

RESOLUTION NO. 03-4

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING CEQA
FINDINGS AND ADOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM FOR THE VALERO IMPROVEMENT PROJECT
(PLN2002-00022)**

WHEREAS, the City of Benicia, as the Lead Agency, prepared an Environmental Impact Report (EIR) to determine if the Valero Improvement Project could have a significant impact on the environment, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq*), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 *et seq*), (hereinafter the "State CEQA Guidelines") and the City of Benicia Guidelines pursuant thereto; and,

WHEREAS, a Notice of Completion of the Draft EIR was filed with the Office of Planning and Research ("OPR") on October 31, 2002, and a notice of the availability of the Draft EIR was posted at the project site and at City Hall and was mailed to property owners within five hundred feet of the refinery properties; and,

WHEREAS, copies of the Draft EIR were provided to the State Clearinghouse (State Clearinghouse No. 2002042122) and to those public agencies that have jurisdiction by law with respect to the project, and to other interested persons and agencies, and the comments of such persons and agencies were sought for a 45-day comment period between the dates of October 31 through December 16, 2002; and,

WHEREAS, the Planning Commission held a public hearing and accepted testimony on the Draft EIR on December 5, 2002, and the City accepted written comments on the Draft EIR through December 16, 2002; and

WHEREAS, the Planning Commission voted to accept the Draft EIR at the conclusion of the December 5, 2002 public hearing and directed that corrections noted at the meeting, together with written comments received, should be included in the Final EIR; and

WHEREAS, thirty-eight written communications were received regarding the Draft EIR and these are included, along with responses, in the Final EIR; and

WHEREAS, the Final EIR document consists of the Draft EIR and the Response to Comments; and said Response to Comments incorporates all written comments received, all oral comments made at the December 5, 2002 public hearing, the responses to those written and oral comments, and the necessary corrections to the Draft EIR; and

WHEREAS, the Response to Comments document was circulated for public information and provided to the Planning Commission on March 28, 2003; and

WHEREAS, agencies and persons commenting on the Draft EIR were provided with copies of the Response to Comments document or the City's proposed responses to their specific comments on March 28, 2003; and

WHEREAS, the Planning Commission has reviewed and considered the Final EIR and has heard and considered public comments regarding the Final EIR at a public hearing on April 28, 2003; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared to ensure that the mitigation measures identified in the EIR are implemented, and that Program is set forth in Exhibit A.

NOW, THEREFORE, the Planning Commission of the City of Benicia hereby resolves as follows:

SECTION 1. That the Planning Commission hereby certifies that:

1. The Final EIR for the Valero Improvement Project has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and the City of Benicia's adopted CEQA Guidelines.
2. The Planning Commission reviewed and considered the information in the Final EIR.
3. The Final EIR reflects the independent judgment and analysis of the City of Benicia.

SECTION 2. That the Planning Commission makes the following findings based on the staff report, the Final EIR and related documents, and information presented at the public hearing on the Draft EIR on December 5, 2002, and the public hearing on the Final EIR on April 28, 2003:

1. That the following significant effects of the VIP will be reduced to less than significant as described in the associated findings, and demonstrated by the facts in support of the findings:

a. Significant Effect. Construction activities associated with project construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.

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

Facts in Support of Finding. The following facts and mitigation measures indicate

that the impact will be reduced to less than significant.

1) Construction related emissions would be short term, but could still cause adverse effects on local air quality. Project construction would generate substantial amounts of dust, including PM10 and PM2.5, and lesser amounts of other criteria air pollutants, including ROG and NOx, primarily from operation of heavy equipment.

2) Air Quality Mitigation Measures 4.2-1 and 4.2-2 set forth in Table II-1 of the Final EIR are hereby incorporated by reference and summarized below:

4.2-1a During construction, Valero shall require the construction contractor to implement dust control procedures to maintain project construction-related impacts at acceptable levels.

4.2-1b To mitigate the equipment exhaust emissions, Valero shall require its construction contractors to keep equipment tuned and maintained, avoid unnecessary emissions, and add a supplementary exhaust pollution control system to any stationary motor sources located within 100 feet of any residence.

b. Significant Effect. Operational activities associated with the implementation of the project could lead to an increase in regional air pollutant emissions into the air basin.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

- 1) The VIP would increase refinery emissions of criteria pollutants from combustion sources, storage tanks, fugitive emission sources (valves, flanges, connectors and pumps), and mobile sources (trucks, locomotives, and ships). Emissions of NOx, PM10, VOC and CO would increase as a result of the VIP. The cogeneration project, a contemporaneous cumulative project, would reduce emission of those same pollutants with the result that only PM10 and VOC emissions would have net increases above pre-project levels. PM10 emissions would increase by 5 tons per year which is less than the significance threshold of 15 tons per year. VOC emissions would increase by 25 tons per year which exceeds the 15 tons per year significance threshold.

Emissions of SOx would decrease by 3,810 tons per year if the main stack scrubber is built. If the scrubber is not built, SOx emissions would be required to remain at or below current levels by permit conditions of the Bay Area Air Quality Management District.

- 2) Air Quality Mitigation Measure 4.2-2, quoted from Table II-1 of the Final EIR and set forth below, will reduce VOC emissions to 9 tons per year, or less than the significance threshold.

4.2-2 As a condition of approval for the use permit, Valero must implement the Light Ends Rail Rack Arm Drains project described in Section 3.6.1.3 of the Draft EIR.

c. Significant Effect. Potential disturbance of western pond turtle and California red-legged frog could occur during construction at the Tank Farm retention pond site.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

- 1) Construction of two new storage tanks is proposed in a portion of the tank farm ponds. Marginal to moderate habitat is present in the ponds for both the western pond turtle and the California red-legged frog. Although their presence is conjectural at this time, both species are somewhat mobile and may be present immediately before operations begin. Removal of habitat features would prevent the species of concern from populating the construction site.

- 2) Biological Resources Mitigation Measure 4.3-1, set forth in Table II-1 of the Final EIR, is hereby incorporated by reference and summarized below:

4.3-1 Unless protocol surveys during the period May 1 through November 1 establish that the retention ponds are not occupied by either species, the modification of any Tank Farm retention pond shall be preceded by a period of at least six months during which the pond is drained and minimal water allowed to collect in the basin.

d. Significant Effect. Potential disturbance of special status and protected native

birds (e.g., tricolored blackbird and Suisun song sparrow) during the breeding season could occur at the Tank Farm retention ponds.

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

Facts in Support of Finding. The following mitigation measure 4.3-2, quoted from Table II-1 of the Final EIR, indicates that the impact will be reduced to less than significant.

4.3-2 Construction at the Tank Farm shall be limited to the non-breeding season for most birds, i.e. all work would occur September through February. Alternatively, if construction must occur during the breeding season, all vegetation that could be used for nesting shall be removed during the September through February period preceding construction.

e. Significant Effect. Construction of the project may cause substantial adverse changes to the significance of currently unknown cultural resources.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1) A records search of all pertinent survey and site data conducted at the Northwest Information Center at Sonoma State University on July 31, 2002, did not identify any evidence of cultural resources on the VIP site. A pedestrian survey of the refinery conducted by URS archaeologist in 2001, revealed no prehistoric archaeological resources within the boundaries of the refinery. According to the URS report, the extent of soil disturbance due to grading and contouring impaired the archaeological value and visibility of any extant cultural resources on the site. Survey results, however, do not conclusively demonstrate the nonexistence of subsurface cultural resources due to limitations inherent in the survey methods.

2) Cultural Resources Mitigation Measure 4.4-1, set forth in Table II-1 of the Final EIR, hereby incorporated by reference and summarized below, will reduce the potential impact to less than significant.

4.4-1 In the event that any prehistoric or historic subsurface cultural

resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and Valero shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of Valero and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

f. Significant Effect. In the event of a major earthquake in the region, seismic ground shaking could potentially injure persons at the project site due to structural damage or structural failure. Ground shaking could potentially expose persons and property to seismic-related hazards including localized liquefaction, related ground failure and seismically-induced settlement.

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

Facts in Support of Finding. The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1) The VIP would likely experience at least one major earthquake (greater than moment magnitude 7) within the next 30 years. In accordance with the California Building Code or equivalent, project equipment would be designed to withstand ground acceleration that has a 10 percent probability of being exceeded in 50 years. Implementation of standards established in Title 24 of the California Code of Regulations would ensure that the project is designed to withstand the maximum credible earthquake at the site.

2) Geology, Soils, and Seismicity Mitigation Measures 4.6-1a through 4.6-1e, set forth in Table II-1 of the Final EIR, hereby incorporated by reference and summarized below, would serve as a guideline for implementing the building standards required in Title 24 of the California Code of Regulations in the design of the VIP.

4.6-1a Seismic design consistent with current engineering and industry standards shall be used in construction for resistance to strong ground shaking, especially for lateral forces. The California Building Code or a more stringent building code should be used, and any additional requirements recommended by the project engineering

geologist based on site-specific studies and specific project requirements shall be implemented.

4.6-1b Appropriate grading and design in accordance with the California Building Code or a more stringent standard shall be used to reduce the secondary effects of ground shaking on structures and infrastructure. Subsurface site conditions shall be investigated, poor foundation materials removed, and deep pile foundations driven through poor soils into more competent materials.

4.6-1c Structural fill shall be designed to reduce settlement.

4.6-1d Structural foundations and utilities shall be designed to accommodate estimated settlement.

4.6-1e Final design of the proposed improvements shall be made in conjunction with a design-level geotechnical investigation submitted to the City of Benicia for review prior to issuing grading or construction permits.

g. Significant Effect. Proposed foundation construction could be subjected to the geologic hazards related to expansive soils and natural settlement.

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

Facts in Support of Finding. Mitigation Measures 4.6-1a through 4.6-1e will mitigate this impact to the level of insignificance.

h. Significant Effect. Construction of additional treatment units in the crude storage tank area and/or wastewater treatment plant area could potentially adversely affect the stability of slopes along the retention pond perimeter berms.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

- 1) During construction of the crude storage tank area at the refinery extensive grading was performed. Natural ravines existed in two locations

within Lake Lee and Lake Spalding. Approximately 60 feet of fill was placed in these ravines creating slope heights of 60 feet and 25 feet respectively. Fill up to 35 feet is present at the northwest edge of Lake Lund that includes a dike height of less than 10 feet and a 25-foot pad for Tank 1703. After the site was graded level, less than 10 feet of fill was placed in some areas to create perimeter berms. Therefore, typical profiles of Lake Lee and Lake Lund depict deep and shallow fill.

2) Geology, Soils, and Seismicity Mitigation Measure 4.6-3 quoted from Table II-1 of the Final EIR and set forth below will reduce the potential impact to less than significant.

4.6-3 To reduce potential slope instability hazards related to static and dynamic forces in the retention pond areas, a slope stability analysis of the retention pond perimeter berms shall be conducted by a licensed professional engineer. All recommendations shall be used in the design and construction of the tanks and submitted to the City of Benicia for review.

i. Significant Effect. Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity over the duration of the construction period.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1) Noise from construction activity generally attenuates or decreases at a rate of 6 to 7.5 dBA per doubling of distance. Assuming an attenuation rate of 6 dBA per doubling of distance, pile driving during construction could lead to noise levels of 54 to 69 Leq at the nearest sensitive receptors located approximately 3,000 feet from the VIP site. These noise levels would exceed the significance criteria of 60 dBA in the daytime and 55 dBA at night. Construction noise levels without pile driving would not exceed the significance levels.

2) Noise Mitigation Measure 4.11-1, set forth in Table II-1 of the Final EIR, is hereby incorporated by reference and summarized below.

4.11.1 Use alternate methods of pile driving to reduce noise; limit

pile driving to daytime hours on weekdays; and designate a construction complaint manager for the project.

j. Significant Effect. The proposed construction phase of the VIP would result in a potentially significant impact to the a.m. peak hour operations of the I-680 northbound off-ramp at Bayshore Road in the 2004 plus project scenario.

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

Facts in Support of Finding. The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1) Some components of the VIP can only be installed during turnarounds when the refinery is shut down. The peak construction period for the VIP would occur at the time of the major refinery turnaround planned for 2004. The construction workforce at that time would reach a peak of 2,000 employees of which an average 200 would be associated with the VIP. That workforce would be divided equally into two shifts, generating 455 inbound and outbound vehicle trips during peak hour arrivals and departures for each shift. A.M. peak hour project traffic added to existing peak hour traffic at the northbound Bayshore Road off-ramp would reduce the level of service at that location from LOS B (13.3 seconds of delay) to LOS F (60.4 seconds of delay), with a slight potential for vehicles to queue onto the freeway. Traffic control measures to reduce the peak hour delay at the Bayshore Road intersection would avoid the significant impact.

2) Transportation Mitigation Measure 4.13-1, set forth in Table II-1 of the Final EIR is hereby incorporated by reference and summarized below.

4.13-1 Provide traffic control personnel at impacted intersections during peak hours.

k. Significant Effect. The VIP would increase demand for raw, untreated water from the City of Benicia in excess of the baseline refinery demand anticipated in the City's Urban Water Management Plan. In the future, the City's overall water demand may exceed available supplies from current sources in dry years.

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

Facts in Support of Finding. The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1) The City's 2001 Urban Water Management Plan projected that the City will experience water shortages during dry years beginning in 2010 unless it obtains additional supplies. The total baseline water demand in 2010 is projected to be 12,582 acre feet and the 2010 dry year supply is projected to be 12,580 acre feet or 2 acre feet less than demand. The VIP water demand of 242 acre feet would exacerbate projected dry year shortages. The City has been actively pursuing additional sources of supply including supplemental supplies from the Sacramento River and reuse of municipal wastewater. On February 11, 2003, the cities of Benicia, Fairfield, and Vacaville announced that they had reached agreement with the state for supplemental Sacramento River water that would provide Benicia with an additional 10,500 acre feet of water per year. The agreement has been signed by the three cities and the Solano County Water Agency and is awaiting final signature by the state. The wastewater reuse project, if implemented, could reduce the refinery's raw water demand by up to 3 million gallons per day. Either the additional Sacramento River water or the reuse project would mitigate the water demand of the VIP to less than significant as explained in the Water Study prepared for the City of Benicia by Environmental Science Associates in October 2002 to evaluate water supply impacts and mitigations related to the VIP.

2) Utilities and Service Systems Mitigation Measures 4.14-1a through 4.14-1c set forth in Table II-1 of the Final EIR are hereby incorporated by reference and summarized below:

4.14-1a The City will continue to move forward with obtaining the future water supplies in its water supply planning documents.

4.14-1b The City and Valero will continue to pursue reuse of reclaimed wastewater consistent with General Plan Program 2.36.A.

4.14-1c If a water shortage occurs before the City obtains additional water supplies and before the wastewater reuse project is implemented, Valero will reduce water consumption in the amount needed for the Valero Improvement Project during the year of the shortage.

1. Significant Effect. The Valero Improvement Project, together with the Cogeneration Project and other refinery projects would increase demand for raw, untreated water from the City in excess of the baseline refinery demand anticipated in the Urban Water Management Plan. Together with other future, non-refinery

projects, the Valero Improvement Project would make a significant contribution to the cumulative shortfall in City water supply in dry years.

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

Facts in Support of Finding. The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

- 1) The Valero cogeneration project demands 314 acre feet of water per year. The cumulative demand of the VIP, the cogeneration project, and other development projects would be a significant impact.
- 2) Utilities and Service Systems Mitigation Measures 4.14-1a through 4.14-1c would reduce the impact to less than significant.

Condition Number 5 of the Use Permit approval makes the listed mitigation measures conditions of the project approval.

2. That the following project alternatives were evaluated in the Final EIR and among them are the no project alternative and all reasonable alternatives that could feasibly attain most of the basic objectives of the VIP and that would avoid or substantially lessen the significant effects of the project.

a. Alternative. No project. The MTBE Phase-Out Project and the cogeneration project would be completed and the refinery would continue to conduct routine maintenance and other activities, including some of the VIP optimizing and supporting components, needed to keep the refinery in operation into the immediate future. None of the other identified components of the VIP would be constructed.

Finding. The no project alternative would not allow the refinery to meet most of the VIP objectives. The environmental effects would be the same or less than the effects of the VIP with the possible exception of air quality effects.

Facts in Support of Finding.

- 1) Under the no project alternative the refinery would not be able to construct the main stack components that are necessary to meet the primary objectives of the project to be able to process lower grades of raw materials and to substitute raw materials.
- 2) The scrubber would not be constructed and, therefore, the estimated

reduction of 3,810 tons per year of SO_x that would be expected if the refinery chooses to construct the scrubber could not occur. Estimated emissions of NO_x, PM₁₀, VOC, and CO would be somewhat reduced from current levels because increases associated with the VIP would not occur while reductions associated with the cogeneration project would continue.

3) No construction would occur in the crude tank farm and, therefore, the potentially significant biological effects of the VIP would be avoided entirely rather than mitigated to the level of insignificance.

4) Refinery turnarounds would continue to occur and the associated traffic impacts could remain significant unless mitigated, although the effects would be somewhat lessened by the absence of the VIP construction traffic.

5) Most of the VIP components would not be constructed and, therefore, the potentially significant effects in the area of geology, soils, and seismicity would be largely avoided rather than mitigated to the level of insignificance.

6) Construction involving pile driving would not be expected to occur and, therefore, the potentially significant noise impacts of VIP construction would be avoided rather than mitigated to the level of insignificance.

7) Little or no construction involving ground disturbance would occur and, therefore, the potentially significant effects on cultural resources would be avoided rather than mitigated to the level of insignificance.

8) The water supply demands of the VIP would not occur and, therefore, this potentially significant impact would be avoided rather than mitigated to insignificance.

9) Less than significant impacts in the areas of visual effects, energy, public health, public safety, hydrology/water quality, and land use would be avoided.

10) No impacts on public services were expected to occur as a result of the VIP and the no project alternative would have no impacts in that area as well.

b. Alternative. Some construction worker access via Gate 8. A portion of the VIP worker traffic could be routed to refinery Gate 8 off East Second Street via the East Second Street exit from Interstate 780.

Finding. This alternative would allow the refinery to meet all of the basic project objectives. The alternative would slightly reduce the identified traffic impacts of the VIP but could create other traffic impacts. All other impacts of the VIP would be

unchanged by this alternative.

Facts in Support of Finding.

- 1) Rerouting a portion of the VIP construction traffic would not affect the four project objectives to provide ability to process lower grades of raw materials and to substitute raw materials, to optimize operations, and to mitigate project-related impacts.
- 2) Construction of some VIP components would occur during refinery turnarounds. At those times an estimated 2,000 construction workers would be onsite of which 200 would be attributable to VIP construction. Construction worker traffic would cause a significant impact at the northbound Interstate 680/Bayshore offramp during the morning peak hour unless mitigated. It is uncertain whether routing a portion of the VIP workers to a different freeway exit would be sufficient by itself to reduce the impact to the level of insignificance. In addition, routing the workers to East Second Street offramps could cause impacts at the East Second Street ramp intersection and those impacts could be significant.
- 3) The potential VIP impacts on other environmental resources would not change if this alternative were to be implemented.

c. Alternative. Place new tanks in a new crude oil tank farm. Under this alternative, the two new crude tanks would be placed in a location other than the existing crude tank farm such as the undeveloped hills above the refinery process block.

Finding. This alternative would allow the refinery to meet most of the basic project objectives. The potentially significant biological impacts of the VIP would be avoided but other impacts would be expected to occur.

Facts in Support of Finding.

- 1) Under this alternative, the refinery would be able to meet the first three project objectives, to have the ability to process lower grades of raw materials, to substitute raw materials, and to optimize operations. The alternative might not meet the fourth objective to mitigate project-related impacts to avoid detrimental effects on the community.
- 2) The potentially significant biological impacts of the proposed tank construction in the existing tank farm would be avoided instead of mitigated to the level of insignificance, although other biological impacts could occur.

3) Constructing the new crude tanks in the undeveloped hills around the refinery would require a great deal of grading to level the containment area, construct containment berms and construct an access road. Potential soils, geology and water quality impacts of the construction would be greater than those of constructing the tanks in the existing containment area.

4) Construction of the new crude tanks in a different location would involve placing the tanks with associated containment areas, berms, access road and piping runs in an area now considered to be a buffer between the refinery and residential areas to the west and south. The related aesthetic effects could be significant.

5) Locating new crude tanks closer to residences could cause disturbance to residents from ongoing operations including possible effects of site lighting, noise and odors.

6) The potential VIP impacts on other resource areas would not change if this alternative were to be implemented.

3. That the findings in 1. and 2. above are supported by substantial evidence in the record including but not limited to the use permit application for the Valero Improvement Project, the Final EIR and associated documentation, the Mitigation Monitoring and Reporting Program attached as Exhibit A, the proposed conditions of approval, and the record of proceedings at the public hearings on December 5, 2002, and April 28, 2003.

4. That the Final EIR has identified all significant environmental effects of the project, and that there are no known potential environmental impacts that are not addressed in the Final EIR.

5. That the Final EIR has described a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project.

6. That a good faith effort has been made to seek out and incorporate all points of view in the preparation of the Draft and Final EIR as indicated in the public record of the project, including the Final EIR.

SECTION 3. That the Planning Commission has reviewed and considered the proposed Mitigation Monitoring and Reporting Program, attached hereto as Exhibit A, and finds that it adequately ensures project compliance with the mitigation measures directed at potentially significant impacts and meets all the requirements of the California Environmental Quality Act and the State CEQA Guidelines.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Benicia approves the Environmental Impact Report and adopts the Mitigation Monitoring and Reporting Program attached as Exhibit A.

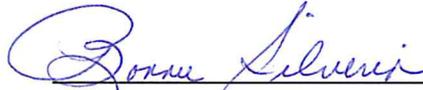
The foregoing motion was made by Commissioner Lobdell, seconded by Commissioner Martinez, and carried by the following vote at a special meeting of the Commission on April 28, 2003:

Ayes: Commissioners Lobdell, Martinez, Railsback, Vice Chair Schwartzman and Chair Silveria

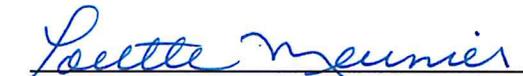
Noes: None

Absent: Commissioners Askham and Kalian

Abstain: None



Bonnie Silveria, Chair



Colette Meunier, Secretary

MITIGATION MONITORING AND REPORTING PROGRAM

FOR VALERO REFINING COMPANY'S LAND USE APPLICATION FOR THE VALERO IMPROVEMENT PROJECT (VIP)

Introduction

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of a Use Permit for Valero Benicia Refinery's Valero Improvement Project (VIP).

City of Benicia

When a lead agency approves findings pursuant to §21081.6 upon completion of a certified EIR it is required to adopt a reporting and monitoring program. The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. A mitigation monitoring and reporting program does not need to be included with the EIR as at times the findings which trigger the program are made after considering the Final EIR. Note that mitigation measures are enforced through permit conditions, agreements, or other measures. The reporting and monitoring program will not only direct the implementation of mitigation measures by the applicant, but also facilitate the monitoring, compliance and reporting activities of the City and any monitors it may designate.

Project Background

The VIP proposes a series of modifications and additions to the refinery. The project would modify existing and install new refining equipment. All units would be located within the refinery boundaries, generally placed among similar existing equipment. When operating, the VIP would add fewer than 20 new regular employees at the refinery. The VIP would implement a series of modifications and additions that are focused on four objectives.

1. Provide ability to process lower grades of raw materials¹.
2. Provide flexibility to substitute raw materials – crude oil instead of gas oil.
3. Optimize operations for efficient production of clean burning fuels.
4. Mitigate project-related impacts to avoid detrimental effects on the community.

The VIP would modify and install typical refining equipment -- piping, heat exchangers, instrumentation, catalytic reactors, fractionation equipment, pumps, compressors, furnaces, tanks,

¹ As used in this document, the term "raw materials" is defined as crude oil and gas oil feedstocks.

and their associated facilities. These changes would include installation of new facilities as well as minor changes to existing facilities. The components of the project include the following:

- Pipestill modifications to increase crude oil processing capacity by approximately 25%
- Fluid Catalytic Cracker Unit Feed Flexibility modifications to process different feeds
- Coker Unit modifications to process additional feed
- Increased refinery capacity to remove and recover sulfur
- Flue Gas Scrubber to reduce emissions from the main stack
- Additional hydrogen production to support hydrofining and hydrocracking
- Hydrofining optimization changes
- Modifications to maximize hydrocracking, alkylation, and reforming capacity
- Adding a Guard Reactor to the Hydrotreater
- Modifications to optimize fractionation processes
- New and modified existing combustion sources
- Use of additional water
- Modifications to the wastewater treatment facility
- Added support facilities and infrastructure
- Added new crude tankage
- Import and export changes

Valero would implement the project in a series of steps, starting in 2003 and, if all components are built, construction would be completed in about 2009. The result would be that the refinery would be able to continue to efficiently produce clean burning fuels in the California market and would remain economically competitive into the future.

The Environmental Impact Report for the VIP found that the resulting actions would have potentially significant impacts in the areas of:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Noise
- Transportation and Traffic
- Utilities and Service Systems

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either no impact or less than significant:

- Aesthetics, Visual Quality, Light and Glare
- Energy
- Public Health
- Public Safety
- Hydrology and Water Quality
- Land Use, Plans and Policies
- Public Services

Based on the Initial Study prepared for the VIP and comments received during scoping, the City determined that the VIP will not result in impacts to:

- Agriculture Resources

- Mineral Resources
- Population and Housing
- Recreation

Accordingly, those topics were not studied further in the EIR.

Roles and Responsibilities

As the lead agency under CEQA, the City of Benicia will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The City of Benicia has the authority to halt any activity associated with the construction and operation of the VIP if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. The City of Benicia will act as the mitigation monitor and will designate to Valero how to contact the monitor.

Mitigation Monitoring and Reporting Program

The table attached presents a compilation of the mitigation measures in the Environmental Impact Report together with the required monitoring and reporting actions, effectiveness criteria, and timing.

Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/Reporting Action	Effectiveness Criteria	Timing	Non-Compliance Sanction
<p>AIR QUALITY</p> <p>4.2-1: Construction activities associated with project construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.</p>	<p>4.2-1a: During construction, Valero shall require the construction contractor to implement the following dust control procedures to maintain project construction-related impacts at acceptable levels.</p> <p>1) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</p> <p>2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>3) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</p> <p>4) Sweep all paved access roads, parking areas and staging areas at construction sites daily. Sweep City streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved public roads.</p> <p>5) If construction activities for any project component or group of components undergoing simultaneous construction will occur on a construction site greater than four acres in area, Valero shall require the</p>	<p>Reporting action: Valero shall submit documentation to the mitigation monitor that the dust control procedures are specified in construction contracts.</p> <p>Monitoring action: Field inspections during construction by the mitigation monitor.</p>	<p>Receipt by the mitigation monitor of the described documentation.</p> <p>Verification by the mitigation monitor that the prescribed procedures are being followed.</p>	<p>At the time of each building permit submittal for VIP construction.</p>	<p>Withhold building permit.</p> <p>Stop work order.</p>

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	<p>construction contractor to implement the following enhanced dust control procedure:</p> <p>Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more).</p> <p>Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)</p> <p>Limit traffic speeds on unpaved roads to 15 mph.</p> <p>Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>Replant vegetation in disturbed areas as quickly as possible.</p>				
	<p>4.2-1b: To mitigate impact of construction equipment exhaust emissions, the project sponsor shall require its construction contractors to comply with the following requirements:</p> <p>Construction equipment shall be properly tuned and maintained in accordance with manufacturers' specifications.</p> <p>Best management construction practices shall be used to avoid unnecessary emissions (e.g., trucks and vehicles in loading and unloading queues would turn their engines off when not in use).</p> <p>Any stationary motor sources (such as generators and compressors) located within 100 feet of any residence shall be equipped with a supplementary exhaust pollution control system as required by the BAAQMD and CARB. In such cases, the project sponsor shall require construction contractors to mitigate diesel emission by measures such as the use of catalyzed</p>	<p>Reporting action: Valero shall submit documentation to the mitigation monitor that the described emission control measures are specified in construction contracts.</p> <p>Monitoring action: Field inspections during construction by the mitigation monitor.</p>	<p>Receipt by the mitigation monitor of the described documentation.</p> <p>Verification by the mitigation monitor that the prescribed procedures are being followed.</p>	<p>At least 10 days prior to start of construction of VIP elements.</p>	<p>Withhold building permit.</p> <p>Stop work order.</p>

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4.2-2: Operational activities associated with the implementation of the proposed project could lead to increase in regional air pollutant emissions into the air basin.	diesel particulate filters, use of ultra-low sulfur diesel fuel, and/or use of EPA and CARB 1996 certified diesel engines. 4.2-2: As a condition of approval of the use permit for the VIP, Valero must implement the Light Ends Rail Rack Arm Drains project.	Reporting action: Valero will provide the City with a copy of its BAAQMD permit to operate or a comparable document to indicate that the Light Ends Rail Rack Arm Drains project has been implemented.	Receipt by the mitigation monitor of the described documentation.	Prior to the operation of VIP elements.	Use permit revocation.
BIOLOGICAL RESOURCES					
4.3-1: Potential disturbance of western pond turtle and California red-legged frog could occur during construction at the Tank Farm retention pond site.	4.3-1: Unless protocol surveys during the period May 1 through November 1 establish that the retention ponds are not occupied by either species, the modification of any Tank Farm retention pond shall be preceded by a period of at least six months during which the pond is drained and minimal water allowed to collect in the basin. If such pond drying is not possible, the project shall adhere to the following mitigation protocols: At least 45 days prior to working at the site, Valero shall notify City and a City-designated biologist to ensure that no work occurs without appropriate pre-construction surveys 48 hours before work begins. Notification shall be in writing and clearly define proposed construction schedule such that pre-construction surveys can be completed. The City-designated biologist shall be present at all times during construction at the ponds, and as required during construction near non-sensitive areas, as an on-site monitor to detect frogs or pond turtles which may enter the area of	Reporting action: Valero will notify the City which mitigation option it intends to implement. Option 1: Prepare Survey - Prepare protocol surveys during the period May 1 through November 1 to establish presence (or non-presence) of either specie. Option 2: No Survey - Drying the pond and maintaining in a dry state for six months. Note that a gradual drying of the ponds over a period of approximately two weeks will allow resident animals to depart under conditions not dissimilar from natural ephemeral water bodies.	Receipt and approval by the City of a protocol survey by a City biologist. If the presence of either specie is established. A City biologist will perform construction monitoring. City biologist to confirm pond drying activities upon notification of start from Valero and at end of six month period.	Prior to each applicable building permit approval. During the period 1 May through 1 November. Notification to City at least six months prior to construction.	Withhold building permit. Withhold building permit/stop work order.

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	<p>disturbance.</p> <p>If a California red-legged frog is identified in the project construction zone during pre-construction surveys or construction, no work in the immediate area can begin (or ongoing construction shall be halted) until the USFWS Sacramento Field Office is contacted and concurs that the project will not result in harm or harassment to the species. Western pond turtles may be relocated to suitable habitat by the City-designated biologist.</p>				
<p>4.3-2: Potential disturbance of special status and protected native birds (e.g., tricolored blackbird and Suisun song sparrow) during the breeding season could occur at the Tank Farm retention ponds.</p>	<p>4.3-2: Construction at the Tank Farm shall be limited to the non-breeding season for most birds, <i>i.e.</i>, all work shall occur September through February.</p> <p>Alternatively, if construction must occur during the breeding season, all vegetation that could be used for nesting shall be removed during the September through February period preceding construction.</p>	<p>Reporting action: Valero will notify the City if it intends to limit construction to the non-breeding season.</p> <p>Reporting action: Valero will notify the City if it intends to clear vegetation.</p>	<p>Receipt of notification by the City.</p> <p>Receipt of notification 15 days prior to clearance and verification by City biologist that all nesting vegetation is cleared.</p>	<p>15 days prior to construction.</p> <p>Notification and verification must be made between September and February.</p>	<p>Stop work order.</p> <p>Stop work order.</p>

CULTURAL RESOURCES

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<p>4.4-1: Construction of the refinery modifications may cause substantial adverse changes to the significance of currently unknown cultural resources.</p>	<p>4.4-1: Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and Valero shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of Valero and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p>	<p>Reporting action: Valero shall provide the mitigation monitor with the proposed program including instructions to contractors and name(s) and statement of qualifications of its designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures.</p>	<p>City mitigation monitor approval of Valero's proposed archaeological mitigation monitoring program and any subsequent implementation reports.</p> <p>The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior 1997).</p>	<p>At the time of each building permit submittal for VIP construction.</p> <p>At least 10 days prior to the start of any project-related earth disturbing activity, Valero shall confirm in writing to the mitigation monitor that the approved designated cultural resources specialist will be available at the start of the project and is prepared to implement the mitigation measures.</p>	<p>Stop work order.</p>
GEOLOGY AND SOILS					
<p>4.6-1: In the event of a major earthquake in the region, seismic ground shaking could potentially injure persons at the project site due to structural damage or structural failure. Ground shaking could potentially expose persons and property to seismic-related hazards, including localized liquefaction,</p>	<p>4.6-1a: Seismic design consistent with current professional engineering and industry standards shall be used in construction for resistance to strong ground shaking, especially for lateral forces. The implementation of the seismic design criteria as required by the California Building Code will reduce the potential for structural failure, major structural damage, and loss of life, and reduce the primary effects of ground shaking on structures and infrastructures to generally acceptable level. At a minimum,</p>	<p>Reporting action: Valero will submit documentation including construction plans and specifications to the City. Results of any site-specific geologic studies and associated recommendations should be included in the submittal. Submittals shall specify sources of design standards. These sources should include but are not limited</p>	<p>Review and approval of plans, specifications and documentation by Community Development Department.</p>	<p>At the time of each building permit submittal for VIP construction.</p>	<p>Withhold building permit.</p>

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<p>related ground failure and seismically-induced settlement.</p>	<p>the California Building Code requirements or a more stringent building code shall be followed during design and construction of all elements of the Valero Improvement Project. Additional requirements recommended by the project California Certified Engineering Geologist or Geotechnical Engineer, based on site-specific studies and specific project requirements, shall be followed and become part of the project specifications.</p>	<p>to the California Building Code, the Uniform Building Code, and construction standards of the American Petroleum Institute, if stricter than the codes. Any specific recommendations in geological reports will be included in the submittal and incorporated in the design.</p>			
	<p>4.6-1b: Appropriate grading and design, in accordance with the California Building Code requirements or a more stringent standard, shall be used to reduce the secondary effects of ground shaking on structures and infrastructure. Subsurface site conditions shall be investigated for all project facilities to identify poor foundation materials that may be susceptible to the effects of liquefaction, lateral spreading, and differential settlement. Poor foundation materials shall be removed prior to construction or be subjected to ground improvement techniques. In addition, deep pile foundations shall be driven through the poor foundation soils and into more competent materials.</p>	<p>Reporting action: For any project requiring grading, Valero will submit a grading plan and soils study to the City for review.</p>	See 4.6-1a.	See 4.6-1a.	See 4.6-1a
	<p>4.6-1c: Structural fill placed during the construction of the Valero Improvement Project shall be designed to reduce fill settlement with keyways and subsurface drainage, and adequately compacted (i.e., Minimum 90 percent compaction as defined by American Society for Testing and Materials (ASTM D1557)).</p>	See 4.6-1a.	See 4.6-1a.	See 4.6-1a.	See 4.6-1a

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	4.6-1d: All structural foundations, above-ground utilities, and underground utilities shall be designed to accommodate estimated settlement without failure, especially across transitions between fills and cuts.	See 4.6-1a.	See 4.6-1a.	See 4.6-1a.	See 4.6-1a
	4.6-1e: Final design of the proposed improvements shall be made in conjunction with a design-level geotechnical investigation submitted to the City of Benicia for review prior to issuing any grading or construction permits. Implement 4.6-1a through 4.6-1e.	Reporting action: Valero will submit a design-level geotechnical investigation to the City for review. Implement 4.6-1a through 4.6-1e.	Receipt of the geotechnical investigation by the City and approval of the investigation by the City Implement 4.6-1a through 4.6-1e.	See 4.6-1a.	See 4.6-1a
4.6-2: Proposed foundation construction could be subjected to the geologic hazards related to expansive soils and natural settlement.				See 4.6-1a.	See 4.6-1a
4.6-3: Construction of additional tanks or treatment units in the crude storage tank area and/or wastewater treatment plant area could potentially adversely affect the stability of slopes along the retention pond perimeter berms.	4.6-3: To reduce potential slope instability hazards related to static and dynamic forces in the retention pond areas, a slope stability analysis of the retention pond perimeter berms shall be conducted by a licensed professional engineer. All recommendations shall be used in the design and construction of the tanks and submitted to the City of Benicia for review.	Reporting action: Valero will submit all plans and the required engineer's study containing recommendations for additional tanks and treatment units, prepared and signed by a registered civil or geotechnical engineer, to the City for review and approval.	Receipt and approval by the City of plans and Engineer's study and recommendations.	Prior to the start of construction.	See 4.6-1a
NOISE					
4.1.1-1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity over the duration of the construction period.	4.1.1-1: Over the duration of pile driving activities, Valero shall require the construction contractor to implement the following mitigation measures: To reduce the potential for noise impacts from pile driving, alternate methods of driving shall be used, if feasible. Alternate measures may include pre-drilling of piles, the use of more than one pile driver to lessen the total time required for driving	Monitoring action: Valero will implement and follow construction noise mitigation measures and the mitigation monitor shall ensure compliance with the measures during pile driving. Reporting action: Valero	Receipt of construction plans or contracts showing mitigation wording. Receipt of a letter	During pile driving activities, contractors will be required to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday or as specified by the City of	Withhold building permit. Stop work order.

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<p>piles, and other measures. Pile driving activities shall be limited to daytime hours between 7 a.m. and 7 p.m., on weekdays. Pile driving shall be prohibited during weekends, state and federal holidays.</p> <p>Valero shall also designate a construction complaint manager for the project for the duration of the construction activities.</p>	<p>will designate a construction complaint manager for the project for the duration of the construction activities.</p>	<p>designating the construction complaint manager and contact information.</p> <p>Valero shall report any complaints and any correction measures taken to the mitigation monitor.</p>	<p>Benicia.</p>		
TRANSPORTATION / TRAFFIC					
<p>4.13-1: The proposed construction phase of the VIP would result in a potentially significant impact to the a.m. peak hour operations of I-680 northbound off-ramp/Bayshore Road in the 2004 plus project scenario.</p> <p>These measures include, at a minimum: Provision of traffic control personnel at impacted intersection during the peak hours. For this intersection, the refinery and the City of Benicia will be required to apply for a Caltrans Encroachment Permit, since "manual" traffic control will occur within the State right-of-way. An evaluation of manual traffic control was conducted assuming the intersection as a "fixed time" signalized intersection. The signal would simulate a traffic control officer controlling vehicle flow at the intersection during the a.m. peak hour. If the traffic control officer were to allow the</p>	<p>4.13-1: Since this significant impact would be temporary and only occur for a period of approximately 45 days, there are several measures that can be applied to improve intersection levels of service at the I-680 northbound off-ramp / Bayshore Boulevard intersection without the installation or construction of additional transportation facilities (e.g., lane widening, traffic signal installation, etc.).</p> <p>These measures include, at a minimum: Provision of traffic control personnel at impacted intersection during the peak hours. For this intersection, the refinery and the City of Benicia will be required to apply for a Caltrans Encroachment Permit, since "manual" traffic control will occur within the State right-of-way. An evaluation of manual traffic control was conducted assuming the intersection as a "fixed time" signalized intersection. The signal would simulate a traffic control officer controlling vehicle flow at the intersection during the a.m. peak hour. If the traffic control officer were to allow the</p>	<p>Reporting action: Valero shall submit all state road encroachment permits required for impacted intersections and report effectiveness to City at regular meetings or as directed by the City.</p>	<p>Valero shall obtain and comply with state road encroachment permits. Attendance by a Valero representative at regular traffic meetings between Valero staff and City staff at times designated by the City.</p>	<p>Prior to commencing construction activities and during construction as required.</p>	<p>Stop work order.</p>

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	<p>off-ramp traffic to enter the intersection unimpeded for 60 seconds, the level of service at the intersection would be LOS B (11.0 seconds of delay). The forecast queue length would almost be reduced in half from 625 feet to 340 feet (or 14 vehicles).</p> <p>Although not required, the following additional measures would provide for further improvements to the study area intersection delays:</p> <ul style="list-style-type: none"> • Stagger work hours and shifts of construction personnel during the a.m. and p.m. peak commute periods. • Use alternative and additional gate access locations to disperse traffic from the I-680 northbound off-ramp/Bayshore Road intersection. • Attendance at monthly traffic meetings between Valero staff and City staff (police, traffic engineer, and public works department) to review and implement the traffic controls listed above. 	<p>Valero to take additional listed measures if determined necessary by the City.</p>	<p>Verification by the mitigation monitor that Valero is implementing the specific aspects of the measure as directed by the City.</p>	<p>At times designated by the City.</p>	
<p>4.13-2: The proposed construction phase of the VIP would result in a contribution of construction traffic volumes to one of the I-680 ramp junctions which are already forecast to operate at LOS F in the baseline (i.e., without project) condition. However, when the 2004 baseline and 2004 plus project ramp volumes are</p>	<p>Implement 4-13-1.</p>	<p>Implement 4-13-1.</p>	<p>Implement 4-13-1.</p>	<p>Implement 4-13-1.</p>	<p>Stop work order.</p>

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compared at the impacted ramps, the project's contribution would be nominal.					
UTILITIES AND SERVICE SYSTEMS					
4.14-1: The Valero Improvement Project would increase demand for raw, untreated water from the City of Benicia in excess of the baseline refinery demand anticipated in the UWMP. In the future, the City's overall water demand may exceed available supplies from current sources in dry years. This impact would be significant. This impact could be altered to be less than significant if the City were to obtain additional water supplies or if the City were able to implement planned future water supply programs and projects. Some of these measures are beyond City control and some are within the control of the City and Valero.	4.14-1a: The City will continue to move forward with obtaining the future water supplies as identified in the Water Study, the UWMP, and the 1996 Water System Master Plan. 4.14-1b: The City of Benicia and Valero will continue to implement General Plan Program 2.36.A to pursue reuse of reclaimed wastewater where feasible, and the Valero Refinery will accept and use reclaimed water from a City reclamation project.	Monitoring action: Mitigation monitor shall communicate monthly with the Public Works Department to ascertain progress. Monitoring action: Mitigation monitor to communicate monthly with the Public Works Department. as above.	Delivery of agreement for additional water signed by all involved parties. Completion of project construction and notification to the City of acceptance and use of reclaimed water from the City reclamation project by Valero.	Best efforts by the City. Timing is not entirely within City and Valero's control. Best efforts as discussed in 4.14-1a above, on the part of Valero and the City.	NA Revoke use permit.
	4.14-1c: Drought Contingency. If a "water shortage" (as defined below) occurs, then Valero shall take the steps necessary to reduce water consumption at the refinery by an amount equal to or greater than the amount of raw water that	Reporting action: When notified by the City that a water shortage exists for any given year, Valero will provide prompt documentation to the City	Valero will notify the City as the steps are implemented and will provide an annual report at the end of the year, verifying the	When a water shortage occurs, as defined by this mitigation measure.	Revoke use permit.

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	<p>is being consumed due to implementation of the VIP during the period of the water shortage. This reduction shall be in addition to any amount of reduction required by Condition WATER RES-2, approved by the California Energy Commission on October 31, 2001, for the Valero Cogeneration Project. Upon notification that a water shortage exists for any given year, Valero shall provide prompt documentation to the City of: the amount of water expected to be consumed by the VIP during the year of the shortage; a description of the steps planned to reduce consumption; the amounts to be saved by the steps; and the timing of implementation. Valero shall notify the City as the steps are implemented and will provide an annual report at the end of the year, verifying the amounts of water saved by the steps taken.</p> <p>For purposes of this mitigation, "water shortage" means that all of the following conditions have occurred:</p> <ol style="list-style-type: none"> The City is unable to secure, pursuant to Supplemental Water Rights Application 30681, rights to the amount of water projected to accommodate City demand for the year of the water shortage, as shown in Table 4.14-3 of the VIP EIR, plus the amount of water needed for the VIP; The City is unable to secure other water entitlements to the amount of water projected to accommodate City demand for the year of the water shortage, as shown in Table 4.14-3 of the VIP EIR, plus the amount of 	<p>of: the amount of water expected to be consumed by the VIP during the year of the shortage; a description of the steps planned to reduce consumption; the amounts to be saved by the steps; and the timing of implementation.</p>	<p>amounts of water saved by the steps taken.</p>		

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<p>4.14-5a: The Valero Improvement project, together with the Cogeneration Project and other refinery projects would increase demand for raw, untreated water from the City of Benicia in excess of the baseline refinery demand anticipated in the UWMP. Together with other future, non-refinery projects, the VIP would make a significant contribution to the cumulative shortfall in City water supply in dry years.</p>	<p>c. water needed for the VIP; Valero has not secured a separate water entitlement, valid for the year of the water shortage, adequate for the amount of water needed for the VIP;</p> <p>d. The City has not implemented the wastewater reuse project; and</p> <p>e. The City has announced a water alert, as defined by Benicia Municipal Code Title 13, Chapter 13.35, section 13.35.060(B), and has ordered implementation of conservation stage two pursuant to the City Code.</p> <p>Implement 4.14-1a through e.</p>	<p>Revoke use permit.</p>			