see the Section III. Revised Project Description of the Final MND for a detailed description of the revised RNG pipeline alignment.

Staff Response to Comment HB-2: As the comment notes, recirculation of an MND is required only when new information demonstrates a "new, avoidable significant effect." The Spring Valley decision cited by the commenter is a decision based on the different standards that apply to recirculation of a Draft EIR. Moreover, the clarifications made to the project in response to comments from the City of Pittsburg were not unlike the revisions made to the transportation and biological resources chapters in the EIR at issue in Spring Valley, which the court found did not trigger recirculation. The court held that the changes to the revisions to the transportation and biological resource information did not result in additional impacts and therefore the revisions did not "deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect." The same is true about the Project revisions for the proposed Ameresco project, which reduce the project's already less than significant impacts.

Staff Response to Comment HB-3: The pipeline realignment shown in the Final MND was developed to further minimize impacts on the neighboring community. As shown in Section III. Revised Project Description of the Final MND, the new alignment in PG&E property will be 70 feet from the corner of one property which is more than the new reduced PIR of 55 feet. The Final MND shows that the new pipeline alignment minimizes the impact of the project on the neighbors. The previous alignment evaluated in the draft MND had the pipeline situated approximately 50 feet away from over 40 homes.

Staff Response to Comment HB-4: The cathodic protection monitoring program is not a revision or supplement to the pipeline cathodic protection plan. The expanded discussion of cathodic protection in the Final MND does not represent a set of new mitigation measures. The cathodic protection monitoring plan was always required. The response to comment was just stating the fact that a cathodic protection plan would be prepared for the pipeline in accordance with federal regulations – as is done for every pipeline based on the design requirements. Cathodic protection is part of a standard pipeline design and maintenance process that is clearly defined and required by federal Pipeline Safety Regulations (Title 49 CFR Parts 190-199), specifically §192.463 External Corrosion Control: Cathodic Protection. Additionally, the cathodic protection program for the proposed project is required by PG&E and will be reviewed and approved by PG&E's Corrosion Engineering Division

Staff Response to Comment HB-5: The AC Mitigation Study is not a CEQA mitigation measure and is not used in the MND as an indication of the need to mitigate a significant impact under CEQA. The "AC Mitigation Study" is an industry-specific term that refers to the need for electrical isolation in shared corridors of overhead electrical lines and underground pipelines. An AC Mitigation Study is also referred to as an "AC Interference Study." Electrical isolation is part of a standard pipeline design process that is clearly defined and required by federal Pipeline Safety Regulations (Title 49 CFR Parts 190-199), specifically Section 192.467 External Corrosion Control: Electrical Isolation. By regulation, pipelines designers are required to perform this study and install an AC "Interference" system as part of the pipeline design. Similar to the cathodic protection program described above, an AC Interference Study will be required by PG&E, and will be reviewed and approved by PG&E for compliance with design and construction requirements for gas and electric facilities.

Staff Response to Comment HB-6: The proposed project, CDLP18-02022, is an amendment of the existing Keller Canyon Landfill Land Use Permit LP89-2020. Land use permit conditions of approval and entitlements under LP89-2020 also apply to the

proposed project. Conditions of Approval for CDLP18-02022 are included as LP89-2020 Section 37. LANDFILL RENEWABLE NATURAL GAS PROCESSING FACILITY AND PIPELINE (RNGPFP). Site development and earthmoving are allowed under LP89-2020 Section 15 Final Development and Improvements Plan. The proposed project's use of borrow soil from on-site sources was specifically proposed to minimize impacts from the import of soil, such as traffic, noise, vibration, and dirt and dust. The potential impact of the use of borrow sites was evaluated in the MND. Construction emissions of greenhouse gases (GHG) from a wide range of construction equipment was evaluated in the draft MND, and updated in the Final MND to account for project revisions. No significant impacts were identified from GHG emissions during construction.

Staff Response to Comment HB-7: The "new" technical studies are revisions of the original studies done for the project and are only designed to confirm the reduction of impacts of the revised project. The original MND had less than significant impact and these reductions reduce the impacts even further. The three technical studies referenced by the commenter are part of the substantial administrative record of studies and other information that support the conclusions of the MND. There is no legal requirement that supporting studies and other administrative record documents be circulated for public review, and these studies are available for review upon request.

Staff Response to Comment HB-8: The commenter is correct that the Project changes were proposed to alleviate concerns raised by the public, but the changes do not alter the basic characteristics of the Project. No new significant impacts have been identified, and the public has not been deprived of the ability to comment upon any such impacts.

Staff Response to Comment HB-9: The commenter has filed a request for supporting geotechnical reports referenced in the draft and Final MND. As discussed in Response to Comment HB-1A below, the Department of Conservation and Development Administrative Services Section will provide a download link to the requested geotechnical reports to the commenter pursuant to standard Department procedures for PRA requests.

Staff Response to Comment HB-10: As noted in Response to Comment 16-4 in Attachment 4 – Public Comments, in the Final MND, the potential impacts of the pipeline on nearby residences have been adequately disclosed, and the MND concludes that there are no significant impacts. This less-than-significant impact has been further reduced by the Project changes, which have increased the distance of the

pipeline from the proposed Stoneman Park development. As the commenter notes, construction of Stoneman Park likely will occur well after construction of the Project. The commenter suggests that Project construction could be delayed, but the County is unaware of any reason to assume delay. Even if Project operations are slightly delayed, it is reasonably foreseeable that the Project would be constructed and operating by the time Stoneman Park, if ever approved by the City of Pittsburg, is under construction.

Staff Response to Comment HB-11: The comment criticizes the MND and the County's responses to the commenter's earlier comments for not including maps for the analysis of geology and soils issues. There is no legal or factual basis for this comment. Legally, there is no requirement that an MND include specific mapping to describe an impact, rather than text analysis, and the court decisions cited by the commenter do not impose such a requirement. Two of those decisions are court decisions interpreting the separate standards for analyses in an EIR. And in the Sundstrom decision, cited by the commenter for the proposition that an agency "may not hide behind its own failure to gather relevant data," the problem in that case was an MND that did not provide any analysis at all of the potential impact in question (sludge disposal). That decision does not stand for the proposition that specific mapping of impact analyses is required.

Staff Response to Comment HB-12: The potential impact radius (PIR) is addressed extensively in the draft and Final MND. Based on project revisions, the PIR has been reduced from 72 feet in the draft MND, to 55 feet in the Final MND. Maximum operating pressure (MAOP) has been reduced from 680psi to 400psi. The draft and Final MND present analysis that supports the conclusions that the most likely potential failure for the proposed RNG pipeline is leakage as opposed to catastrophic rupture. Additionally, federal, State, and PG&E requirements require design safeguards and monitoring to effectively identify any potential leakage, and to shut down the system.

Staff Response to Comment HB-13: As stated in the Final MND, the pipeline will be built along existing ranch roads to minimize impact and provide access for monitoring, maintenance, and emergency personnel should it be required. Access to the PG&E metering station and tie-in equipment will be provided by a paved road.

Staff Response to Comment HB-14: Warning tape is a standard pipeline safety requirement under federal regulations and PG&E requirements. Typically, warning tape is placed in the trench 6 to 12" above the pipeline to give warning of the pipeline's location should any excavation be planned near the RNG pipeline. The tape is buried

underground and similar to the pipeline will have no visual impact once construction is completed.

Staff Response to Comment HB-15: The commenter asserts generally that the MND simply defers some issues to future study and mitigation. This assertion is incorrect. These issues were raised in the commenter’s prior letter, and the County responded to those comments by noting that detailed analyses were performed, with further study requirement being imposed in order to confirm that the conclusions of the MND and its supporting studies are correct. See Responses to Comments 16-2 and 16-6 in Attachment 4 – Public Comments, in the Final MND.

Staff Response to Comment HB-16: The commenter asserts that Mitigation Measure Geology 5 improperly defers mitigation. This assertion is incorrect. First, the soils were studied for the MND, and that analysis is summarized in the document. Second, the mitigation measures for expansive and corrosive soil issues require further testing to confirm the analyses in the MND, and to provide final design level criteria for soils and pipeline materials. This follow up work is subject to review by the Peer Review Geologist and by the County, as stated in Mitigation Measure Geology-5. See also Response to Comment 16-6 in Attachment 4 – Public Comments, in the Final MND.

Staff Response to Comment HB-17: Comment noted. The first comment letter from the commenter Hanson Bridgett, was received by the County 42 days after the close of the 78-day public review period. Additionally, this letter dated June 23, 2021 for which these responses have been prepared, was received on the day of the Planning Commission hearing on June 23, 2021. Both letters are included in the record. Good faith responses have been prepared for each comment.

Staff Response to Comment HB-18: Please see Response to Comment HB-1 regarding the issue of recirculation of the MND. The comment stating that the MND should be recirculated is not supported by the evidence regarding the project’s impacts. Recirculation of an MND is required only when new information demonstrates a “new, avoidable significant effect.”

- B. City of Pittsburg: One June 23, 2021, the City of Pittsburg submitted a letter to the CPC prior to the hearing on the Ameresco RNGPGP Land Use Permit application. In addition to submitting the letter, a staff person with the City of Pittsburg spoke at the CPC hearing and repeated some of the comments in the letter. Following are staff responses to the four comments as numbered in the letter.

Staff Response to Comment CP-1: The commenter suggests the tie-in location of the RNG pipeline with existing PG&E pipeline 191-1 should be moved 750 feet to the south of the location described in the Final MND. This configuration would require installation of the RNG pipeline adjacent to, and parallel to, the existing PG&E pipeline 191-1. Implications of this alignment are described below in Response to Comment CP-4.

Staff Response to Comment CP-2: This comment is a follow-up to the City's comment that the proposed tie-in with existing PG&E Line 191-1 described in the Final MND should be moved about 750 feet to the south. The comment further states if stability and safety concerns preclude this relocation, "that PG&E should be required to remove its existing line running through this same area immediately." There are a variety of reasons not to proceed with this relocation, but those reasons do not relate to any problem with the stability and safety of the area or the existing PG&E line. Further, the existing PG&E line is part of baseline existing conditions, not an impact of this Project, and the applicant and the County do not control the location and operation of the PG&E natural gas network.

Staff Response to Comment CP-3: As stated in Response to Comment 11-1 of the Final MND, and in other responses, the comment stating that a full Environmental Impact Report (EIR) is required is not supported by the evidence regarding the project's impacts, which can be mitigated to a less-than-significant level. The Lead Agency determined that a Mitigated Negative Declaration (MND) is the appropriate document consistent with the CEQA Guidelines. This determination is supported by the analysis in the MND, and the substantial evidence provided in the MND and its supporting documents. With respect to the comment that an EIR is required, the impacts of the proposed project were determined to be either less than significant or mitigated to a less-than-significant level. Various mitigation measures have been clarified to confirm this is the case. A mitigated negative declaration remains the appropriate and proper CEQA document for the proposed project.

Staff Response to Comment CP-4: To implement the tie-in concept shown in the provided map would require installation of the RNG pipeline parallel to existing PG&E Line 191-1 and up a slope. The proposed relocation also is not adjacent to an existing road, so construction impacts would be increased, and maintenance would be more difficult. The new location also is not necessary to reduce any significant impacts, as all impacts of the Project are either less than significant or mitigated to a less-than-significant level. The tie-in location as proposed by the applicant has been approved by PG&E - please see CPC Staff Report, Section VII.C, and Section A of this Attachment,

Letter from PG&E (J. Ryan) to Ameresco (M. Bakas) dated May 25, 2021.

- C. Hanson Bridgett on behalf of Discovery Builders: On June 25, 2021 Hanson Bridgett sent an email to staff requesting information and commenting on the Ameresco RNGPGP Land Use Permit application. There are two attachments to this email, including a document from the Deatech Consulting Company, *Evaluation of Risks to the Public, Proposed Ameresco Gas Transmission Pipeline*, and a second document from the Deatech Consulting Company, *Curriculum Vitae, R. Don Deaver, P.E.*. Following are staff responses to the two comments as numbered in the letter and the Deatech Evaluation.

Staff Response to Comment HB-1A: The commenter requests copies of background documents cited in the Final MND and the CPC staff report pursuant to the Public Records Act (PRA). The documents include:

- Tetra Tech BAS, 2019. *Geotechnical Feasibility Report, Ameresco Gas Processing Plant, Keller Canyon Landfill, Pittsburg, California, Tetra Tech Job #BAS 18-136E.*
- Tetra Tech BAS, 2020. *Geotechnical Engineering Report, Renewable Natural Gas Transmission Pipeline, Ameresco Keller Canyon, Pittsburg, California, Tetra Tech Job #BAS 18-136E.*
- Tetra Tech BAS, 2019. *Geology and Soils – Ameresco IS-MND Section 7 document.*
- Tetra Tech BAS, 2020. *Geology and Soils – Ameresco IS-MND Section 7 document.*
- Darwin Myers Associates, 2020. *Geologic Peer Review/Geotechnical Reports & CEQA Assessment, LP18-2022/APN 094-360-019, etc. & 094-080-012, Bay Point Area, Contra Costa County, DMA Project # 3006.20.*
- Tetra Tech, 2021. *Addendum No. 1 – Supplemental Geotechnical Assessment, Proposed RNG Pipeline Realignment, Project No. BAS 18-136E.*
- Swaim Biological, Inc., 2021. *Ameresco Keller Canyon RNG Pipeline Alternative Evaluation.*
- FirstCarbon Solutions, 2021. *Ameresco Keller Canyon – RNG Pipeline (email).*

Staff is in the process of compiling and transmitting the requested documents to the commenter pursuant to standard Department procedures for PRA requests.

Staff Response to Comment HB-2A: The submittal from DEATECH Consulting Company (“DEATECH”) titled “Evaluation of Risks to the Public Proposed Ameresco Gas Transmission Pipeline” outlines a wide range of federal requirements associated with the design, construction, and operation of a gas pipeline. The applicant acknowledges the range of requirements described in the DEATECH report. As described in the draft and Final MND, the RNG pipeline system will be designed to meet all applicable federal and State requirements based on general and specific requirements of Title 49 of the Code of Federal Regulations Part 192 (49 CFR Part 192) “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards”.

The proposed Ameresco Keller Canyon pipeline will be designed to meet the physical and environmental conditions in which the pipeline will be constructed, operated, maintained, and monitored. Additionally, the proposed pipeline will be subject to design review and approval by PG&E. The three sets of design requirements, federal, California Public Utilities Commission, and PG&E will ensure the design of the RNG pipeline will meet all applicable requirements. This requirement is described in the draft and Final MND, included in the project findings by the County, and incorporated as CDLP18-02022 Conditions of Approval.

The DEATECH report was prepared in response to the draft MND and was not updated following publication of the Final MND. Revisions made to the pipeline route in response to comments reduce or eliminate many of the issues raised in the DEATECH evaluation. In particular, the revised route recommended by the County Planning Commission for approval:

- 1) Will not run parallel to PG&E electrical transmission lines, minimizing potential induced current in the RNG pipeline;
- 2) Will not run parallel to the City of Pittsburg water line or other existing underground utilities;
- 3) Will not be drilled under the Contra Costa Canal; and
- 4) Will be operated with an MAOP of 400psi, a 41 percent reduction the 680psi shown in the draft MND and less than 10 percent of pipe yield strength (SMYS). This change significantly reduces stress on the pipeline walls and also the size of the Potential Impact Radius (PIR).

Finally, the applicant’s engineering design team rejects the assertion that the PIR for the proposed project would be 2,214 feet instead of 72 feet as described in the draft MND, and 55 feet as described in the Final MND after project revisions. There is no basis for expanding the PIR to 2,214 feet as described in the DEATECH report.

Federal regulations clearly define the PIR, the formula for its calculation, and the design parameters that are to be used in the PIR calculation. Under Title 49 CFR Part 192, subpart § 192.903, item c: Potential impact radius (PIR) is defined as the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 * (\text{square root of } (p * d^2))$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches. The factor of 0.69 is the factor for natural gas. The calculation of the project PIR of 55 feet based on a nominal pipe diameter of 4.00 inches, and MAOP of 400psi. The project PIR is explained in detailed in the Final MND, Section III. Revised Project Description. Please also see Response to Comment 16-15 in Attachment 4 – Public Comments, in the Final MND.