City of Oakland Municipal Service Center Fuel Station

7101 Edgewater Drive, Oakland, CA

Initial Study/Negative Declaration

Draft

December 2024

Prepared for
Port of Oakland

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Acronyms and Abbreviations

2022 Scoping Plan	California Air Resources Board 2022 Scoping Plan for Achieving Carbon Neutrality
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACEHD	Alameda County Environmental Health Department
AIA	Airport Influence Area
ALUC	Airport Land Use Compatibility Plan
CARB	California Air Resources Board
AST	aboveground storage tank
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BART	Bay Area Rapid Transit
bgs	below ground surface
BMP	best management practice
BTEX	benzene, toluene, ethylbenzene, and total xylenes
btoc	below top of casing
BTU	British thermal unit
CAA	Clean Air Act
CAAA	Clean Air Act Amendment
CAAQS	California ambient air quality standards
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Code of Regulations Title 20, Energy Building Regulations, and Title 24, Energy Conservation Standards
Cal OES	California Office of Emergency Services
Caltrans	California Department of Transportation
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDOC	California Department of Conservation
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations

C/I	commercial/industrial
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
COC	contaminants of concern
COPC	contaminants of potential concern
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
cy	cubic yard
dB	decibel
dBA	A-weighted decibels
DDT	dichlorodiphenyltrichloroethane
DEF	diesel exhaust fluid
DMV	Department of Motor Vehicles
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EBMUD	East Bay Municipal Utilities District
EIR	environmental impact report
EISA	Energy Independence and Security Act
EO	Executive Order
EPA	United States Environmental Protection Agency
ESA	Federal Endangered Species Act
ESL	Environmental Screening Level
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Mapping
FTA	Federal Transit Administration
GHG	greenhouse gas
GWP	Global Warming Potential
H_2S	hydrogen sulfide
HAP	hazardous air pollutant
HASP	Health and Safety Plan
Hz	hertz

I-880	Interstate 880
in/sec	inch per second
IS	Initial Study
lbs/day	pounds per day
L_{dn}	day-night noise level
L_{eq}	equivalent sound level
LHMP	Local Hazard Mitigation Plan
L_{max}	maximum sound level
L_n	noise level exceeded n percent of a specific period of time
LNAPL	light nonaqueous petroleum liquids
LTCP	low-threat closure policy
LUST	leaking underground storage tank
LUTE	Land Use and Transportation Element
MACT	Maximum Available Control Technology
µg/m^3	micrograms per cubic meter
mg/m^3	milligrams per cubic meter
MLD	Most Likely Descendant
MLK	Martin Luther King, Jr.
MMBTU	Million British thermal units
MND	mitigated negative declaration
MPO	Metropolitan Planning Organization
MS4	municipal separate storm sewer system
MSC	Municipal Service Center
MT	metric ton
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
ND	negative declaration
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRCS	National Resource Conservation Service
NRHP	National Register of Historic Places

NWIC	Northwest Information Center
PG&E	Pacific Gas and Electric Company
PID	photoionization detector
PM	particulate matter
PM_{10}	particulate matter equal to or less than 10 microns in diameter
$PM_{2.5}$	particulate matter equal to or less than 2.5 microns in diameter
Port	Port of Oakland
Porter-Cologne	Porter-Cologne Water Quality Control Act
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
proposed Project	Municipal Service Center Aboveground Storage Tanks (AST) Project
RCRA	Resource Conservation and Recovery Act of 1976
RECP	Regional Emergency Coordination Plan
RFS	Renewable Fuel Standard Program
RMS	root-mean-square
ROG	reactive organic gases
RPS	Renewable Portfolio Standards
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SFBAAB	San Francisco Bay Area Air Basin
SFBRWQCB	California Regional Water Quality Control Board, San Francisco Bay Region
SIP	State Implementation Plan
SLF	Sacred Lands File
SLVRA	Sea-Level Rise Vulnerability Assessment
SO_2	sulfur dioxide
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCDD	tetrachlorodibenzodioxin
TMDL	Total Maximum Daily Load
TPH	total petroleum hydrocarbons
TPH-d	total petroleum hydrocarbons as diesel
TPH-g	total petroleum hydrocarbons as gasoline
TPH-mo	total petroleum hydrocarbons as motor oil

USC	United States Code
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VdB	vibration decibels
VMT	vehicle miles traveled
VOC	volatile organic compounds
UST	underground storage tank
Williamson Act	California Land Conservation Act of 1965
ZEV	zero-emission vehicle

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1 INTRODUCTION

1.1 PURPOSE OF AN INITIAL STUDY

The California Environmental Quality Act (CEQA) was enacted in 1970 for the purpose of providing decision makers and the public with information regarding environmental effects of proposed projects, identifying means of avoiding environmental damage, and disclosing to the public the reasons behind a project's approval even if it leads to environmental damage. The Port of Oakland (Port) has determined that the City of Oakland Municipal Service Center (MSC) Fuel Station at 7101 Edgewater Drive, Oakland, CA (proposed Project or Project) is subject to CEQA and that no exemptions apply. Therefore, preparation of an Initial Study (IS) is required.

An IS is a preliminary analysis conducted by the lead agency, in consultation with other agencies (responsible or trustee agencies, as applicable), to determine whether there is substantial evidence that a project may have a significant effect on the environment. If the IS concludes that the project, with mitigation, may have a significant effect on the environment, an environmental impact report (EIR) should be prepared; otherwise, the lead agency may adopt a negative declaration (ND) or mitigated negative declaration (MND).

1.2 DOCUMENT ORGANIZATION

This document consists of six sections, as described in the following paragraphs.

- **Chapter 1, Introduction,** provides an overview of the Project and the CEQA environmental documentation process.
- **Chapter 2, Project Description,** provides a brief description of the Project background, purpose and need, existing conditions, and Project construction and operations.
- **Chapter 3, Environmental Checklist and Analysis,** provides the lead agency determination and a detailed discussion of the environmental factors that could potentially be affected by this Project, as indicated by an analysis based on the CEQA Guidelines Appendix G checklist.
- **Chapter 4, List of Preparers,** provides the names and roles of the individuals who contributed to the development of this Draft IS/ND.
- **Chapter 5, Distribution List,** provides a list of the agencies and individuals to whom this Draft IS/ND will be delivered.
- **Chapter 6, References,** provides information regarding the documents and other reference materials used during the preparation of this Draft IS/ND.

1.3 CEQA PROCESS

To begin the CEQA process, the lead agency identifies a proposed Project, then prepares an IS to identify the preliminary environmental impacts of the proposed project. This Draft IS/ND has been prepared in accordance with CEQA provisions to analyze the possible environmental impacts of the proposed Project

so that the public can take these impacts into account when considering action on the Project. The Port has discretionary authority over the Project through issuance of a Port Development Permit (with the City of Oakland as applicant) and is therefore the CEQA lead agency.

In accordance with CEQA Section 15073, and to accommodate the late 2024 holiday season, the Port will circulate this Draft IS/ND for review for 37 days, from December 19, 2024, to January 25, 2025. This Draft IS/ND will be made electronically available on the Port website (https://www.portofoakland.com/business/bids-rfpcenter/environmental-stewardship-publications-documents/). During the public review period, the public and responsible and trustee agencies can submit comments on this Draft IS/ND to the Port. Written comments may be sent to:

Port of Oakland
Khamly Chuop, Port Associate Environmental Planner/Scientist
530 Water Street
Oakland, CA 94607
Email: kchuop@portoakland.com

After comments have been received from the public and from responsible and trustee agencies, the Port, through its Board of Port Commissioners, may adopt the ND for the proposed Project. If the Port adopts an ND, the Port may approve the Port Development Permit for the Project, and the Project proponent could construct all or part of the proposed Project. Within 5 days of the Port's adoption of the Final IS/ND, the Port will file a Notice of Determination with the County Clerk and State Clearinghouse.

1.4 PROJECT INFORMATION SUMMARY

Project Title:

City of Oakland Municipal Service Center Fuel Station, 7101 Edgewater Drive, Oakland, CA

Lead Agency Name and Address:

Port of Oakland
530 Water Street
Oakland, CA 94607

Contact Person and Phone Number:

Khamly Chuop, Port Associate Environmental Planner/Scientist

Port of Oakland
530 Water Street
Oakland, CA 94607
Office# (510) 627-1758
Email: kchuop@portoakland.com

Project Location:

The Project is located at the City of Oakland's MSC. The property address is 7101 Edgewater Drive, Oakland, CA (Assessor's Parcel Number 41-3902-20).

General Plan Designation:

Regional Commercial

Zoning:

D-CO-3 Coliseum Area District – 3 Commercial Zone (Oakport South/Hegenberger Road)

Project Description:

The City of Oakland (City) is proposing to construct and operate a new municipal fuel station in the existing approximate 17-acre MSC at 7101 Edgewater Drive in Oakland, California (proposed Project or Project). The MSC property is owned by the Port and has been leased and operated by the City since 1968. The proposed fuel station would be constructed in the northwestern area of the MSC; it would replace an existing gasoline and diesel fuel station, consisting of two 20,000-gallon fuel underground storage tanks (USTs), approximately 450 feet to the southwest. The USTs associated with the existing fuel station are planned for removal as a separate project following installation of the new fuel station (as required by Senate Bill [SB] 4451).

Surrounding Land Uses and Setting:

The MSC is bounded to the west by San Leandro Bay, to the northwest by Damon Slough, and to the southeast and east by commercial and industrial developments, including the Oakland Coliseum east of Interstate 880 (I-880). The western perimeter of the MSC is bordered by the publicly accessible Garretson Point bayside recreational trail. Oakland Airport is approximately 0.6 mile to the west of the Project site. The MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. It primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

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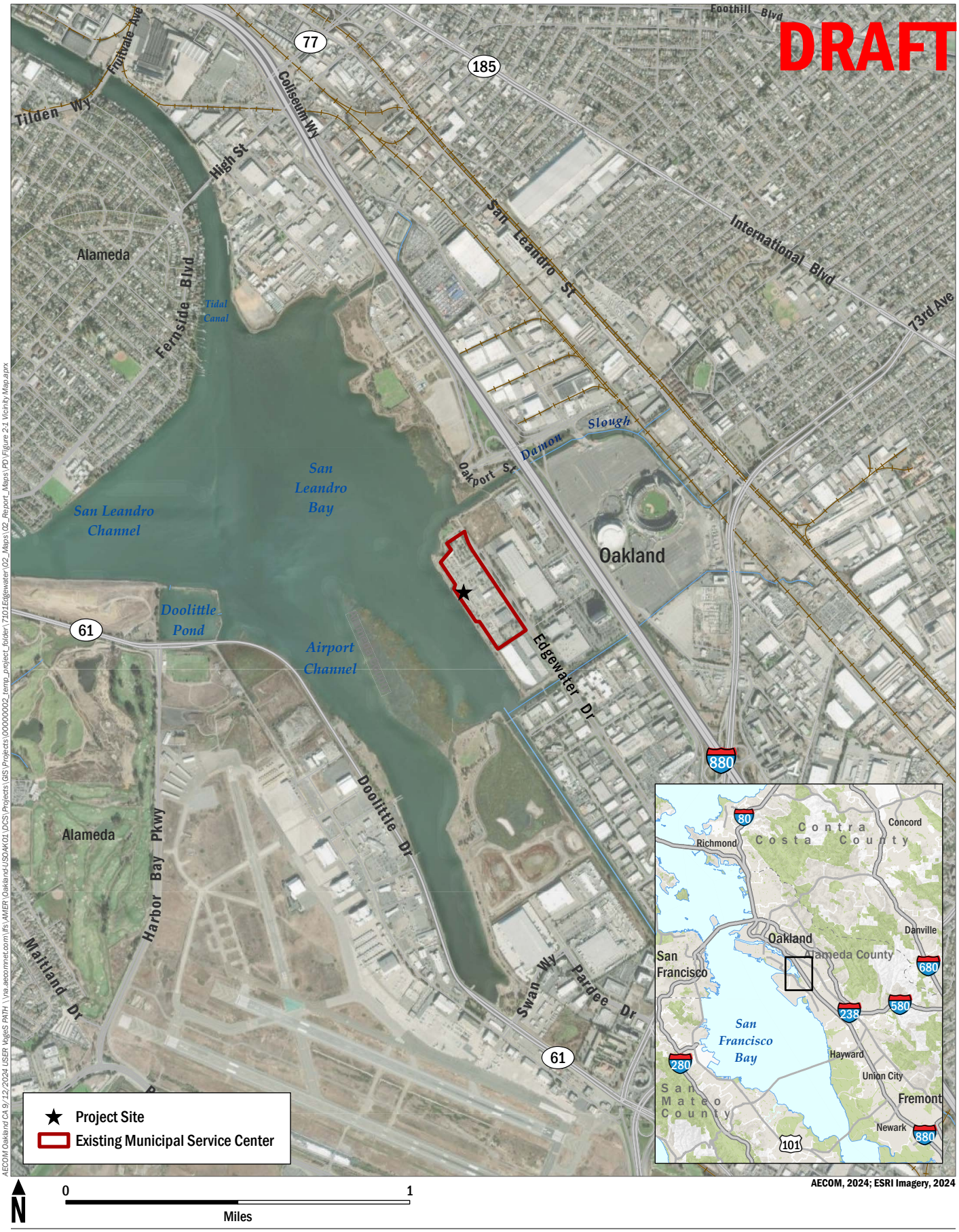
2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The City of Oakland (City) is proposing to construct and operate a new municipal fuel station in the existing MSC at 7101 Edgewater Drive (Assessor's Parcel Number 41-3902-020; Figures 2-1 through 2-4) in Oakland, California (proposed Project or Project), which has an area of approximately 17 acres. The MSC property is owned by the Port and has been leased and operated by the City since 1968. The proposed fuel station would be constructed in the northwestern area of the MSC and would replace an existing gasoline and diesel fuel station consisting of two 20,000-gallon fuel USTs approximately 450 feet to the southeast. The USTs associated with the existing fuel station are planned for removal as a separate project following installation of the new fuel station (as required by SB 4451) and are not covered in this Draft IS/ND. However, the proposed Project operation reflects a baseline of service provided by the existing fuel station. Therefore, this related but distinct project is discussed throughout this document and considered as part of the baseline environmental setting and the cumulative impact analyses, as appropriate.

The new fuel station would primarily consist of two 12,000-gallon fuel above ground storage tanks (ASTs; one diesel, one gasoline), a 500-gallon diesel exhaust fluid (DEF) tank, six dispensers (three diesel, three gasoline), and three overhead canopies, all of which would be situated on a new reinforced-concrete tank pad. Supporting appurtenances (e.g., guard posts, card reader, lighting), a backup power generator, and a sanitary sewer lift station would also be constructed; and landscaping (a single tree) would be installed. The total proposed area of permanent improvement to construct and operate the new fuel station (i.e., the proposed Project fuel station footprint) is approximately 4,877 square feet of currently paved surfaces in the MSC. The proposed Project includes connections to existing utilities consisting of buried electrical lines, storm drain laterals, an oil/water separator, and a sanitary sewer force main; and relocation of a short length of existing storm drainpipe and inlet that encroach into the proposed tank pad footprint. Utility connections and appurtenances would largely occur along the perimeter of the proposed fuel station—except for the proposed buried electrical line, which would connect to an existing electrical cabinet approximately 110 feet northwest; and the sanitary sewer force main line, which would connect to a junction box approximately 230 feet northeast. The proposed Project does not include connection for water. Following construction, the proposed Project footprint would remain impervious, except for a small landscaping area that would be surfaced in permeable gravel or amended soil.

Construction activities would include removing the existing asphalt and subgrade; compacting, grading, and forming the tank pad, tank footings, guard posts, canopy columns (for three individual canopies), and concrete pad for the backup generator; setting and anchoring the ASTs, DEF tank, and backup generator; installing the canopy; trenching and installing utility connections (buried electrical, storm drain, and sewer); installing the tank trim and piping; and installing landscaping. The maximum depth of construction for the proposed Project would be associated with utility trenching or the installation of the canopy support columns, which would be anticipated to extend to a maximum depth of 9.5 feet below ground surface (bgs) and 8 feet bgs, respectively. Other construction activities would include the demolition and removal of the existing features, including a single light pole, a short portion of storm drain line, and groundwater extraction lines. Construction and staging of construction equipment would be largely confined to the proposed Project area.



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Port of Oakland

City of Oakland Municipal Service Center Fuel Station
7101 Edgewater Drive, Oakland, CA

FIGURE 2-1
Vicinity Map

Barghausen Consulting Engineers, Inc., AECOM, 2024

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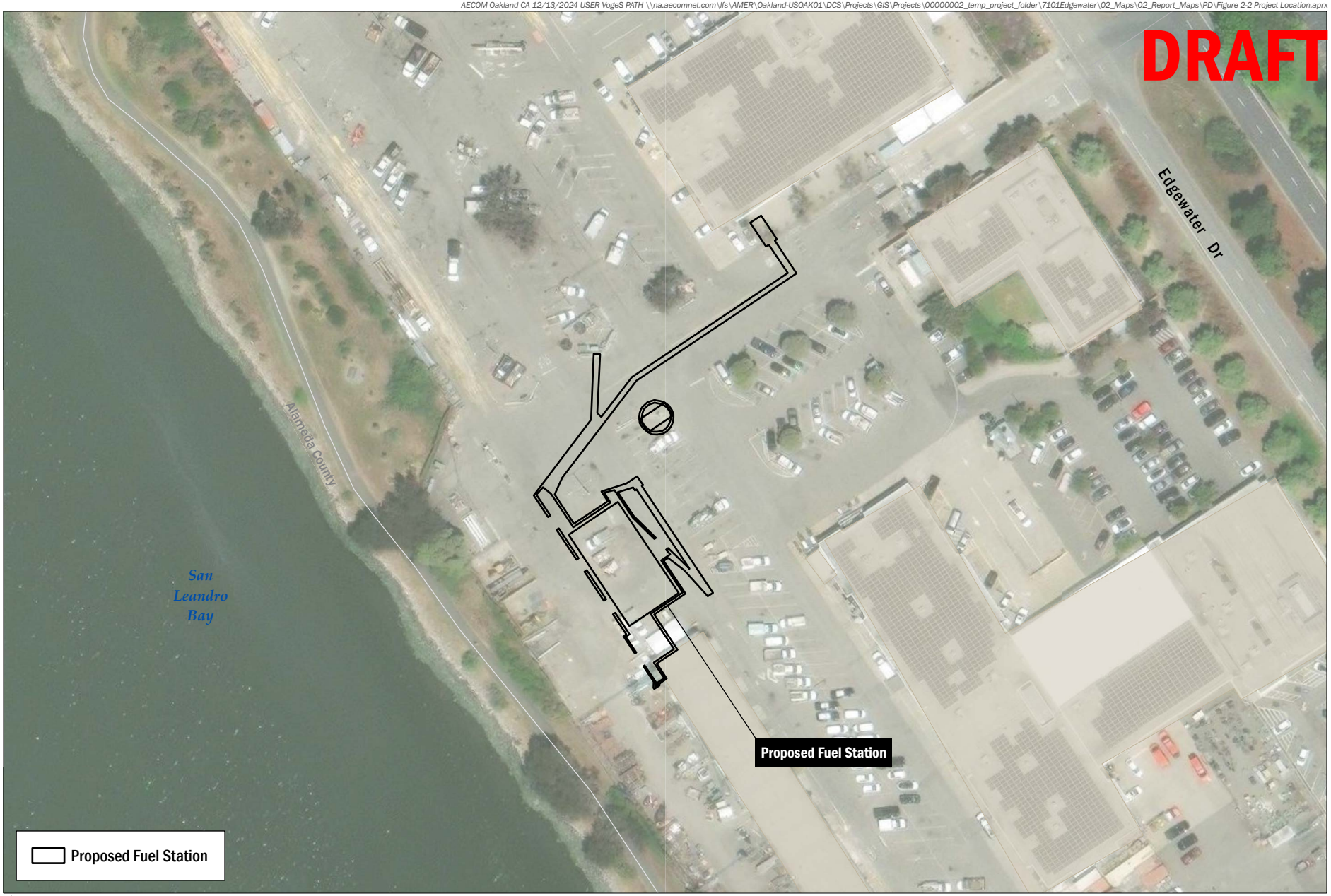
Port of Oakland

City of Oakland Municipal Service Center Fuel Station,
7101 Edgewater Drive, Oakland, CA

FIGURE 2-2

Project Location



Barghausen Consulting Engineers, Inc., AECOM, 2024

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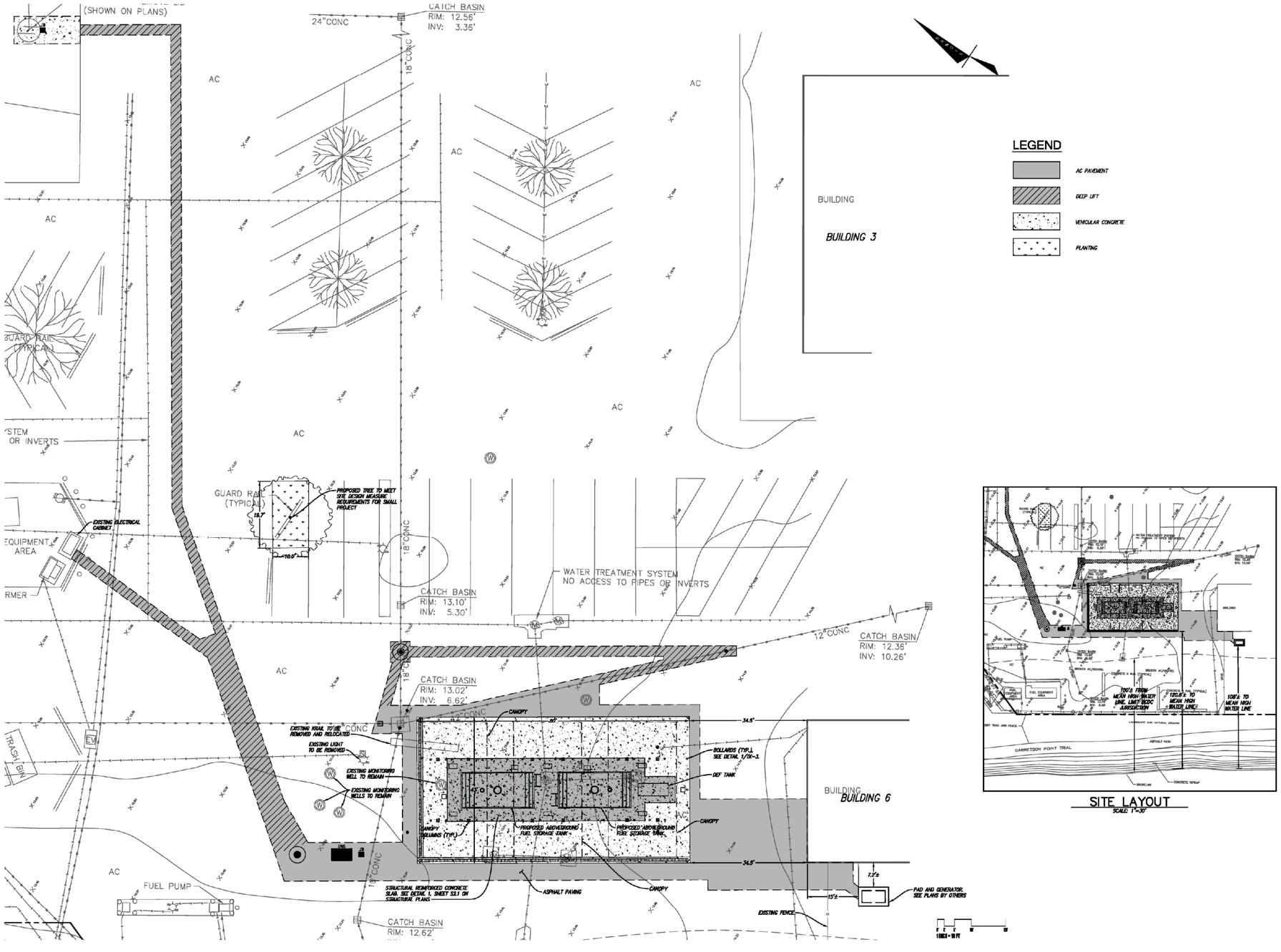
Port of Oakland

City of Oakland Municipal Service Center Fuel Station,
7101 Edgewater Drive, Oakland, CA

FIGURE 2-2

Project Location



SITE LAYOUT
SCALE: 1"=30'

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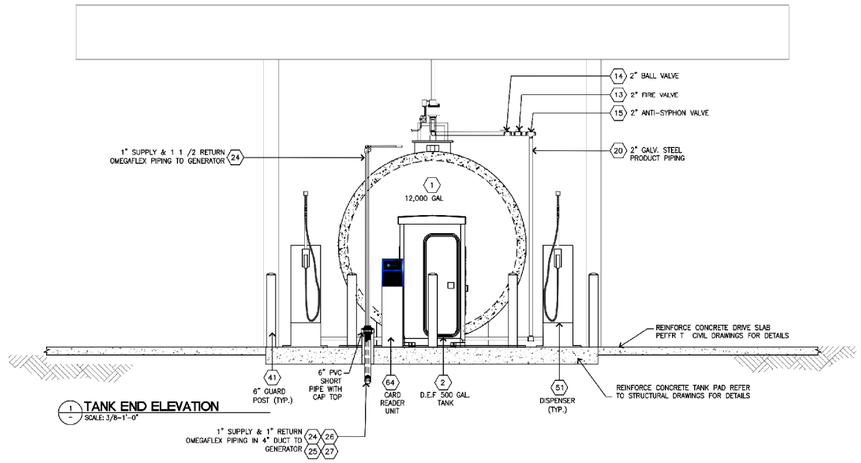
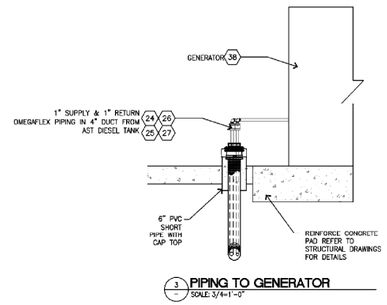
City of Oakland Municipal Service Center Fuel Station

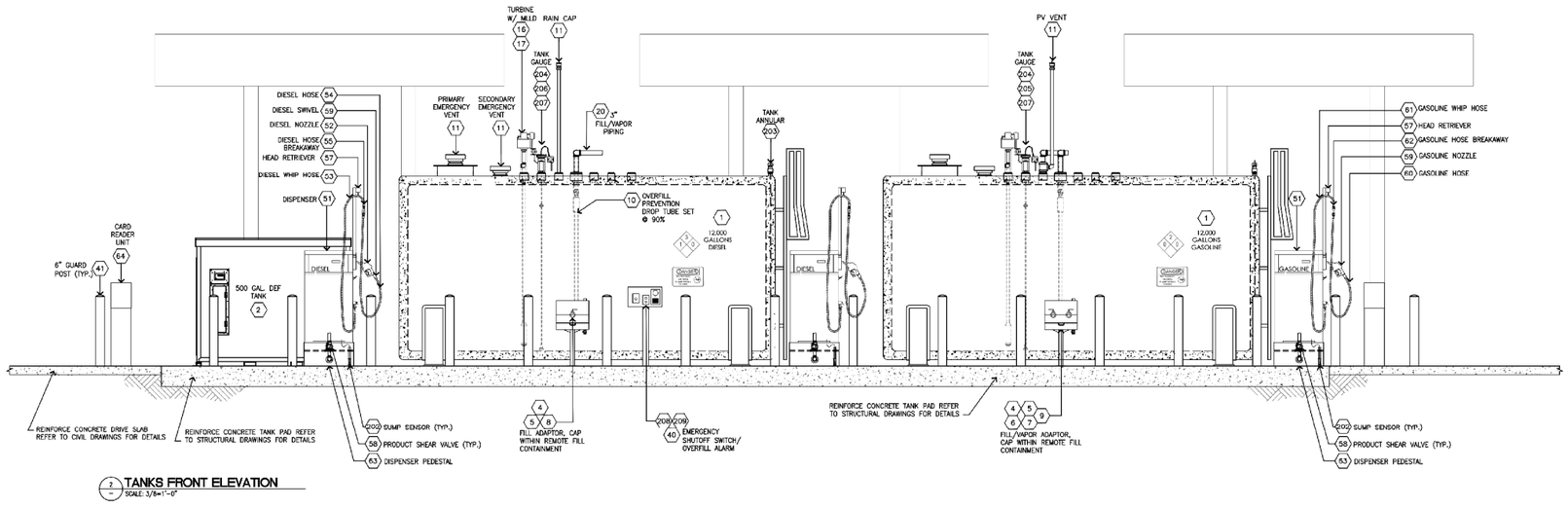
7101 Edgewater Drive, Oakland, CA

FIGURE 2-3

Site Plan







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City of Oakland Municipal Service Center Fuel Station

7101 Edgewater Drive, Oakland, CA

FIGURE 2-4

Fuel Station Cross Sections

The new fuel station would allow for current operations at the existing fuel station to continue largely unchanged. Operations would continue to include fueling fleet equipment and public works vehicles primarily used for City operations and maintenance activities and, at times, fueling Alameda County and California State vehicles. The fuel delivery frequency and associated fuel delivery truck trips are assumed to remain unchanged under the proposed Project. If any additional refueling needs arise because the proposed ASTs are smaller than existing USTs, they would be minimal. Activities proposed to occur at the fueling station are anticipated to decrease over time as the City replaces its vehicle fleet with lower-emission equipment and achieves state and local regulatory targets to reduce the use of petroleum fuels.

Other operation and maintenance activities required for the new fuel station are anticipated to be similar to existing operations (e.g., daily visual observations by users, as-needed maintenance by contractors and/or the designated Operator, and City routine safety checks). Operational utility demand would be limited to electricity needed for the lighting, dispensers, sanitary sewer lift, and minor ancillary equipment. Other than the emergency backup generator, no new emission-generating equipment would be required. Negligible changes to stormwater and sewer discharge are anticipated (e.g., new connections, sanitary sewer lift station, slightly changed conveyance) because there would be no new impervious areas, and only a small 207-square-foot newly pervious area (as required for a single landscaped tree). An oil/water separator would be installed and operated to address incidental runoff contamination from fuel or oil. The proposed 207-square-foot permeable landscaped area would be maintained by City staff as part of the existing MSC landscape maintenance, which would include regular watering for tree establishment during subsequent summer months.

2.2 PURPOSE AND NEED

The purpose of the proposed Project is to construct and operate a new fuel station that supports City, Alameda County, and California State operations and maintenance activities.

2.3 EXISTING CONDITIONS AND BACKGROUND

The Project would be at the City's MSC, at 7101 Edgewater Drive in Oakland, California. The MSC occupies approximately 17 acres adjacent to the eastern side of San Leandro Bay, on the western side of I-880 (see Figure 2-1). The MSC is bounded to the west by San Leandro Bay, to the northwest by Damon Slough, and to the southeast and east by commercial and industrial developments, including the Oakland Coliseum east of I-880. The western perimeter of the MSC is bordered by the publicly accessible Garretson Point bayside recreational trail. Oakland Airport is approximately 0.6 mile to the west of the Project site, and the Project site is in the Airport Influence Area (AIA) identified in the Airport Land Use Compatibility Plan (ALUC; Alameda County 2010). The MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. It primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

The Project area—which is approximately 0.7 acre, inclusive of the 4,877-square-foot fuel station footprint and construction staging area (approximately 30,000 square feet)—is currently used for parking and staging of municipal vehicles, debris bins, and other miscellaneous equipment. The existing fuel station USTs that would be removed and functionally replaced by the proposed Project are approximately 450 feet southeast of the Project footprint. The existing fuel station currently provides service to fleet equipment and public works vehicles used for City, Alameda County, and State of California operations and maintenance activities. The refueling frequency of the existing fuel station has varied from approximately 3,000 to 7,000 gallons a week from 2022 through 2024, providing fueling service to approximately 350 vehicles per week. These activities would continue following construction of the proposed Project, with minor changes related to the new fuel station location, orientation, and design. To provide continuity in fuel service to municipal vehicles and equipment, the existing fuel station USTs would be decommissioned and removed following construction of the proposed Project. Decommissioning and removal would occur prior to December 12, 2025, in compliance with SB 4451.

The MSC is identified as a Leaking Underground Storage Tank (LUST) cleanup site under the California Code, Health and Safety Code (Case Site No. R00000293) (SWRCB 2024). The LUSTs were removed in the mid to late 1990s and are unrelated to the existing fuel station USTs planned for removal. The MSC has been under regulatory oversight of the Alameda County Environmental Health Department (ACEHD) as a LUST case since 1995. The primary contaminants of potential concern (COPC) identified in the case listing include total petroleum hydrocarbons (TPH) as gasoline (TPH-g) and as diesel (TPH-d); and petroleum-related volatile organic compounds (VOCs), including benzene, toluene, ethylbenzene, and total xylenes (BTEX). The MSC and associated Cleanup Site Case status is "Site Assessment" as of October 14, 2024. To accommodate construction of the proposed Project, seven groundwater monitoring/ remediation wells were destroyed from the proposed Project site in August 2024.

The existing fuel station UST removal activities are considered separate projects from the proposed Project, having distinct independent utility and statutory approvals. However, the proposed Project operation reflects a baseline of service provided by the existing fuel station. Therefore, this related but distinct project is discussed throughout this document and considered as part of the baseline environmental setting and the cumulative impact analyses, as appropriate.

The Port's Phase II Small Municipal Separate Storm Sewer System (MS4) Program permit and California Regional Water Quality Control Board, San Francisco Bay Region's (SFBRWQCB's) Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit apply the Project site and MSC parcel, which allow discharge of stormwater from the site. The MSC also holds an East Bay Municipal Utilities District (EBMUD) Wastewater Discharge Permit.

2.4 PROPOSED PROJECT

The proposed Project entails construction and operation of a fuel station at the City's MSC for fueling of municipal vehicles and equipment. Primary fuel station components include two 12,000-gallon fuel ASTs, a 500-gallon DEF tank, six dispensers (three diesel, three gasoline), and three overhead canopies, all of which would be situated on a new reinforced-concrete-tank pad. Table 2-1 provides additional detail on primary fuel station components, which are shown on Figures 2-3 and 2-4. Fuel station supporting appurtenances (e.g., guard posts, card reader, and lighting), a backup power generator, and a sanitary sewer lift station would also be constructed. A single landscaping tree would also be installed less than 100 feet north of the proposed fuel station to meet site design requirements. The Project footprint, inclusive of construction and staging, would be outside the Coastal Zone (inclusive of the shoreline band).

Table 2-1 Primary Project Components Summary

Project Component	Description/Purpose
Two ASTs	Two 12,000-gallon UL-2085 protected, double-wall ASTs, one for the storage of diesel and one for the storage of petroleum gasoline
DEF Tank	500-gallon UL-508A DEF tank
Six Fuel Dispensers	Three gasoline and three diesel gasboy single-hose dispensers, with single-product hose fitted with hoses, nozzles, and breakaway valves
Three Canopies	Three column-supported overhead canopies, providing partial tank coverage equipped with lighting, approximately 20 feet wide by 40 feet long and 20 feet above ground level

Notes:

AST = aboveground storage tank; DEF = diesel exhaust fluid

The proposed fuel station would be constructed on a new reinforced-concrete tank pad (mat slab foundation) to be installed in accordance with the recommendations of the Project Geotechnical Report (Partner Engineering and Science 2023). Pavement areas adjacent to the tank pad are anticipated to be 7 inches of concrete above a 4-inch aggregate base. Overexcavation to approximately 4 feet below foundation elements would likely be required to install a rigid fill pad, consisting of geogrid reinforcement (such as Tensar TriAx) backfilled with aggregate base or similar material to the bottom of the tank pad elevation. The excavation for the rigid fill pad would extend laterally up to 5 feet beyond the tank pad. The depth and extent of the rigid fill pad excavation would be evaluated by the Project engineer, with additional removal of soft or deleterious material required if encountered. Each of the three canopies would be supported by four concrete footings, measuring approximately 4 feet by 4 feet and installed to a maximum depth of 7 to 8 feet. Canopy footing locations would be within the tank pad footprint but would be independent of the tank pad and rigid fill pad.

Excavation would also be required for guard posts proposed for the perimeter of the fuel station. The guard posts would consist of 4-foot-tall concrete-filled pipe posts embedded in concrete footings extending to an approximate depth of 4 feet. Guard posts would be installed within the footprint of the reinforced-concrete tank pad and would not require excavation beyond the depth or lateral extents of the rigid fill pad.

The proposed Project includes connections to existing utilities consisting of buried electrical lines, storm drain laterals, an oil/water separator, and sanitary sewer force main. Utility connections would largely occur along the perimeter of the proposed fuel station—except for the proposed buried electrical line that would connect to an existing electrical cabinet approximately 110 feet to the northwest, and the sanitary sewer force main line that would connect to a junction box approximately 230 feet to the northeast. Maximum trenching depths would vary up to approximately 9.5 feet. A sanitary sewer lift would be installed in an 8-foot deep well underlain with 6 inches of scarified and compacted soil and 6 inches of drain rock. No new water service or water lines would be needed. A short length of storm drainpipe and inlet that encroach into the proposed concrete tank pad's northern corner would be relocated, and there is potential for one auxiliary electrical line to be relocated. Proposed utility trenching would otherwise not encroach on existing utilities.

A single diesel-powered generator (CAT Model C4.4, 75 horsepower) would be installed approximately 50 feet south of the fuel station. The generator would be sized to provide emergency backup power to the fuel station and sanitary sewer lift station.

The proposed landscaping tree would require excavation of a 207-square-foot area, less than 100 feet north of the proposed fueling station, to approximately 1.5 feet deep. Soil in this 207-square-foot area would be replaced or amended with organic matter suitable for successful tree growth.

The new fuel station would allow for current operations at the existing fuel station to continue largely unchanged. Operations would continue to include fueling fleet equipment and public works vehicles primarily used for City, Alameda County, and California State operations and maintenance activities and, at times, fueling Alameda County and California State vehicles. The existing fuel station refueling frequency has varied from approximately 3,000 to 7,000 gallons a week from 2022 through 2024, providing fueling service to approximately 350 vehicles per week. The proposed fuel station would service the same number of vehicles weekly and would be sufficiently served by the existing refueling frequency. If any additional refueling needs arise because the proposed ASTs are smaller than the existing USTs planned for removal, they would be minimal. Frequency of refueling the proposed ASTs and DEF, as well as frequency of vehicles using the proposed fuel station, is anticipated to reduce over the long term as municipal fleets transition to alternative fuel sources, in accordance with the City's 2030 Equitable Climate Action Plan (City of Oakland 2020) and Zero Emission Vehicle Action Plan (City of Oakland 2023b). This includes a commitment to ensure that more than 50 percent of the City's fleet uses alternative fuels, with 100 percent of all nonemergency response sedan purchases being zero emission vehicles by 2030.

Other operation and maintenance activities required for the new fuel station are anticipated to be similar to existing operations, with minor deviations. Inspections would continue to include daily visual observations by users; as-needed maintenance by contractors/Designated Operator; and routine City safety checks, with the addition of California Department of Forestry and Fire Protection (CAL FIRE)-Office of the State Fire Marshal inspections as required for tank facilities with 10,000 gallons or more of total aboveground petroleum storage capacity. Other operational changes would include the proposed canopy lighting, minor fueling changes associated with the new equipment and its siting (e.g., slight changes in vehicular flow and fueling procedures), and use of the diesel generator to provide emergency backup power to the fuel station and sanitary sewer lift station. Maintenance activities such as cleaning are anticipated to be similar to current conditions and would be provided through existing service providers. Operational utility demand would be limited to electricity needed for the lighting, dispensers, sanitary sewer lift station, and ancillary equipment (e.g., card reader). Other than the emergency backup generator, no new emission-generating equipment would be required. Negligible changes to stormwater and sewer discharge are anticipated (e.g., new connections, new sanitary sewer lift station, and slightly changed conveyance) because there would be no new impervious areas. An oil/water separator would be installed and operated to address incidental runoff contamination from fuel or oil. The proposed landscaped area (a single tree) would be maintained by City staff as part of overall MSC landscape maintenance, which will include regular watering during tree establishment and subsequent summer months.

2.5 CONSTRUCTION METHODS AND SEQUENCE

Construction activities would include removing the existing asphalt and subgrade; compacting, grading, and forming the tank pad, tank footings, guard posts, canopy columns (for three individual canopies), and concrete pad for the back-up generator; setting and anchoring the ASTs, DEF tank, and back-up generator; installing the canopies; trenching and installing utility connections (buried electrical, storm drain, and sewer); installing the tank trim and piping; and installing landscaping. Limited demolition work would be required, including removing the asphalt and subgrade for the tank pad and utility trenching, demolishing and removing a single existing light pole, demolishing and removing a short portion of existing storm drain line, and demolishing and removing existing groundwater extraction lines. The anticipated duration of construction is approximately 3 to 6 months (9 to 14 weeks active construction). Table 2-2 outlines the approximate construction sequence and durations, daily workers, construction equipment, and vendor trip details. Site cleaning would follow Project construction, and final inspections by the fire and building departments would occur before fuel delivery and fuel station operation.

Table 2-2 Approximate Construction Sequence and Durations, Daily Workers, Construction Equipment, and Vendor and Haul Trips

Construction Phase	Construction Phase Duration	Daily Workers	Construction Equipment				Vendor Trips		Haul Trips	
			Equipment	Quantity	Size	Usage Hours per Day	Vendor Truck Round Trips	One-Way Trip Distance or Location Vendor Trucks Traveling From	Import/Export Quantities of Hauled Material	Haul Truck Round Trips
Asphalt Subgrade Removal	2 days	8 total	Skid Steer Backhoe	1 each	70 hp 76 hp	8 hours 8 hours	3	Walnut Creek, CA	401 cy	25
Compaction/Grading and Forming Tank Footings	8 to 10 days	8 total	Skid Steer Backhoe	1 each	70 hp 76 hp	2 hours 2 hours	3	Walnut Creek, CA	277 cy	17
Concrete Pour	3 days	8 total	Vendor-dependent/ direct pour	9	—	6 hours	3	Walnut Creek, CA	86 cy (concrete)	N/A
Tank Set	1 day	5 total	70 ton crane	1	450 hp	5 hours	3	San Jose, CA	N/A	N/A
Canopy Install	1 to 5 weeks	3 total	Grade All	1	119 hp	8 hours	2	Utah	N/A	N/A
Tank Trim Install and Piping	2 weeks	5 total	Grade All	1	119 hp	8 hours	3	San Jose, CA	N/A	N/A
Utility installation	2 weeks	4 total	Saw Backhoe	1 each	— 76 hp	<1 hour 6 hours	2	Oakland, CA	320 cy	20
Cleanup/Startup	2 weeks	5 total	Skid Steer	1	70 hp	8 hours	3	San Jose, CA	22 cy	2

Notes:

cy = cubic yards; hp = horsepower; N/A = not applicable

2.6 BEST MANAGEMENT PRACTICES

Construction at the site would be conducted in conformance with applicable laws and regulations, including those pertaining to the fuel storage and dispensing. To further reduce impact from construction, the proposed Project would also implement the measures discussed in the following sections.

2.6.1 Air Quality

- All exposed surfaces (e.g., parking areas, staging areas, stockpiles, graded areas) will be watered as necessary to control dust. Ground disturbance would be limited to excavation required for the reinforced tank pad (including rigid fill pad), guard posts, canopy support columns, sanitary sewer lift, and buried utilities.
- Signage indicating a 10-mile-per-hour speed limit will be posted and followed during construction.
- Idling times will 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 will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

2.6.2 Water Quality

- Water pollution controls will be implemented during or prior to constructing in accordance with the Project Erosion Control Plan, including the following, but not limited to the following:
    - Concrete rinses will be performed on all concrete trucks, using chute wash buckets. Concrete rinse will be captured and contained in secondary containment and properly disposed of.
    - Street sweeping will be performed and will be checked daily to ensure that deposited sediment and debris do not enter the storm drain system. Regenerative vacuum street cleaners will be used to avoid or minimize air and water pollution.
    - Runoff that has contacted amended soil areas will not be allowed to leave the site or enter the storm drain system.
    - Straw wattles will be placed at the perimeter of the reinforced-concrete tank pad excavation area and soil stockpile location.
    - Stockpiled materials will be protected from wind by use of means such as watering or anchored plastic covering(s).
    - Existing inlets will be protected with staked straw wattles, gravel backfill, and filer fabric.
    - Exposed utility trenches will be protected with straw wattles and watered.
    - The Project contractor will ensure that control measures are adequate and in place and will provide back-up erosion prevention and sediment control measures as needed (e.g., soil stabilization, straw wattles, or silt fences).

- The Project contractor will keep a clean and safe workplace. Good housekeeping procedures will include avoiding spills through employee training, maintaining spill kits on site, and immediately cleaning accidental spills of construction-related materials (such as concrete, equipment fuel, or hydraulic fluid).
- The proposed Project will comply with the Port's Post-Construction Design Manual to reduce offsite stormwater runoff.
- Construction debris will be disposed of in accordance with all relevant City of Oakland recycling ordinances.
- The contractor will use nearby monitoring wells to determine groundwater elevations, to anticipate whether groundwater will be encountered during construction. If groundwater is encountered during construction, it will be containerized, tested, and properly disposed of off site or discharged to the sanitary sewer or stormwater after obtaining the necessary permit(s). If groundwater encountered during excavation has evidence of contamination (e.g., visual staining, suspicious odors, or evidence of physical debris)—or if the groundwater is emanating from, in contact with, or near soil that has evidence of contamination—a groundwater sample would be collected and analyzed in accordance with United States Environmental Protection Agency (EPA) Methods 6010B/7470A for California Assessment Manual (CAM) 17 Metals; 8260 for VOCs; and 8015 for TPH-g, TPH-d, and TPH as motor oil (TPH-mo), at a minimum. Groundwater may also be analyzed for other constituents and properties in to meet discharge permitting requirements that may include treatment before discharge. Water generated from dewatering activities will be contained on site until analytical results are evaluated for appropriate disposal or treatment.

2.6.3 Soil Management and Hazards

- The construction contractor will prepare a Health and Safety Plan (HASP) for approval by the Port or City environmental manager.

  The HASP will include the following air monitoring measures for implementation during construction:

  - Vapor readings will be collected hourly during excavation and trenching activities. At minimum, the following will be measured during trenching and excavation activities:
    - Baseline ambient air samples before the excavation and trenching activities occur;
    - Excavation and trench perimeter to evaluate if areas outside of the excavation and trenches are impacted by vapors originating from excavation activities;
    - Vapors inside of the excavation and trenches.
  - VOC gas may be found in excavations and trenches that are below the water table. A photoionization detector (PID) capable of measuring down to at least 5 parts per million (ppm) shall be used to measure for VOCs. VOC action levels are outlined in Table 2-3.

Table 2-3 Response levels and response actions for air monitoring activities

Parameter	Zone Location and Monitoring Interval	Response Level and Duration	Response Action
VOCS (by PID)	Breathing zone, continuously during tasks where exposure to VOCs is possible	< 5 ppm	Continue monitoring, may continue work in required personal protective equipment.
		> 5 ppm (sustained for 5 minutes)	Workers will be required to upgrade to Level C personal protective equipment, including respirators with organic vapor cartridges

Notes:

PID = photoionization detector; ppm = parts per million; VOCs = volatile organic compounds

- Contaminated soils generated during ground disturbance would be managed consistent with applicable plans and regulations. This includes consistency with California Stormwater Best Management Practice (BMP) Handbook (CASQA 2023) measure WM-3 for stockpile management (e.g., placed on and covered by heavy-duty polyethylene plastic sheeting to mitigate dust generation and rain runoff; and labeled and secured to prevent accidental removal, disposal, or use), measure WM-7 for contaminated soil management (e.g., minimize onsite storage, dispose of contaminated soils off site), testing and sampling materials for contaminants of concern (COCs), and proper soil disposal once profiling analytical results have been received.

2.6.4 Noise

- The construction contractor will meet City of Oakland construction noise standards set in the Oakland Planning Code, including limits on the hours of noise-generating activities, limits on the number of consecutive days of noisy construction activities, and limits on the maximum noise at receiving properties.

2.6.5 Cultural Resources

- The construction contractor will implement the Port's Emergency Plan of Action for Discoveries of Unknown Historic or Archaeological Resources to address discoveries of unknown historic or archaeological resources (Port no date). This plan will be followed should workers encounter any unidentified resources during construction.
- The contractor will implement the following additional measures related to potential cultural resources of Native American origin inclusive of human remains:
    - If cultural resources of Native American origin are identified during grading or excavation of the proposed project, including but not limited to artifacts or evidence of shell mounds, all ground-disturbing activities within 100 feet will cease until archaeologist has evaluated the nature and significance of the find as a cultural resource, and contacted the Port and a representative from the corresponding Native American Tribe(s). If the entity, in consultation with the Port and consulting Tribe(s), determines that the resource is a Tribal Cultural Resource, the entity will retain

a qualified archaeologist and a Tribal monitor, at the applicant's expense, to prepare an avoidance and/or treatment plan, which will be implemented by the entity in accordance with state guidelines and in consultation with the Port and consulting Tribe(s). Examples of appropriate avoidance or treatment for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, or protecting the confidentiality of the resources, or heritage recovery.

- If human remains are encountered during construction and ground-disturbing activities, all work within 100 feet of the remains should be redirected, and the Port and County Coroner notified immediately. An archaeologist will be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects.

2.6.6 Biological Resources

- If Project construction begins during the nesting season (February 1 through August 15), a preconstruction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist, within 7 days prior to the onset of work activities, to identify any active nests.
- The preconstruction nesting bird survey shall be performed within 50 feet of the Project site to locate any active passerine (e.g., songbird) nests, and within 200 feet to locate any active raptor (bird of prey) nests.
- If no active nests are identified during the survey period, or if development is initiated during the nonbreeding season (August 16 through January 31), construction may proceed with no restrictions. If the survey indicates the presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist and will largely be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment; these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
- Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.
- Any birds that begin nesting amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels, and no work exclusion zones shall be established around active nests in these cases; however, no work activities that result in the direct destruction (e.g., crushing of eggs) or removal of such nests is allowed.

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3 ENVIRONMENTAL CHECKLIST AND ANALYSIS

This section presents the IS that was completed for the proposed City of Oakland MSC Fuel Station Project, in accordance with the requirements of CEQA. The IS identifies site-specific conditions and impacts; evaluates their potential significance; and, where applicable, discusses ways to avoid or lessen impacts that may be potentially significant. The information, analysis, and conclusions included in the IS provide the basis for determining the appropriate document needed to comply with CEQA. Based on the analysis and information contained herein, the Port finds that the proposed Project could have an effect on the environment; however, all effects would be less than significant, and no mitigation measures are required. As a result, the Port has concluded that a ND is the appropriate CEQA document for the Project.

The evaluation of environmental impacts provided in this section is based in part on the environmental impact questions contained in Appendix G of the CEQA Guidelines. Each question is followed by four categories of impact assessment that can be selected based on the analysis:

- **Potentially Significant Impact.** This determination is made if there is substantial evidence that a Project-related environmental effect may be significant. If there is one or more "Potentially Significant Impacts," an EIR would be prepared for the Project.
- **Less than Significant with Mitigation.** This determination is made when the Project may result in a significant environmental impact, but the incorporation of identified Project revisions or mitigation measures would reduce the identified effect(s) to a less-than-significant level.
- **Less-than-Significant Impact.** This determination is made when the Project would not result in any significant effects. The Project's impact would be less than significant even without the incorporation of Project-specific mitigation measures.
- **No Impact.** This determination is made when the Project would not result in any impact in the category, or if the category does not apply.

The environmental resource categories checked below would be potentially affected by this Project. Detailed descriptions and analyses of impacts associated with the proposed Project for each category are provided in Sections 3.1 through 3.17.

X Aesthetics	Agriculture and Forestry	X Air Quality
X Biological Resources	Cultural Resources	X Energy
X Geology/Soils	X Greenhouse Gas Emissions	X Hazards and Hazardous Materials
Hydrology/Water Quality	Land Use/Planning	Mineral Resources
X Noise	Population/Housing	Public Services
Recreation	Transportation/Traffic	Tribal Cultural Resources
Utilities/Service Systems	Wildfire	Mandatory Findings of Significance

Detailed descriptions and analyses of impacts from the proposed Project activities, and the basis for their significance determinations, are provided for most of the resource topics identified in the preceding table, as listed below. Relevant laws, regulations, and policies potentially applicable to the Project are listed in the Regulatory Setting subsection for each environmental factor analyzed in this Draft IS/ND.

- Section 3.1, Aesthetics
- Section 3.2, Air Quality
- Section 3.3, Biological Resources
- Section 3.4, Cultural Resources
- Section 3.5, Energy
- Section 3.6, Geology and Soils
- Section 3.7, Greenhouse Gas Emissions
- Section 3.8, Hazards and Hazardous Materials
- Section 3.9, Hydrology and Water Quality
- Section 3.10, Land Use and Planning
- Section 3.11, Noise
- Section 3.12, Public Services
- Section 3.13, Recreation
- Section 3.14, Transportation
- Section 3.15, Tribal Cultural Resources
- Section 3.16, Utilities and Service Systems
- Section 3.17, Mandatory Findings of Significance

Effects Found Not to Be Significant

The remaining resources topics were considered but were not addressed in the detailed impact analysis because they are not present in the proposed Project analysis area, do not apply based on the scope of the proposed Project, or otherwise would have no potential to be adversely impacted by the proposed Project. This includes Agriculture and Forestry Resources, Mineral Resources, Population and Housing, and Wildfire. Brief descriptions of the rationales for dismissing these topics from detailed analysis are provided in the following paragraphs.

Agriculture and Forestry Resources. The proposed Project would take place entirely inside the existing MSC, which does not contain any agriculture or forestry resources. The MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. It primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

The Project is in an area designated as urban and built-up land by the California Department of Conservation's (CDOC's) Farmland Mapping and Monitoring Program; the proposed Project sites and surrounding area contain no designated Prime Farmland or Farmland of Statewide or Local Importance (CDOC 2024a). No land under California Land Conservation Act of 1965 (Williamson Act) contract is on or near the proposed Project site (CDOC 2024b). Therefore, the proposed Project would not convert designated farmland or conflict with an existing Williamson Act contract.

The City of Oakland does not designate land uses for agriculture or forestry in its General Plan or Zoning Map (City of Oakland 2015a). The proposed Project site does not contain agricultural production or forest land. Therefore, the proposed Project would not conflict with existing zoning for agricultural use, forest land, or timberland, nor would it result in the loss or conversion of forest land. Therefore, no impact on agricultural or forestry resources would occur.

Mineral Resources. The proposed Project is on land classified by CDOC's Division of Mines and Geology as Mineral Resource Zone 1, which is defined as an area where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (CDOC 1996). As a result, the proposed Project would not interfere with any mineral extraction operations and would not result in the loss of land designated for mineral resources. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource and would not result in the loss of a locally important mineral resource recovery site. Therefore, no impact on mineral resources would occur.

Population and Housing. The proposed Project would not involve any activities that would directly or indirectly induce unplanned population growth or result in the construction of any housing. Over the 3- to 6-month construction duration (9 to 14 weeks of active construction), the daily construction workforce for the proposed Project is estimated to range between three and eight workers. It is expected that the local or regional labor force would be sufficient to meet construction demand. The proposed Project would not result in any new permanent employment following the completion of construction.

Wildfire. The proposed Project is not in a designated wildland area that would contain substantial forest fire risks or hazards. The MSC is developed and is in a highly urbanized area of the City of Oakland. The Project site does not contain dense vegetation; it is surrounded by other developed properties, roadways, and San Leandro Bay. Wildfire was added to the CEQA Guidelines as an environmental topic for consideration of impacts that could occur in areas in or near State Responsibility Areas (those recognized by the Board of Forestry and Fire Protection as areas where CAL FIRE is the primary emergency response agency responsible for fire suppression and prevention). The Project site is not in or near a State Responsibility Area or lands classified as very high fire severity zones (CAL FIRE 2024). Therefore, no impact would occur related to wildfire.

AGENCY DETERMINATION

Based on the environmental impact analysis provided by this IS:

X	I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.
Signature:	**Date:** 12/19/24
Printed Name: COLLEEN LIANG	

3.1 AESTHETICS

Except as provided in Public Resources Code (PRC) Section 21099, would the Project:

Question	CEQA Determination
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less-than-Significant Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.1.1 Environmental Setting

The proposed Project would take place at the City's MSC, which occupies approximately 17 acres adjacent to the eastern side of San Leandro Bay, on the western side of I-880. The MSC is bounded to the west by San Leandro Bay, to the northwest by Damon Slough, and to the southeast and east by commercial and industrial developments, including the Oakland Coliseum east of I-880. The western perimeter of the MSC is bordered by the publicly accessible Garretson Point bayside recreational trail. Oakland Airport is approximately 0.6 mile to the west of the Project site. The publicly accessible Arrowhead Marsh occurs approximately 0.5 mile west of the Project site in San Leandro Bay, between the MSC and Oakland Airport. Surrounding land uses therefore include a mixture of commercial, industrial, transportation, conservation (estuary and open space), and public recreation.

The MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. It primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches. Existing MSC buildings (six total) are 20 feet tall. The existing fuel station USTs that would be removed and functionally replaced by the proposed Project are 450 feet southeast of the Project footprint. The MSC and Project site is accessed through Edgewater Drive. The MSC includes limited landscaping (predominantly along its perimeter), and the dominant visual features are buildings, canopies, sheds, and other built features. The overall visual quality of the Project site and MSC is considered low due to the visual dominance of features associated with the commercial and semi-industrial land uses.

Although Edgewater Drive, Garretson Point Trail, and Arrowhead Marsh are accessible to the public, access to the MSC and Project site itself is controlled via security gate and limited to municipal staff, and

public views toward the Project site are limited. Edgewater Drive is below grade relative to the Project site, and there is fencing and vegetation along the Garretson Point trail that heavily screens views toward the Project site. Although Garretson Point trail features scenic westward views of San Leandro Bay and surrounding visual features, the Project site occurs east of the trail along the developed shoreline, which lacks unique scenic vistas or state scenic highways. Views of the Project site from Arrowhead Marsh are similarly screened by existing fencing and vegetation. Some MSC buildings are visible from Arrowhead Marsh, but they occur on the developed shoreline, which lacks unique scenic vistas.

3.1.2 Regulatory Setting

There are no federal or state regulations pertaining to aesthetics that would apply to the Project. Local regulations and policies are listed in the following paragraphs.

Regional and Local

Port of Oakland Exterior Lighting Policy

The Port's Exterior Lighting Policy prescribes measures to prevent light pollution from development and operations in all areas under the jurisdiction of the Port. The General Mitigation Measures and Practices of the policy state that the "design of exterior lighting shall generally follow Illuminating Engineering Society of North America – Recommended Levels for Exterior Lighting. The Dark-Sky Association further recommends that lighting designers minimize illumination levels, pole height and spacing, glare, lighting system depreciation, and life-cycle cost. Additionally, lighting pollution mitigation measures include specifying full cutoff light fixtures, horizontally oriented lamps (bulb), and low-reflectivity architectural surfaces."

City of Oakland General Plan

The City of Oakland General Plan contains goals and policies in various elements that are intended to protect existing scenic views in Oakland, particularly views of the Oakland Hills from the flatlands; views of downtown and Lake Merritt; views of the shoreline; and panoramic views from hillside locations. In addition, the General Plan includes objectives to enhance underused visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares (City of Oakland 1996). Policies relevant to the proposed Project are listed below.

- **General Policy 2:** All or portions of visually significant trafficways are eligible for future designation as scenic routes and for the protective restrictions that may be appropriate thereto.
- **General Policy 3:** Urban development should be related sensitively to the natural setting.
- **Policy I/C4.1:** Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas that are consistent with long-term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.
- **Policy T6.5:** Protecting Scenic Routes. The City should protect and encourage enhancement of the distinctive character of scenic routes in the City through prohibition of billboards, design review, and other means.
- **Policy OS7.3:** Waterfront Appreciation. Promote a greater appreciation of the Oakland waterfront by preserving and enhancing waterfront views, promoting its educational value, and exploring new and

creative ways to provide public access to the shoreline without interfering with transportation and shipping operations or endangering public safety.

- **Policy OS9.3:** Gateway Improvements. Enhance neighborhood and City identity by maintaining or creating gateways. Maintain view corridors and enhance the sense of arrival at the major entrances to the City, including freeways, San Francisco Bay Area Rapid Transit (BART) lines, and the airport entry. Use public art, landscaping, and signage to create stronger City and neighborhood gateways.
- **Policy OS10.1:** View Protection. Protect the character of existing scenic views in Oakland, paying particular attention to (a) views of the Oakland hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.
- **Policy OS10.2:** Minimizing Adverse Visual Impacts. Encourage site planning for new development that minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement.

3.1.3 Impact Analysis

a) Have a substantial adverse effect on a scenic vista? or b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact

There are scenic vistas viewable westward from Garretson Point trail, which is just west of the Project site and is accessible to the public. However, the Project site is east of Garretson Point trail within the developed shoreline, and views of the Project site are screened off by fencing and vegetation adjacent to the trail. The Project would not encroach on the trail or affect views of any scenic vistas from the trail. Some MSC developments are visible from the publicly accessible Arrowhead Marsh, approximately 0.5 mile west of the Project site; however, the proposed fuel station would be screened from views by existing vegetation and fencing and would be consistent in character with existing views of the developed shoreline. Additionally, there are no State Scenic Highways in or near the Project Area, and the Project would not otherwise affect any scenic resources. Therefore, there would be **no impact**.

c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

No Impact

The Project is in a heavily urbanized area. This analysis examines whether the Project would conflict with applicable zoning and other regulations governing scenic quality. The Project site is zoned D-CO-3 Coliseum Area District – 3 Commercial Zone (Oakport South/Hegenberger Road). Applicable regulations pertaining to scenic resources include the Port's Exterior Lighting Policy and the City of Oakland General Plan policies listed in Section 3.1.2.

The proposed Project is consistent with D-CO-3 zoning. The D-CO-3 zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors; and in region-drawing centers of commercial and light industrial activities. The proposed fuel station would continue to maintain the operational capacity of the MSC for municipal vehicle fueling and would be consistent with the MSC's existing commercial and semi-industrial land use.

As detailed in Section 2.6, the Project would adhere to the Port's Exterior Lighting Policy, including following the Recommended Levels for Exterior Lighting provided by the Illuminating Engineering Society of North America. These policy measures would apply to the proposed canopy lighting, which would provide nighttime lighting (from dusk to dawn). The Project additionally includes removal of a single existing light pole, and the MSC contains several sources of existing nighttime lighting under existing conditions. Therefore, overall changes to lighting would be negligible and would occur in compliance with applicable Port policies.

The City of Oakland General Plan includes policies that govern scenic quality, as described in Section 3.1.2. The most visually apparent features of the Project would likely be the following:

- two 12,000-gallon fuel ASTs;
- one 500-gallon DEF tank;
- six fuel dispensers;
- three overhead canopies; and
- supporting appurtenances (e.g., guard post, card reader, and lighting).

The proposed fuel station features listed above would be constructed on the northwestern portion of the MSC, which is currently used for parking and storage. These features are unlikely to substantially alter the visual character or quality of the MSC, which currently supports commercial and semi-industrial land uses, including an existing fuel station planned for removal. Although the proposed fuel station would include ASTs, canopies, and related appurtenances that are not currently present on the site, these features would not appear out of place in the surrounding visual context. Additionally, none of the proposed improvements would be taller than existing features in the MSC (e.g., existing buildings). Furthermore, the Project site in the MSC is largely screened from surrounding views by existing fencing, vegetation, and other MSC developments. Hence, the Project design and siting would minimize potential adverse visual impacts and be consistent with the existing commercial and semi-industrial character of the MSC.

Based on the Project's consistency with D-CO-3 zoning, implementation of Port policies related to lighting, and consistency with City of Oakland General Plan policies, there would be **no impact** related to zoning or other regulations governing scenic quality.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less-than-Significant Impact

The Project includes installation of lighting on the three proposed fuel station canopies, which would provide nighttime lighting (from dusk to dawn). However, the MSC contains several sources of existing nighttime lighting under existing conditions, and the Project includes removal of a single existing light

pole. Additionally, the Project site is largely screened from surroundings views by existing fencing, MSC buildings, and perimeter vegetation. Therefore, overall changes to lighting, including views in the area, would be negligible. As detailed in Section 2.6, the Project would adhere to the Port's Exterior Lighting Policy and would follow the Recommended Levels for Exterior Lighting provided by the Illuminating Engineering Society of North America.

In consideration of the minimal changes to lighting compared to existing conditions, and with adherence to applicable Port policies related to lighting, the Project would have **less-than-significant impacts** related to new sources of light or glare.

3.1.4 Mitigation Summary

No mitigation measures would be necessary.

3.2 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the Project:

Question	CEQA Determination
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less-than-Significant Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	Less-than-Significant Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	Less-than-Significant Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less-than-Significant Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.2.1 Environmental Setting

The proposed Project is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB is a large, shallow air basin surrounded by coastal hills. It is characterized by warm and mainly dry summers, and mild and moderately wet winters.

Criteria Air Pollutants

Individual air pollutants at certain concentrations may adversely affect human or animal health, reduce visibility, damage property, and reduce the productivity or vigor of crops and natural vegetation. Six air pollutants have been identified by EPA and the California Air Resources Board (CARB) as being of concern both on a nationwide and statewide level: ozone; carbon monoxide (CO); nitrogen dioxide (NO_2); sulfur dioxide (SO_2); lead; and particulate matter (PM), which is subdivided into two classes based on particle size—PM equal to or less than 10 microns in diameter (PM_{10}) and PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$). Because the air quality standards for these air pollutants are regulated using human and environment health-based criteria, they are commonly referred to as "criteria air pollutants." Sources and health effects of the criteria air pollutants are summarized in Table 3-1.

Table 3-1 Common Sources and Health Effects of Criteria Air Pollutants

Pollutants	Sources	Health Effects
Ozone	Atmospheric reaction of organic gases with ozone precursors (NO_X and ROG) in sunlight—ozone precursors are emitted with motor vehicle exhaust; stationary combustion; chemical processes; and coatings	Aggravation of respiratory and cardiovascular diseases; reduced lung function; increased cough and chest discomfort
Inhalable Particulate Matter (PM_{10})	Stationary combustion of solid fuels; motor vehicles; fugitive dust from construction activities; industrial processes; forest fires	Respiratory symptoms; aggravation of respiratory diseases
Fine Particulate Matter ($PM_{2.5}$)	Stationary combustion of solid fuels; motor vehicles; fugitive dust from construction activities; industrial processes; forest fires	Respiratory symptoms; aggravation of respiratory and cardiovascular diseases; weakened immune system; cancer
NO_2	Motor vehicle exhaust; stationary combustion; atmospheric reactions	Aggravation of respiratory illness; development of asthma or respiratory infections
CO	Incomplete combustion of fuels and other carbon-containing substances, such as on-road and non-road mobile sources, wood-burning stoves, incinerators, industrial sources, and wildfires	Aggravation of some heart diseases; dizziness, headaches, and fatigue; death at high levels of exposure
SO_2	Combination of sulfur-containing fossil fuels; smelting of sulfur-bearing metal ore; industrial processes	Aggravation of respiratory diseases; reduced lung function
Lead	Contaminated soil; metal processing; waste incinerators	Behavioral and hearing disabilities in children; nervous system impairment; decreased kidney function; cardiovascular issues; reproductive problems

Source: EPA 2023a, 2023b, 2023c, 2024a, 2024b; World Health Organization 2021.

Notes:

CO = carbon monoxide; NO_X = nitrogen oxides; NO_2 = nitrogen dioxide; PM_{10} = particulate matter equal to or less than 10 microns in diameter; $PM_{2.5}$ = particulate matter equal to or less than 2.5 microns in diameter; ROG = reactive organic gases; SO_2 = sulfur dioxide

Toxic Air Contaminants

Toxic air contaminants (TACs) are a set of airborne pollutants that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. The health effects associated with TACs are quite diverse and generally are assessed locally rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage; or short-term acute affects, such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches.

Public exposure to TACs can result from emissions from normal operations, as well as accidental releases. Stationary sources of TACs include but are not limited to gasoline stations, dry cleaners, and diesel backup generators. On-road motor vehicles and off-road sources, such as construction equipment and trains, are also common sources of TACs. According to the California Almanac of Emissions and Air Quality (CARB 2013), most of the estimated health risk from TACs can be attributed to relatively few compounds—the most important being diesel particulate matter (DPM). Other TACs for which data are available that currently pose the greatest ambient risk in California are benzene, formaldehyde, hexavalent chromium, 1,3-butadiene, and acetaldehyde.

The greatest potential TAC emissions associated with the Project would be related to DPM emissions from off-road and on-road diesel-fueled equipment used for construction activities during the anticipated 3- to 6-month construction duration (9 to 14 weeks active construction). DPM differs from other TACs in that it is not a single substance, but a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, type of lubricating oil, and presence or absence of an emission control system. Emissions of DPM have and are forecast to continue to decline; it is estimated that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and noncancer health effects (CARB 2013).

3.2.2 Regulatory Setting

Federal

Clean Air Act

Federal air quality policies are regulated through the federal Clean Air Act (CAA). The CAA delegates primary responsibility for clean air to EPA. EPA develops rules and regulations to preserve and improve air quality, delegating specific responsibilities to state and local agencies, including CARB. Health-based air quality standards have been established for criteria air pollutants by EPA at the national level and by CARB at the state level. These standards are referred to as the national ambient air quality standards (NAAQS) and the California ambient air quality standards (CAAQS), respectively.[1] The NAAQS and CAAQS were established to protect the public, with a margin of safety from adverse health impacts caused by exposure to air pollution. Both EPA and CARB designate areas of California as "attainment," "nonattainment," "maintenance," or "unclassified" for the various pollutant standards according to the CAA and the California CAA (CCAA), respectively. The current NAAQS and CAAQS are listed in Table 3-2. With respect to regional air quality, SFBAAB is currently designated as being in nonattainment for the CAAQS for ozone, PM_{10}, and $PM_{2.5}$; and in nonattainment for the NAAQS for ozone and $PM_{2.5}$.[2]

Air quality regulations also focus on hazardous air pollutants (HAPs), referred to at the state level as TACs. HAP and TACs can be separated into carcinogens (cancer-causing) and noncarcinogens, based on the nature of the effects associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts would not occur. Noncarcinogens differ in that there is assumed to be a safe level of exposure below which no negative health impact is believed to occur. EPA and CARB regulate HAPs through statutes and regulations that require the use of the maximum available control technology (MACT) or best available control technology (BACT) for toxics to limit emissions.

[1] Current CAAQS are available at http://www.arb.ca.gov/research/aaqs/aaqs2.pdf and NAAQS are available at https://www.epa.gov/criteria-air-pollutants/naaqs-table.

[2] Current air quality designations are available at https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations.

Table 3-2 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS[1]	Primary NAAQS[2,3]	Secondary NAAQS[2,3]
CO	1-hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	NA
CO	8-hour	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	NA
NO_2	1 hour	0.18 ppm (339 µg/m^3)	100 ppb (188 µg/m^3)	NA
NO_2	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	Same as Primary
Ozone	1-hour	0.09 ppm (180 µg/m^3)	NA[5]	NA
Ozone	8-hour	0.070 ppm (137 µg/m^3)[8]	0.070 ppm (137 µg/m^3)[4]	Same as Primary
PM_{10}	24-hour	50 µg/m^3	150 µg/m^3	Same as Primary
PM_{10}	Annual Arithmetic Mean	20 µg/m^3 [6]	NA	NA
$PM_{2.5}$	24-hour	NA	35 µg/m^3 [11]	Same as Primary
$PM_{2.5}$	Annual Arithmetic Mean	12 µg/m^3 [6]	9 µg/m^3 [10]	15.0 µg/m^3
SO_2	1-hour	0.25 ppm (655 µg/m^3)	0.075 ppm (196 µg/m^3)	NA
SO_2	24-hour	0.04 ppm (105 µg/m^3)	0.14 ppm (365 µg/m^3)	NA
SO_2	Annual Arithmetic Mean	NA	0.030 ppm (80 µg/m^3)	NA
Sulfates	24-hour	25 µg/m^3	NA	NA
H_2S	1-hour	0.03 ppm (42 µg/m^3)	NA	NA
Lead	30-day Average	1.5 µg/m^3	NA	NA
Lead	Calendar quarter	NA	1.5 µg/m^3	Same as Primary
Lead	Rolling 3-month Average	NA	0.15 µg/m^3 [9]	
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m^3)	NA	NA
Visibility-Reducing Particles	8-hour	See Note 7	NA	NA

Source: CARB 2016, EPA 2024c

Notes:

BAAQMD = Bay Area Air Quality Management District; CAAQS = California ambient air quality standards; CO = carbon monoxide; EPA = United States Environmental Protection Agency; H_2S = hydrogen sulfide; µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; NAAQS = national ambient air quality standards; NO_2 = nitrogen dioxide; O_3 = ozone; ppb = parts per billion; PM_{10} = particulate matter 10 microns in diameter or less; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less; ppm = parts per million; SFBAAB = San Francisco Bay Area Air Basin; SIP = State Implementation Plan; SO_2 = sulfur dioxide

[1] California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter – PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour, or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.

[2] The "primary" NAAQS are those designed to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. The "secondary" NAAQS are designed to protect public welfare, including protection against decreased visibility; and damage to animals, crops, vegetation, and buildings. National standards other than for ozone, particulates, and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent 3-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than 1. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m^3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially averaged across officially designed clusters of sites falls below the standard.

[3] National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

[4] On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over 3 years, is equal to or less than 0.070 ppm. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.

[5] The national 1-hour ozone standard was revoked by the EPA on June 15, 2005.

[6] In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.

[7] Statewide Visibility-Reducing Particles Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

[8] The 8-hour California ozone standard was approved by CARB on April 28, 2005, and became effective on May 17, 2006.

[9] National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

[10] In December 2012, EPA strengthened the annual $PM_{2.5}$ NAAQS from 15.0 to 12.0 $\mu g/m^3$. In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015. In February 2024, EPA strengthened the annual $PM_{2.5}$ NAAQS to 9.0 $\mu g/m^3$; this rule is effective May 6, 2024. States and Tribal Authorities will submit initial recommendations of areas that do not attain the 2024 $PM_{2.5}$ standard (i.e., nonattainment areas) to EPA by February 2025, and EPA will finalize area designations by February 2026.

[11] On January 9, 2013, EPA issued a final rule, determining that SFBAAB has attained the 2006 24-hour $PM_{2.5}$ national standard (150 $\mu g/m^3$). This rule suspends key SIP requirements as long as monitoring data continue to show that SFBAAB attains the standard. Despite this EPA action, SFBAAB will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until BAAQMD submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.

State

CARB coordinates and oversees state and local air pollution control programs in California and implements the CCAA.

Criteria Air Pollutants

Adopted in 1988, the CCAA required CARB to establish the CAAQS. Differences in the standards between the CAAQS and NAAQS are explained by the health-effects studies considered during the standard-setting process and the interpretation of the studies. The current NAAQS and CAAQS are listed in Table 3-2.

The CCAA requires that all local air districts in California endeavor to achieve and maintain the CAAQS by the earliest practicable date. The act specifies that local air districts should focus particular attention on reducing the emissions from transportation and areawide emission sources and provides districts with the authority to regulate indirect sources. CARB also maintains air quality monitoring stations throughout the state in conjunction with air districts. CARB uses the data collected at these stations to classify air basins as being in attainment or nonattainment with respect to each pollutant, and to monitor progress in attaining air quality standards.

CARB is the lead agency for the State Implementation Plans (SIPs) in California. SIPs are not single documents. They are a compilation of new and previously submitted plans, programs (such as monitoring, modelling, or permitting), district rules, state regulations, and federal controls. Many of California's SIPs rely on the same core set of control strategies, including emission standards for cars and heavy trucks, fuel regulations, and limits on emissions from consumer products. Local air districts and other agencies prepare State Implementation Plan (SIP) elements and submit them to CARB for review and approval. CARB forwards SIP revisions to EPA for approval and publication in the Federal Register. Most recently, in

September 2022, CARB adopted the *2022 State Strategy for the State Implementation Plan*, describing the proposed commitment to achieve the reductions necessary from mobile sources, fuels, and consumer products to meet federal ozone and $PM_{2.5}$ standards over the next 15 years (CARB 2022a).

Among CARB's other responsibilities are overseeing local air districts' compliance with California and federal laws; determining and updating area designations and maps; and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

CARB has established emission standards for vehicles sold in California and for various types of equipment. California gasoline specifications are governed by both state and federal agencies, which have imposed numerous requirements on the production and sale of gasoline in California during the past 30 years. In 2007, CARB adopted the In-Use Off-Road Diesel Fueled Fleets Regulation, which applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California, and most two-engine vehicles. The standards required engine manufacturers to meet after-treatment-based exhaust standards for nitrogen oxides (NO_X) and PM, starting in 2011, that were more than 90 percent lower than then-current levels. CARB has also adopted control measures for DPM and more stringent emissions standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors or generators). Recent updates to the In-Use Off-Road Diesel Fueled Fleets Regulation became effective on January 1, 2024, which include but are not limited to phasing out the oldest and highest-emitting off-road engines, prohibiting the addition of Tier 3 vehicles to a fleet, and requiring the procurement of renewable diesel, with limited exceptions.

Effective in December 2008, CARB's Truck and Bus Regulation requires heavy-duty diesel vehicles (i.e., with a gross vehicle weight rating greater than 14,000 pounds) that operate in California to reduce exhaust TAC emissions. To reduce PM and NO_X emissions, this regulation requires that nearly all trucks and buses have 2010 or newer model-year engines, or equivalent. In 2017, SB 1 (the Road Repair and Accountability Act of 2017) was passed. In addition to funding transportation-related projects, SB 1 requires the Department of Motor Vehicles (DMV) to refuse registration, renewal, or transfer of registration for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of DPM, NO_X, and other criteria pollutants from in-use diesel-fueled vehicles. As of January 1, 2020, compliance with the CARB Truck and Bus regulation was automatically verified by the California DMV as part of the vehicle registration process. Within the final deadline of January 1, 2023, CARB completed the last replacement phase of the regulation for upgrading to 2010 or newer model year engines.

In June 2020, CARB approved the Advanced Clean Trucks regulation, requiring truck manufacturers to sell zero-emission trucks as an increasing percentage of their annual California sales beginning in 2024, with increasingly stringent requirements to be phased in through 2035. By 2035, under the Advanced Clean Trucks regulation, zero-emission truck/chassis sales would need to be 55 percent of Class 2b to 3 truck sales, 75 percent of Class 4 to 8 straight truck sales, and 40 percent of truck tractor sales.

The Advanced Clean Fleets regulation became effective on October 1, 2023, requiring that targeted fleets phase in the use of zero-emission vehicles (ZEV) and that manufacturers only manufacture ZEV trucks starting in the 2036 model year. The Advanced Clean Fleets regulation is expected to introduce 1,690,000 ZEVs into the California fleet by 2050 and result in $26.5 billion in statewide health benefits from improved air quality. The Advanced Clean Fleets regulation applies to any state or local government agency with jurisdiction in California that owns, leases, or operates on or after January 1, 2024, one or more vehicles that

have a gross vehicle weight rating greater than 8,500 pounds. Starting January 1, 2024, 50 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs. Starting January 1, 2027, 100 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs. Limited exemptions and extensions are allowed, including but not limited to exemptions for using internal combustion engine vehicles as backup vehicles and purchasing a new internal combustion engine vehicle if no new battery-electric vehicle is available that can meet demonstrated daily usage needs, in addition to extensions for ZEV infrastructure delays beyond the fleet owner's control. State and local government agencies are also subject to Fleet Reporting and Recordkeeping requirements under the regulation.

The CARB Advanced Clean Cars program combines several regulations into one package, including the Low-Emission Vehicle criteria and greenhouse gas (GHG) regulations and the ZEV regulation. Advanced Clean Cars I was adopted in 2012, and Advanced Clean Cars II was adopted in 2022, becoming effective in November 2022. Under the Advanced Clean Cars II regulations, manufacturers of light-duty passenger cars, trucks, and sport utility vehicles are required to transition to ZEVs, beginning with model year 2026, and to phase in increasingly stringent requirements through 2035. By that date, all new passenger vehicles sold in the state would be required to have zero emissions.

Toxic Air Contaminants

As summarized for the federal regulations above, CARB regulates TACs, a subset of which are the federally identified and regulated HAPs, through statutes and regulations that generally require the use of MACT and BACT.

TACs in California are regulated primarily through the Tanner Air Toxics Act (Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act (Assembly Bill [AB] 2588; Chapter 1252, Statutes of 1987). The Air Toxics Hot Spots Information and Assessment Act seeks to identify and evaluate risks from air toxics sources but does not regulate air toxics emissions. TAC emissions from individual facilities are quantified and prioritized. "High-priority" facilities must perform a health risk assessment; if specific thresholds are violated, the results must be communicated to the public in the form of notices and public meetings. TACs are regulated through statutes and rules that require the use of MACT or BACT to limit TAC emissions.

According to the *California Almanac of Emissions and Air Quality* (CARB 2013), and as discussed above, most of the estimated health risk from TACs is attributed to few compounds, the most dominant being DPM. In 2000, CARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled vehicles and engines.[3]

The State of California has also implemented regulations to reduce DPM emissions. Two such regulations applicable to the proposed Project are CCR Title 13, Section 2485 and Section 2449, which limit idling time to a maximum of 5 minutes for heavy-duty commercial diesel vehicles (defined as diesel vehicles heavier than 10,000 pounds gross vehicle rated weight) and off-road diesel-fueled construction vehicles, respectively. These regulatory measures are driven by the CARB Airborne Toxic Control Measure and subsequent amendments.

[3] Additional regulations apply to new trucks and diesel fuel. Subsequent ARB regulations on diesel emissions include the On-Road Heavy Duty Diesel Vehicle (In Use) Regulation, the On-Road Heavy Duty (New) Vehicle Program, the In-Use Off-Road Diesel Vehicle Regulation, and the New Off-Road Compression Ignition Diesel Engines and Equipment Program. All of these regulations and programs have timetables by which manufacturers must comply and existing operators must upgrade their diesel-powered equipment.

Regional and Local

BAAQMD is the regional government agency responsible for air quality in the SFBAAB. BAAQMD's clean-air strategy involves preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations for air pollution generators, and issuing permits for stationary sources of air pollution. BAAQMD also inspects stationary sources and responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the CAA, CAA Amendment, and CCAA.

BAAQMD Air Quality Plans

The CCAA requires air quality management/air pollution control districts to assess, once every 3 years, the extent of air quality improvements and emissions reductions they have achieved by using control measures. During this triennial assessment, the districts must review their air quality attainment plans and revise them, if necessary, to correct deficiencies in progress and incorporate new data or projections. BAAQMD prepares plans to attain ambient air quality standards in the SFBAAB in coordination with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). Among these plans are ozone attainment plans for the national ozone standard and clean-air plans for the California standard.

On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 Clean Air Plan, which describes a comprehensive control strategy that BAAQMD will implement to reduce emissions of PM, TACs, ozone precursors (i.e., reactive organic gases [ROG] and NO_X), and GHGs to protect public health and the climate. Consistent with the GHG reduction targets adopted by the state of California, the Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. Several measures of this effort have co-benefits for reducing criteria air pollutants and TACs and improving air quality. To fulfill California ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—ROG and NO_X—and reduce transport of ozone and its precursors to neighboring air basins. In addition, the Plan builds on and enhances BAAQMD's efforts to reduce emissions of fine PM and TACs.

BAAQMD Rules and Regulations

BAAQMD is responsible for monitoring air pollution and developing and administering programs to reduce air pollution levels throughout the SFBAAB. Specific rules and regulations limit the emissions that can be generated by various uses and activities and identify specific pollution reduction measures that must be implemented. These rules regulate the emissions not only of criteria pollutants, but also TACs. The rules are also subject to ongoing refinement by BAAQMD. All projects within BAAQMD's jurisdictional area are subject to BAAQMD rules and regulations. Specific BAAQMD rules that could be applicable include, but are not limited to, the following:

- *Regulation 2, Rule 1:* Permits – General Requirements
- *Regulation 6, Rule 1:* Particulate Matter – General Requirements
- *Regulation 6, Rule 6:* Particulate Matter – Prohibition of Trackout
- *Regulation 7: Odorous Substances*
- *Regulation 8, Rule 7: Gasoline Dispensing Facilities*

BAAQMD CEQA Guidelines

BAAQMD adopted CEQA Air Quality Guidelines in April 2022 to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects and plans in the SFBAAB (BAAQMD 2022a). These guidelines include nonbinding recommendations for how a lead agency can evaluate, measure, and mitigate air quality and climate impacts generated from land use construction and operational activities. The guidelines do not replace the state CEQA statute and guidelines; rather, they are designed to provide BAAQMD-recommended procedures that are consistent with CEQA requirements and may be used for evaluating potential air quality and climate impacts (assessed separately in Section 3.7) during the environmental review process. This advisory document provides lead agencies, consultants, and project applicants with uniform procedures for addressing air quality in environmental documents.

In developing thresholds of significance for criteria air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in potentially significant adverse air quality impacts to the region's existing air quality conditions.

Table 3-3 presents the thresholds of significance for construction-related criteria air pollutant and precursor emissions. If daily average emissions of construction-related criteria air pollutants or precursors would exceed any applicable threshold of significance listed in Table 3-3, the Project would potentially result in a significant cumulative impact.

Table 3-3 BAAQMD Air Quality Thresholds of Significance (Project Level)

Pollutant/Precursor	Construction Related	Operational	
	Average Daily Emissions (lbs/day)	Average Daily (lbs/day)	Maximum Annual (tpy)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust emissions only)	82	15
$PM_{2.5}$	54 (exhaust emissions only)	54	10
$PM_{10}/PM_{2.5}$ (fugitive dust)	Best Management Practices	None	
Risk and Hazards for new sources and receptors	Same as operational thresholds	Compliance with Qualified Community Risk Reduction Plan; OR Increased cancer risk of >10.0 in a million Increased noncancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase: > 0.3 µg/m^3 annual average	

Source: BAAQMD 2022

Notes:

BAAQMD = Bay Area Air Quality Management District; lbs/day = pounds per day; µg/m^3 = microgram per cubic meter; NO_X = oxides of nitrogen; PM_{10} = particulate matter equal to or less than 10 microns in diameter; $PM_{2.5}$ = particulate matter equal to or less than 2.5 microns in diameter; ROG = reactive organic gases; tpy = tons per year

City of Oakland General Plan

The City of Oakland adopted the Oakland General Plan in June 1996. Updates to plan elements for the 2045 horizon year are currently in development, with an expected approval date of 2025. Although many elements of the Oakland General Plan are not directly applicable to the proposed Project, Policy CO-12.4 sets requirements for development projects to minimize air quality impacts; and Policy CO-12.6 lists specific practices that are required to be implemented during construction, demolition, and grading activities to minimize fugitive dust emissions.

3.2.3 Impact Analysis

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less-than-Significant Impact

Air quality plans describe air pollution control strategies to be implemented to reduce criteria air pollutant emissions for which the region is designated as being in nonattainment; to achieve NAAQS and CAAQS by the earliest practicable date; or to maintain existing compliance with those standards, pursuant to the requirements of the CAA and CCAA. As discussed in Section 3.2.2, BAAQMD has adopted the 2017 Clean Air Plan that BAAQMD will implement to reduce emissions of PM, TACs, ozone precursors, and GHGs for the protection of public health and the climate. BAAQMD has included in their air quality plan comprehensive control strategies that combine regulatory and incentive-based measures to reduce emissions in the region. The Project would not result in a conflict with the 2017 Clean Air Plan if it supports the goals of the Clean Air Plan, includes applicable control measures from the Clean Air Plan, and would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Consistency with the 2017 Clean Air Plan is determined by evaluating project-related air quality impacts and demonstrating that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the NAAQS or CAAQS. The BAAQMD CEQA Air Quality Guidelines' thresholds of significance included in Table 3-3 are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment (BAAQMD 2022). Emissions that are above these thresholds may not have been accommodated in, and may not be consistent with, the air quality plan.

Construction activities associated with the proposed Project would involve the temporary use of off-road equipment, haul trucks, and worker commute trips, which would result in emissions of criteria air pollutants and ozone precursors—including ROG, NO_X, PM_{10}, and $PM_{2.5}$, the pollutants for which the SFBAAB is designated as being in nonattainment under either the NAAQS or CAAQS. These activities would include exhaust emissions from use of off-road equipment and on-road vehicles for material delivery, material import and export, and construction worker commutes. Ozone precursor emissions of ROG and NO_X are associated primarily with exhaust emissions and application of architectural coatings. Earthwork (e.g., site preparation) and re-entrained road dust from on-road traffic would contribute to fugitive dust generation.

In accordance with the BMPs listed in Section 2.6.1 of this Draft IS/ND, the Project would implement the following measures to reduce potential air quality impacts:

- All exposed surfaces (e.g., parking areas, staging areas, stockpiles, graded areas) will be watered as necessary to control dust. Ground disturbance would be limited to excavation required for the reinforced tank pad (including rigid fill pad), guard posts, canopy support columns, sanitary sewer lift, and buried utilities.
- Signage indicating a 10-mile-per-hour speed limit will be posted and followed during construction.
- Idling times will be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of CCR). Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Based on the foregoing, the Project would incorporate all of the BAAQMD basic BMPs for construction-related fugitive dust emissions that are applicable to the proposed construction activities. In addition, construction-related activities for the Project would comply with applicable BAAQMD rules and regulations, including but not limited to Regulation 6, Rule 1 (Particulate Matter) and Regulation 6, Rule 6 (Trackout).

Following construction, operational activities associated with the proposed Project would continue largely unchanged from existing operations. As described in Section 2.3, the proposed Project would functionally replace the existing fuel station; therefore, as required by CEQA, the net change in operational emissions associated with the proposed project compared to baseline conditions is used to evaluate potential impacts. Existing operational activities at the Project site generate emissions from mobile, area, and fugitive sources. Mobile emissions are generated by City fleet vehicle trips to and from the fuel station and from fuel delivery truck trips. As described in Section 2.4, the same number of City fleet equipment and public works vehicles refueling at the Project site would continue under the proposed Project (approximately 350 vehicles). Additionally, the frequency of vehicles using the proposed fuel station is anticipated to reduce over the long term as municipal fleets transition to alternative fuel sources, which would in turn result in reduced operational mobile emissions and reduced fuel throughput of the proposed aboveground tanks. Nonetheless, for the purposes of this analysis of potential impacts at the start of operations, the fuel delivery frequency and associated fuel delivery truck trips are assumed to remain unchanged under the proposed Project compared to existing conditions because this transition would occur over time; the current typical refilling rate (7,000 gallons per week) is accommodated in the capacity of the ASTs that would be installed under the proposed Project; and the number of vehicles being refueled at the Project site would not change. Should additional refueling needs occur, the number of mobile trips and related operational emissions would increase only minimally over existing conditions.[4] CAL FIRE-Office of the State Fire Marshal inspections are anticipated to occur once every 3 years and would result in minimal mobile source emissions; therefore, these emissions were not evaluated quantitatively. Area source emissions are

[4] If tank refilling were conservatively assumed to increase due to the smaller size of the tanks that would be installed under the proposed Project, an increase of approximately 220 fuel delivery trucks per day would be needed to exceed BAAQMD-recommended operational thresholds of significance, assuming a one-way trip distance of 30 miles.

generated by periodic reapplication of architectural coatings, which would remain unchanged from existing conditions. Fugitive emissions of ROG are generated from the existing USTs. Due to the differences in fugitive emissions generated from underground tanks and aboveground tanks, in addition to the differences in tank parameters between the existing and proposed new tanks, the net change in fugitive tank emissions is evaluated. An increase in onsite off-road emissions would be generated by operation of the backup power generator, which was modeled to assume 150 hours of operation per year, consistent with BAAQMD CEQA Guidelines. Operational activities associated with maintenance of the site (i.e., landscaping) would be generally consistent with existing conditions, with the exception of periodic maintenance by onsite groundskeepers to water the proposed tree. Table 3-4 summarizes the various emissions-generating operational activities and the expected changes from existing conditions under the proposed Project.

Table 3-4 Comparison of Existing and Proposed Project Operational Activities

Existing Operations	Proposed Project Operations	Change in Operational Emissions Evaluated
Two USTs, 20,000 gallons each	Two ASTs, 12,000 gallons each	Net change in tank fugitive emissions
Tank refilling frequency of 7,000 gallons per week	Same as existing conditions	No change
350 City fleet equipment and public works vehicles refueled at Project site per week	Same as existing conditions	No change
Maintenance activities (architectural coating reapplication, inspections, landscaping)	Same as existing conditions	No change
—	One maintenance trip per day for tree watering	Minimal mobile emissions from maintenance vehicle trip
—	Backup power generator	Increased onsite off-road emissions from generator

Notes:

AST = aboveground storage tank; UST = underground storage tank

As shown in Table 3-5 and Table 3-6, in the discussion for checklist item b), emissions generated during construction and operation would not exceed the BAAQMD-recommended thresholds of significance. The Project would adhere to the dust and exhaust control measures discussed above to reduce emissions during construction activities; in addition to the applicable BAAQMD rules and regulations, also listed above, that are established, in part, to ensure consistency with the air quality attainment plans. Therefore, construction and operational activities related to the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be **less than significant**.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Less-than-Significant Impact

As detailed in in Section 3.2.2, the SFBAAB is currently in nonattainment for both NAAQS and CAAQS for ozone and $PM_{2.5}$[5], and in nonattainment for CAAQS for PM_{10}. BAAQMD developed the thresholds of significance to ensure that no individual project has the potential to create a significant adverse impact, with a focus on criteria air pollutants for which the SFBAAB is designated as being in nonattainment. Therefore, the thresholds of significance can be used to inform whether a project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment. Project-related emissions were calculated using the California Emissions Estimator Model (Version 2022.1.1.28), TanksESP (PRO Version 5.2.0), and AP-42. Detailed emission inputs, calculations, and outputs are provided in Appendix A.

Construction

Construction-related emissions associated with the proposed Project are included in Table 3-5 for comparison with the BAAQMD-recommended thresholds of significance. Average daily emissions were estimated by dividing the total construction emissions generated during the 3 to 6 months of construction (9 to 14 weeks active construction) by the total number of days that emissions-generating construction activities would occur.

Table 3-5 Average Daily Construction Emissions Estimates Compared to BAAQMD Construction Thresholds of Significance

	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
	Pounds per day			
Average Daily Project Emissions	0.27	2.09	0.07	0.07
BAAQMD Thresholds of Significance	54	54	82	54
Threshold exceeded?	No	No	No	No

Source: BAAQMD 2022; Calculations Prepared by AECOM, 2024 (see Appendix A)

Notes:

BAAQMD = Bay Area Air Quality Management District; NO_X = nitrogen oxides; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 10 microns in diameter; ROG = reactive organic gases

As shown in Table 3-5, emissions resulting from construction of the Project would not exceed the BAAQMD-recommended thresholds of significance, and therefore would not result in a cumulatively considerable net increase of nonattainment pollutants. BAAQMD does not have quantitative mass emissions thresholds for fugitive PM_{10} and $PM_{2.5}$ dust. Instead, BAAQMD recommends that all projects, regardless of the level of average daily emissions, implement applicable BMPs, including those listed as Basic Construction Measures in the BAAQMD CEQA Guidelines (BAAQMD 2022). Fugitive dust emissions are considered significant unless the

[5] On January 9, 2013, EPA issued a final rule determining that SFBAAB has attained the 2006 24-hour $PM_{2.5}$ national standard (150 µg/m^3). This rule suspends key SIP requirements as long as monitoring data continue to show that SFBAAB attains the standard. Despite this EPA action, SFBAAB will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until BAAQMD submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.

project implements BAAQMD's BMPs for fugitive dust during construction. Therefore, with implementation of the BMPs included in Section 2.6.1, and because the construction-related emissions would not exceed the BAAQMD-recommended thresholds of significance, this impact would be **less than significant**.

Operation

Operational emissions associated with the proposed Project are included in Table 3-6 for comparison with the BAAQMD-recommended thresholds of significance. Average daily emissions were estimated by dividing the maximum annual operational emissions by 365 days.

Table 3-6 Average Daily and Maximum Annual Operational Emissions Estimates Compared to BAAQMD Operational Thresholds of Significance

	ROG	NO_X	PM_{10}	$PM_{2.5}$
Backup Power Generator (lbs/day)	0.002	0.013	0.0005	0.0005
Maintenance Vehicle Trips (lbs/day)	0.001	0.05	0.01	0.003
Tank Fugitives (lbs/day)	-395.6	—	—	—
Average Daily Project Emissions (lbs/day)	**-395.6**	**0.06**	**0.01**	**0.003**
BAAQMD Thresholds of Significance (lbs/day)	54	54	82	54
Backup Power Generator (tons/year)	0.0005	0.002	9E-05	9E-05
Maintenance Vehicle Trips (tons/year)	0.0002	0.009	0.002	0.0005
Tank Fugitives (tons/year)	-1.08	—	—	—
Maximum Annual Project Emissions (tons/year)	**-1.08**	**0.01**	**0.002**	**0.0006**
BAAQMD Thresholds of Significance (tons/year)	10	10	15	10
Threshold exceeded?	No	No	No	No

Source: BAAQMD 2022; Calculations Prepared by AECOM, 2024 (see Appendix A)

Notes:

Totals may not sum due to rounding.

BAAQMD = Bay Area Air Quality Management District; lbs/day = pounds per day; NO_X = nitrogen oxides; PM_{10} = particulate matter less than 10 microns in diameter; $PM_{2.5}$ = particulate matter less than 10 microns in diameter; ROG = reactive organic gases

As described above, the net change in fugitive tank emissions is evaluated because the proposed ASTs would functionally replace the existing USTs. Therefore, as shown in Table 3-6, tank fugitive emissions of ROG are expected to decrease as a result of the proposed Project. As shown in Table 3-6, emissions resulting from operational activities associated with the proposed Project would not exceed the BAAQMD-recommended thresholds of significance.

Health Effects of Criteria Air Pollutants

Criteria air pollutants can have human health effects at various concentrations, depending on the duration of exposure and type of pollutant. CAAQS and NAAQS were established to protect the public with a margin of safety from adverse health impacts caused by exposure to air pollution. Similarly, air districts develop region-specific CEQA thresholds of significance in consideration of existing air quality concentrations and attainment designations under the NAAQS and CAAQS.

Health effects associated with ozone include respiratory symptoms, worsening of lung disease, and damage to lung tissue. ROG and NO_X are precursors to ozone, for which the SFBAAB is designated as being in as nonattainment with respect to the NAAQS and CAAQS. The contribution of ROG and NO_X to regional ambient ozone concentrations is the result of complex photochemistry. Due to the lack of

quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of ozone precursors is speculative. Health effects associated with short- and long-term exposure to elevated concentrations of PM_{10} include respiratory symptoms, aggravation of respiratory and cardiovascular diseases, a weakened immune system, and cancer (WHO 2021). $PM_{2.5}$ poses an increased health risk because these very small particles can be inhaled deep in the lungs and may contain substances that are particularly harmful to human health.

The proposed Project would generate criteria air pollutant emissions during construction and operational activities, and the primary pollutants of concern would be ozone precursors (ROG and NO_X) and PM. Adverse health effects induced by regional criteria pollutant emissions generated by the proposed Project (ozone precursors and PM) are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character [e.g., age, gender] of exposed individuals). For these reasons, ozone precursors (ROG and NO_X) contribute to the formation of groundborne ozone on a regional scale, where emissions of ROG and NO_X generated in one area may not equate to a specific ozone concentration in that same area. Similarly, some types of particulate pollutant may be transported over long distances or formed through atmospheric reactions. Therefore, the magnitude and locations of specific health effects from exposure to increased ozone or regional PM concentrations are the product of emissions generated by numerous sources throughout a region, as opposed to a single individual project or plan area.

As discussed above, activities associated with implementation of the Project would not exceed the BAAQMD thresholds of significance and would implement BPMs to minimize fugitive dust emissions during construction; therefore, they would be unlikely to result in adverse health effects. As also discussed above, it is the nature of criteria pollutants that emissions from an individual project or plan area cannot be directly identified as responsible for health impacts in any specific geographic location. As a result, attributing health risks at any specific geographic location to a single proposed project is not feasible, and this information and consideration is presented for informational purposes only.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. BAAQMD identifies sensitive receptors as children, the elderly, offsite workers, students, and those with preexisting health conditions (BAAQMD 2022). Accordingly, land uses that are typically considered sensitive receptors include schools, daycare centers, parks and playgrounds, and medical facilities. Industrial and commercial areas are considered the least sensitive to air pollution; exposure periods are relatively short and intermittent because most of the workers tend to stay indoors most of the time.

Residential areas are considered sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to pollutants present. Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation. The nearest sensitive receptors to the Project site include the Garretson Point Trail, adjacent to

the MSC and approximately 80 feet from the proposed aboveground fuel tanks; the residential uses along Leona Creek Drive, approximately 4,000 feet to the northeast (to the east of I-880 and the railway); residences to the northeast past the Oakland Coliseum; and offsite workers who may be present at surrounding industrial and commercial land uses. The nearest offsite worker location is approximately 500 feet to the northeast. The exposure of sensitive receptors (e.g., existing offsite residents) to substantial pollutant concentrations is discussed in the following paragraphs.

Short-Term Construction Emissions and Exposure to TACs at Surrounding Land Uses

Construction of the Project would generate emissions from the use of off-road diesel-powered equipment required for buildout of the fueling station. These activities may expose nearby receptors, including residents in adjacent areas, to TACs, primarily in the form of DPM.

Health risk is a function of the concentration of contaminants in the environment and the duration of exposure to those contaminants. Even in intensive phases of construction, there would not be substantial pollutant concentrations from an individual project, with the potential exception of the immediate vicinity of the construction site. Concentrations of mobile-source DPM emissions are typically reduced by approximately 60 percent at a distance of approximately 300 feet (100 meters) (Zhu and Hinds 2002). The recreational trail would be less than 100 feet from the Project site; however, due to the intermittent use and very temporary duration of presence by any individual recreational user of the trail, exposure would be minimal. Because the nearest offsite residence (residential uses along Leona Creek Drive) is approximately 4,000 feet northeast of the Project site, construction activities would not take place close to offsite residences. Other sensitive land uses, such as schools, daycare centers, medical facilities, and recreational facilities, are even more distant. Offsite workers may be present intermittently at adjacent industrial and commercial land uses.

The dose to which receptors are exposed is a primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent to which a person is exposed to the substance. Exhaust $PM_{2.5}$ emissions during construction would be low due to the limited quantity of construction equipment anticipated for the proposed Project; as shown in Table 3-5, exhaust $PM_{2.5}$ emissions during construction are anticipated to be 0.07 pound per day. The risks estimated for an exposed individual are higher if a fixed exposure occurs over a longer time. Health effects from TACs are often described in terms of individual cancer risk, which is based on a 30-year lifetime exposure to TACs for residences and a 25-year exposure for workers (OEHHA 2015). The total construction duration is projected to take place over approximately 3 to 6 months (9 to 14 weeks active construction). As a result, the exposure of sensitive receptors to construction emissions would be intermittent and temporary in nature, and, even if construction occurred for the longer duration of 14 weeks of active construction, the exposure would be less than 1 percent of the total residential exposure period and 1 percent of the total worker exposure period used for typical health risk calculations. Construction emissions would cease after the completion of the Project (approximately 3 to 6 months). Therefore, the possibility that construction activities could occur within a distance and for a duration that would expose sensitive receptors to substantial TAC concentrations would be minimized, and this impact would be **less than significant**.

Operational Emissions and Exposure to TACs at Surrounding Land Uses

As described above in the discussion for checklist item a), operational activities associated with the proposed Project would continue largely unchanged from existing operations. The proposed ASTs would functionally replace the existing USTs. Increased operational emissions of exhaust $PM_{2.5}$ would be limited to no more than one maintenance vehicle trip per day for tree watering and intermittent operation of the backup power generator.

As described above for construction, health risk is a function of concentration and duration of exposure. Changes in fugitive tank emissions from the proposed USTs compared to the existing ASTs would result in a reduction in concentrations of TACs. Mobile exhaust $PM_{2.5}$ emissions from periodic maintenance vehicle trips would result in a minimal increase in $PM_{2.5}$ concentrations and would disperse rapidly. Onsite stationary exhaust $PM_{2.5}$ emissions from intermittent operation of the backup power generator would be limited to periodic maintenance and testing of the generator and emergency backup power use, and would similarly disperse rapidly with distance from the source of emissions. Additionally, as described above, although the recreational trail would be less than 100 feet from the Project site, the intermittent use and very temporary duration of presence by any individual recreational user of the trail would minimize exposure. Similarly, the nearest offsite residence would be 4,000 feet away and the nearest offsite worker about 500 feet away; potential pollutant concentrations from project operations would disperse and be substantially reduced from those at the Project site. Therefore, operations would not occur within a distance or result in a change from existing conditions that would expose sensitive receptors to substantial TAC concentrations, and this impact would be **less than significant.**

Carbon Monoxide Hotspots

CO is a mobile-source pollutant of localized concern. Relatively high concentrations are typically found near crowded intersections and along heavily used roadways carrying slow-moving traffic. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations within a relatively short distance (300 to 600 feet) of heavily traveled roadways. Vehicle traffic emissions can cause localized CO impacts, and severe vehicle congestion at major signalized intersections can generate elevated CO levels, called "hot spots." Emissions and ambient concentrations of CO have decreased substantially throughout California in the past three decades. The national CO standard is attained statewide in California, and an exceedance of NAAQS or CAAQS in the region was last recorded in 1993. This is primarily attributable to requirements for cleaner vehicle emissions. Although ambient CO concentrations in the region have not exceeded NAAQS or CAAQS in many years, localized CO concentrations could still occur, particularly at intersections of high-volume roadways where a substantial number of gasoline-powered vehicles idle for prolonged durations throughout the day. Construction sites are less likely to result in localized CO hot spots due to the nature of construction activities, which normally use diesel-powered equipment for intermittent or short durations.

Construction activities associated with the proposed Project would be temporary, lasting approximately 3 to 6 months (9 to 14 weeks active construction), and emissions associated with construction would cease once construction activities have been completed. Additionally, construction activities would follow regulatory limitations to minimize heavy-duty truck and equipment idling times to 5 minutes or less, and on-road vehicles would be primarily diesel-powered, except for daily construction worker commute trips to and from the site. Approximately three to eight workers would commute to the site daily, depending

on the construction phase. The increase in operational mobile trips would be limited to not more than one maintenance vehicle trip per day.[6] Accordingly, the Project would not contribute to regionally high-volume, congested roadways. Therefore, the proposed Project would not violate air quality standards for CO or have the potential to result in CO hotspots, and this impact would be **less than significant**.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-than-Significant Impact

Construction

Exhaust odors from diesel engines and emissions associated with the application of architectural coatings may be considered offensive to some individuals. However, the Project site is in an industrial area of the Port, approximately 4,000 feet from the nearest residence, and would not introduce a substantial level of new diesel-powered equipment or architectural coating activity. Furthermore, the Project would be required to comply with BAAQMD's Regulation 7 (Odorous Substances), which places general limitations on odorous substances and nuisances to limit the generation of odors in the SFBAAB. Taking into consideration the fact that odors would be temporary and disperse rapidly with distance from the source, construction of the proposed Project would not result in other emissions, such as those leading to odors, that would adversely affect a substantial number of people. Therefore, this impact would be **less than significant**.

Operations

Odors from operation of the proposed Project may result from the periodic reapplication of architectural coatings and fugitive emissions generated by the storage tanks and during refilling and vehicle fueling activities. Similar to construction, these operational emissions may be considered offensive to some individuals; however, the Project site is in an industrial area, and operational activities at the Project site would be similar to existing conditions. Operational activities would similarly be required to comply with BAAQMD's Regulation 7 (Odorous Substances). Considering that odors would be similar to existing conditions at the Project site, disperse rapidly with distance from the source, and generally not occur near sensitive receptors, operation of the proposed Project would not result in other emissions, such as those leading to odors, that would adversely affect a substantial number of people. Therefore, this impact would be **less than significant**.

3.2.4 Mitigation Summary

No mitigation measures would be necessary.

[6] As described above, an increase of approximately 220 fuel delivery trucks per day would result in potentially significant impacts related to operational criteria pollutant emissions. This level of operational trips would be well-below the BAAQMD-recommended local carbon monoxide hot spot screening criteria of 44,000 vehicles per hour at affected intersections.

3.3 BIOLOGICAL RESOURCES

Would the Project:

Question	CEQA Determination
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), or NOAA Fisheries?	Less-than-Significant Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, or similar) through direct removal, filling, hydrological interruption, or other means?	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.3.1 Environmental Setting

This section describes the sensitive biological resources present or with potential to occur in the Project site and vicinity. Database searches and photographic review were conducted to characterize biological resources in the Project site and vicinity. No wildlife or botanical surveys were conducted.

Searches of the following databases were performed to identify special-status species[7] and/or sensitive biological resources (e.g., wetlands and/or waters) known to occur or with potential to occur in the Project site and vicinity:

- California Natural Diversity Database (CNDDB) within a 1-mile radius from the project site (CDFW 2024)
- California Native Plant Society (CNPS) Rare Plant Inventory quadrangle search for the United States Geological Survey (USGS) San Leandro quadrangle (CNPS 2024)
- National Resource Conservation Service (NRCS) Web Soil Survey Data for the Project Site (NRCS 2024)
- United States Fish and Wildlife Service's (USFWS) Information for Planning and Consultation database identifying federally regulated sensitive resources with potential to occur in the project site (USFWS 2024a)
- USFWS's Critical Habitat for Threatened and Endangered Species Online Mapping Tool (USFWS 2024b)
- National Wetland Inventory Wetlands Mapper (USFWS 2024c)

The Project area—which is approximately 0.7 acre, inclusive of the 4,877-square-foot fuel station footprint and construction staging area (approximately 30,000 square feet)—is approximately 150 feet west of San Leandro Bay. The Project area is in the City's MSC, which has an area of approximately 17 acres and is almost entirely paved or developed, with limited areas of ornamental landscaping. The MSC primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. The MSC is bounded to the west by San Leandro Bay, to the northwest by Damon Slough, and to the southeast and east by commercial and industrial developments.

The Project area is currently used for parking and staging of municipal vehicles, debris bins, and other miscellaneous equipment. No natural habitats, plant communities, or trees occur in the immediate Project footprint. The MSC includes limited areas of landscaping. Nearest to the Project site in the paved parking areas, landscaping includes approximately seven trees within an approximate 200-foot radius of proposed improvements. The MSC also includes landscaping along its northeastern perimeter, adjacent to Edgewater Drive, consisting of a linear tree break and accompanying ornamental shrubs; a landscaped commercial park area, adjacent to and southwest of the 911 Call Center building, comprising a lawn of approximately 0.3 acre in area and perimeter trees; and additional paved parking area landscape trees scattered throughout the MSC.

[7] Special-status species include species listed by the State of California or the federal government as endangered, threatened, or rare; candidates for state or federal listing as endangered or threatened; species identified by the CDFW as species of special concern; species listed as fully protected under the California Fish and Game Code; species afforded protection under local or regional planning documents; taxa (i.e., taxonomic categories or groups) that meet the criteria for listing, even if not currently included on any list, as described in CCR Section 15380 of the CEQA Guidelines; and taxa considered by CDFW to be "rare, threatened, or endangered in California" as assigned a California Rare Plant Rank of 1A, 1B, 2A, or 2B.

In the Project site, no wetlands are mapped (USFWS 2024c), and soils are characterized as "urban land" (NRCS 2024). Due to the highly developed and continuously disturbed nature of the Project site and the minimal vegetation, suitable conditions do not exist to support protected wetlands and other waters. No Critical Habitat occurs within 5 miles from the Project site (USFWS 2024b).

According to the CNDDB, no special-status species have been documented in the Project site (CDFW 2024), although the site is within the mapped potential habitat area for Point Reyes salty bird's-beak (*Chloropyron maritimum* ssp. *palustre*), a CNPS rank 1B.2 plant species (rare, threatened, or endangered in California and elsewhere; fairly threatened in California). The mapped habitat area is associated with a single observation of this species at Arrowhead Marsh, observed approximately 0.5 mile west of the Project site. Point Reyes salty bird's-beak is unlikely to occur at the Project site or MSC because this species grows just above the high-tide level in salt marshes, and this habitat is not present at the MSC.

Several other special-status wildlife and plants were identified in database searches near the Project site (CDFW 2024), but none of these species have potential to occur in the Project site or MSC due to its developed nature, minimal vegetation, and continuous disturbances—with the exception of potential occasional flyovers by special-status birds moving between known habitat areas in the nearby Oakland Estuary, and during migration along the Pacific Flyway. San Francisco Bay is a critical migration stopover point along the Pacific Flyway migration route; the nearest Audubon Important Bird area is South San Francisco Bay, which includes San Leandro Bay immediately west of the MSC (National Audubon Society 2024). The Project site may also be used by common urban-adapted species such as migratory birds. San Leandro Bay is also a potential aquatic wildlife movement corridor.

The western perimeter of the MSC is bordered by the publicly accessible Garretson Point bayside recreational trail. The asphalt trail is bordered on either side by a variety of native and nonnative trees, shrubs, and groundcover. The shoreline of Garretson Point trail adjacent to the MSC is lined with rock riprap and does not include any extensive marsh or wetland vegetation. Similar to the Project site, there are no recorded occurrences of special-status species in the segment of Garretson Point trail bordering the MSC, although the shoreline is in the mapped potential habitat area for Point Reyes salty bird's-beak.

Arrowhead Marsh is approximately 0.5 mile west of the Project site in San Leandro Bay, between the MSC and Oakland Airport. Arrowhead Marsh is a 741-acre publicly accessible park leased to East Bay Regional Park District from the Port. The CNDDB identifies recorded occurrences of several special-status species in Arrowhead Marsh, including yellow rail (*Coturnicops noveboracensis*; state species of special concern), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*; state species of special concern), California black rail (*Laterallus jamaicensis coturniculus*; state threatened), California Ridgway's rail (*Rallus obsoletus obsoletus*; state and federal endangered), saltmarsh harvest mouse (*Reithrodontomys raviventris*; state and federal endangered), and saltmarsh wandering shrew (*Sorex vagrans halicoetes*; state species of special concern). Suitable habitat for these species does not occur in the Project site or MSC, and barriers to movement such as San Leandro Bay likely further preclude them from occurring at the Project site. Arrowhead Marsh is also a marshland stopover on the Pacific Flyway and is part of the Western Hemisphere Shorebird Reserve Network.

3.3.2 Regulatory Setting

Federal

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) provides for the conservation of threatened and endangered species, including plants and animals and the habitats in which they are found. The law requires federal agencies, in consultation with the USFWS and/or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed species are all generally prohibited.

Clean Water Act

The Clean Water Act (CWA) (33 United States Code [USC] 1251 et seq.) establishes the basic structure for regulating discharges of pollutants into waters of the United States and provides EPA with the authority to implement pollution control programs, including setting wastewater standards for industry and water quality standards for contaminants in surface waters. Under the CWA, it is unlawful for any person to discharge any pollutant from a point source into navigable waters without a permit. Section 404 of the Federal CWA requires a project applicant to obtain a permit from the United States Army Corps of Engineers before engaging in any activity that involves any discharge of dredged or fill material placed in waters of the United States, including wetlands. Under Section 401 of the CWA, an applicant applying for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state's water quality standards and criteria.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 protects migratory birds by prohibiting the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by USFWS.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits anyone without a permit issued by the Secretary of the Interior from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present—if, on the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment.

State

California Endangered Species Act

The California Endangered Species Act (CESA) is a California environmental law that conserves and protects plant and animal species at risk of extinction. Originally enacted in 1970, CESA was repealed and

replaced by an updated version in 1984, which was amended in 1997. Pursuant to the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any California-listed endangered or threatened species may be present in the project area and whether the project would have a potentially significant impact on such species. In addition, the California Department of Fish and Wildlife (CDFW) encourages informal consultation on any project that may affect a candidate species. CESA prohibits the take of California-listed animals and plants in most cases, but CDFW may issue incidental take permits under special conditions.

California Native Plant Protection Act

The California Native Plant Protection Act (NPPA) (Fish and Game Code, Section 1900 et seq.) was enacted in 1977; it allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under NPPA. NPPA prohibits take of endangered or rare native plants, but it includes some exceptions for agricultural and nursery operations, and emergencies. After properly notifying CDFW, exceptions are also made for vegetation removal from canals, roads, and other sites; changes in land use; and certain other situations.

California Fish and Game Code

Section 3503 of the California Fish and Game Code (CFGC) states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird; Section 3503.5 states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders Falconiformes and Strigiformes), including their nests or eggs; and Section 3513 states that it is unlawful to take any migratory nongame bird. Typical violations include destruction of active nests as a result of tree removal; and failure of nesting attempts, resulting in loss of eggs and/or young. These violations can be caused by disturbance of nesting pairs by nearby human activity.

Sections 3511, 4700, 5050, and 5515 of the CFGC specifically prohibit the take of wildlife species that are classified as "fully protected" in California, even if other CFGC sections provide for incidental take of the species. CDFW has informed nonfederal agencies and private parties that they must avoid take of any fully protected species when they carry out projects.

Regional and Local

Alameda County does not have a Habitat Conservation Plan or a Natural Community Conservation Plan for the Port area. However, local policies applicable to the Project site are included in City of Oakland General Plan Open Space, Conservation and Recreation Element, as described in the following section.

City of Oakland General Plan Policies

The City of Oakland General Plan Open Space, Conservation and Recreation Element contains policies relevant to the protection of biological resources, native plant communities, and wetlands (City of Oakland 1996), including the following relevant to the proposed Project:

- **Policy CO-6.5:** Protection of Bay and Estuary Waters. Protect the surface waters of the San Francisco Estuary system, including San Francisco Bay, San Leandro Bay, and the Oakland Estuary. Discourage shoreline activities which negatively impact marine life in the water and marshland areas.

- **Policy CO-11.1:** Protection from Urbanization. Protect wildlife from the hazards of urbanization, including loss of habitat and predation by domestic animals.
- **Policy CO-11.2:** Migratory Corridors. Protect and enhance migratory corridors for wildlife. Where such corridors are privately owned, require new development to retain native habitat or take other measures which help sustain local wildlife population and migratory patterns.

3.3.3 Impact Analysis

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), or NOAA Fisheries?

Less-than-Significant Impact

The proposed Project would occur in a highly developed industrial area that contains only limited ornamental vegetation, lacks natural wildlife habitat, and is continuously disturbed by existing operations. Furthermore, no special-status species are anticipated to occur in the Project site, except for occasional flyovers, possibly during migration along the Pacific Flyway (discussed further under checklist item d), below).

Common urban-adapted migratory birds could nest in the Project site prior to construction or during operations. If construction activities occur during the nesting bird season and nesting birds are present on site, Project activities could disturb nest sites and/or cause nests to be abandoned or to fail. Project-related BMPs (see Section 2.6.6), including a preconstruction nesting bird survey if construction is to occur during the nesting season, would ensure that the Project avoids or minimized construction impacts to special-status bird species.

Operational activities associated with the proposed Project are unlikely to impact nesting birds if they select nest sites near operational activities because they would be expected to be habituated to site disturbances, and the Project would not introduce new or worsened site disturbance. The proposed emergency backup generator is expected to produce an equivalent continuous noise level (L_{eq}) of 78 decibels (dB) at 50 feet. This is comparable to the noise generated by a washing machine, and noise levels would substantially decrease farther from the source. The generator would only operate intermittently to provide backup emergency power or for periodic maintenance and testing (approximately 150 hours a year) and is anticipated to generate noise levels similar to those of other existing intermittent operations at the MSC. Under existing conditions, maximum ambient noise levels in the Project vicinity were observed between 71.3 dB (at the 911 Call Center building outdoor seating area) and 85.9 dB (at the MSC entry gate checkpoint). Additional detail on ambient, construction, and operational noise is provided in Section 3.11.

In consideration of the highly developed nature of the Project site and the lack of suitable special-status habitat, and with implementation of BMPs including nesting bird surveys, the Project would have **less-than-significant impacts** to special-status species.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

No Impact

The Project site does not contain riparian habitat or any sensitive natural communities; therefore, the proposed Project would have **no impact** on this biological resource checklist item.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, or similar) through direct removal, filling, hydrological interruption, or other means?

No Impact

The Project site does not support any wetlands or other waters. Although the Project site is approximately 150 feet from San Leandro Bay, the proposed Project construction and operations would be confined within the MSC. The chain link fence with slats surrounding the MSC further discourages or prevents encroachment of site activities into the adjacent bay. No construction or Project-related operations would occur in or immediately adjacent to the open water or shoreline.

Project construction would occur in adherence with the water quality BMPs described in Section 2.6.2. This would avoid or minimize water quality impacts such as those potentially occurring from accidental spills, or otherwise conveying materials to water bodies. Furthermore, all construction- and operations-related stormwater would be collected, conveyed, and treated as-needed in the existing and improved MSC or proposed fuel station drainage system. Improvements include installing a trench drain around the proposed fuel station perimeter, which would convey runoff to an oil/water separator before discharging to the sanitary sewer system. Project operations would comply with hazardous material regulations—which are codified in CCR Titles 8, 13, 22, and 26—and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code, which includes mandates for protection against accidental spills through physical and mechanical controls of fueling operations, such as automatic shutoff valves, requirements that fueling operations are contained on impervious surface areas, oil/water separators or physical barriers in catch basins or storm drains, vapor emissions controls, leak detection systems, and regular testing and inspection. During operation, the project would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over fuel-dispensing facilities. Therefore, the Project would result in **no impact** (direct or indirect) to state or federally protected wetlands or other waters.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact

As noted in the discussion for checklist item c) above, the Project site is approximately 150 feet from San Leandro Bay, which is a potential aquatic wildlife movement corridor. The Project site is also adjacent to the South San Francisco Bay area of importance for the Pacific Flyway, a bird migration corridor; and

approximately 0.5 mile east of Arrowhead Marsh, which is part of the Western Hemisphere Shorebird Reserve Network. Construction and operation of the proposed Project would be confined within the existing MSC, except for construction vehicle trips on local roadways, and therefore would not directly encroach on San Leandro Bay, habitat areas of importance for the Pacific Flyway, or Arrowhead Marsh.

The proposed 19-foot-tall fuel station is not likely to pose a substantial collision risk to birds that may fly over the Project site during migration along the Pacific Flyway, because the fuel station would be approximately 150 feet or more from the bay, in the existing developed industrial MSC, and would be shorter than existing MSC buildings.

Project construction is not anticipated to generate noise levels that would disturb nearby habitat areas of importance for the Pacific Flyway. Based on the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA 2006), noise levels for combined Project equipment required for construction would be 82 dB L_{eq}. and 90 dB maximum sound level (L_{max}) at 50 feet. This is comparable to noise levels generated by heavy traffic, and noise levels would substantially decrease farther from the source (e.g., reduction to 56 dB, L_{eq} at 1,000 feet from construction [noise level comparable to a normal conversation]). The MSC would remain subject to City of Oakland construction noise standards (see Section 2.6.4).

Operational noise levels would be largely unchanged by the proposed Project and would also be unlikely to disturb nearby habitat areas of importance for the Pacific Flyway. The proposed emergency backup generator is expected to produce an L_{eq} of 78 dB at 50 feet. This is comparable to the noise generated by a washing machine, and noise levels would substantially decrease farther from the source. The generator would only operate intermittently to provide backup emergency power or for periodic maintenance and testing and is anticipated to generate noise levels similar to those of other existing intermittent operations at the MSC. Under existing conditions, maximum ambient noise levels in the Project vicinity were observed between 71.3 dB (at the 911 Call Center building outdoor seating area) and 85.9 dB (at the MSC entry gate checkpoint). Additional detail on ambient, construction, and operational noise is provided in Section 3.11.

Project construction and operations would not encroach on the neighboring San Leandro Bay, and indirect impacts to San Leandro Bay and associated aquatic wildlife movement are not anticipated. Water pollution controls will be implemented during or prior to the approximately 3- to 6-month duration of construction (9 to 14 weeks active construction), in accordance with the Project Erosion Control Plan. These would include but not be limited to protecting inlets with staked straw wattles, gravel backfill, and filter fabric (see Section 2.6.2). The Project would not add any impervious areas or otherwise affect drainage in a way that would adversely affect potential pollutant runoff. The Project includes improvements to drainage system infrastructure to provide appropriate runoff and pollutant controls. This includes installing a trench drain around the proposed fuel station perimeter, which would convey runoff to an oil/water separator before discharging to the sanitary sewer system. A storm drainpipe and inlet that encroach into the concrete pad at the northern corner would be relocated to accommodate the Project and prevent fuel station runoff from entering the storm drain system. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site. The MSC also holds an EBMUD Wastewater Discharge Permit. Operational changes under the Project would be minimal and would not

result in new or increased potential for discharge of pollutants to San Leandro Bay. The Project does not entail any pile driving or other construction activities that could potentially generate significant underwater noise to disturb aquatic wildlife movement or migration.

In consideration of the Project's location in the existing industrial MSC, the relatively small scale of the Project, existing runoff controls, water quality BMPs, and proposed drainage system improvements, the Project would result in **no impact** related to movement or migration of wildlife.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact

The Project site is highly industrialized and developed and does not contain any protected trees or other protected biological resources. As discussed for checklist item a) above, the Project would include a preconstruction nesting bird survey if construction is to occur during the nesting season, which would ensure that the Project avoids or minimizes construction impacts to special-status bird species. Furthermore, as noted in the discussion for checklist item d) above, the proposed Project would result in no impact to wildlife that may use surrounding areas. Therefore, there would be **no impact** from the proposed Project related to conflicts with local policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project; therefore, there would be **no impact**.

3.3.4 Mitigation Summary

No mitigation would be necessary.

3.4 CULTURAL RESOURCES

Would the Project:

Question	CEQA Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No Impact
c) Disturb any human remains, including those interred outside of formal cemeteries?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.4.1 Environmental Setting

Cultural resources, both archaeological and historic architecture, are identified and assessed in association with their natural and cultural contexts.

San Francisco Bay as we now know it was formed during a period of relatively rapid sea-level rise. After 4,000 B.C., the sea-level rise slowed, and marshes began to develop around the bay. During this post-4,000 B.C. period, numerous shell middens were created as a result of human activity in the Bay Area. Marshes are particularly productive ecosystems, and most of the San Francisco Bay shell middens were near marshes. The area's prehistoric populations took advantage of this productivity by harvesting fish, shellfish, birds, and land mammals that live or feed in or near the marsh, as well as the marsh plants themselves. Prior to the twentieth century reclamation and development efforts, the current Project area consisted entirely of undeveloped marshland.

By around 1500 B.C., Costanoans entered the Bay Area from the Sacramento River Delta region and occupied most of the eastern shore of San Francisco Bay, presumably displacing or assimilating older Esselen language speakers as they advanced. The study area is situated in the Chochenyo territory of the Costanoan Indians. Costanoan is not a native term, but rather is derived from the Spanish word Costanos, meaning coast people. The term Ohlone is preferred by tribal groups representing the area. The basic unit of the Ohlone political organization was the tribelet, consisting of one or more socially linked villages and smaller settlements in a recognized territory. Subsistence activities emphasized gathering berries, greens, and bulbs; harvesting seeds and nuts—of which acorn was the most important; hunting for elk, deer, pronghorn, and smaller animals; collecting shellfish; and taking varied fishes in stream, bay, lagoon, and open coastal waters.

The population and traditional lifeways of the Ohlone were severely affected by the influences of the Spanish colonists and the Mission system. Spanish explorers first sighted San Francisco Bay in 1769, and a Spanish supply ship entered it in 1775. The first settlers—Spanish soldiers and missionaries—arrived in the Bay Area in 1776. The native Ohlone culture was radically transformed when European settlers moved into northern California, instituting the mission system and exposing the native population to diseases to which they had no immunity. By 1800, few if any Ohlone remained on the land or subsisted in native

lifeways; in fact, native population had declined in some areas by as much as 90 percent. By the 1820s, the Bay Area had a Spanish fort, town, and five missions in the region. During this period, large tracts of land were granted to individuals for cattle ranches. The King of Spain granted Don Luis Maria Peralta the Rancho San Antonio (also known as the Peralta Grant), which comprised approximately 44,800 acres—all of the present-day cities of Oakland, Piedmont, Berkeley, Emeryville, Alameda, Albany, and part of San Leandro.

Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and the title would be honored again when California entered the Union in 1848. In 1850, Colonel Henry S. Fitch attempted to make the first purchase of land that would become Oakland; a year later, William Worthington Chipman and Gideon Aughinbaugh purchased the 160-acre "Encinal" on the peninsula of what is now the island of Alameda. The township of Oakland was incorporated in 1852. During the 1850s and 1860s, Oakland developed as a small residential and industrial center. In 1863, a wharf was constructed at the foot of 7th Street to provide ferry service to San Francisco. By 1869, Oakland was the western terminus for the first transcontinental railway.

Following passage of the Rivers and Harbors Act of 1873, the United States Army Corps of Engineers began planning improvements in what was to ultimately become Oakland Harbor. The Act authorized improvements to San Antonio Creek, including deepening the channel leading to the Oakland Estuary and the Brooklyn Basin. The current Project site on San Leandro Bay, however, remained undeveloped marshland into the twentieth century. The only land rising above the marshlands in the current Project vicinity is what became known as Bay Farm Island, the area of today's Chuck Corica Golf Complex, approximately 1 mile to the west.

Using historic USGS topographic maps and aerial imagery, it appears that the reclamation of the current parcel did not occur until after World War II (i.e., the late 1940s/early 1950s); the first and only development on the parcel are the extant municipal buildings that were constructed primarily in 1970 (Table 3-7).

Table 3-7 MSC Building Construction Dates

Building	Year Constructed
Building 2	1970
Building 3	1970
Building 4	1970
Building 5	1970
Building 6	1970
911 Call Center	1998

Baseline Conditions

A cultural resources records search for the current Project was conducted by AECOM Senior Archaeologist and Historian Karin G. Beck at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, on June 25, 2024 (File No. 23-1808; AECOM 2024). The cultural records search included the Project parcel at 7101 Edgewater Drive and an area

extending out 0.5 mile from the parcel boundaries. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resource records and studies for Alameda County. Site records and previous studies on files at the NWIC were accessed, and the following references were also reviewed:

- National Register of Historic Places (NRHP) (NPS 2024)
- California Register of Historical Resources (CRHR) (OHP 2024a)
- Five Views: An Ethnic Historic Site Survey for California (OHP 1988)
- California State Historical Landmarks (OHP 2024b)
- California Inventory of Historic Resources (California Department of Parks and Recreation 1976)
- California Points of Historical Interest (OHP 1992)
- Built Environment Resources Directory (OHP 2024c)
- Handbook of the North American Indians: Costanoan (Levy 1978)
- USGS 1:62,500 Concord, California Topographic Map (USGS 1897, 1900, 1905, 1907, 1910, 1913, 1915, 1923, 1932, 1939, 1942, 1947)
- USGS 1:24,000 Oakland East, California Topographic Maps (USGS 1949, 1958)
- Historic Aerial Photographs, Oakland and Alameda (1927-1985)

The records search at the NWIC revealed that none of the current Project parcel at 7101 Edgewater Drive has been previously inventoried for cultural resources, or archaeological or historic architecture (i.e., built environment). The record search effort did reveal that there are two previously recorded resources of the built environment within the 0.5-mile buffer radius of the 7101 Edgewater parcel:

- P-01-011449, the Oakland Coliseum
- P-01-012184, a transmission tower

Neither was found to be a significant cultural resource (i.e., eligible for the NRHP or CRHR).

A review of the geotechnical data, in concert with the review of historical maps and aerial imagery discussed previously, confirms that the entire parcel is situated on fill to depths 9.5 to 12.5 feet below surface, with the reclamation efforts having been completed in the decades following the close of World War II (the late 1940s to early 1950s). The deposit of sandy clay and peat (marsh deposits) found to be underlying the fill in the geotechnical investigation is the result of rising sea level gradually inundating land surfaces at the end of the last glacial epoch. With the melting of the glaciers, sea levels worldwide began to rise rapidly, at the rate of about 2 centimeters per year. By about 10,000 Before Present (BP), the rising sea flooded in through the Golden Gate to form San Francisco and San Pablo Bays. As the shoreline of San Francisco Bay encroached inland, low- to moderate-energy wave action stripped much of the residual soil and weathered rock away, allowing these sediments to deposit almost directly on the bedrock surface. The bays enlarged as sea levels continued to rise at the same rate until about 8,000 BP. By about 6,000 BP, sea-level rise had declined to a much slower rate of 2 millimeters per year. Between 6,000 and 5,000 BP, this slow inundation was outstripped by sedimentation (marsh deposits) from Bayside tributaries, and extensive mudflats and tidal marshes began to develop along the Bay shores. Tidal marshes likely reached their maximum extent by about 2,000 BP. Sea levels have continued to rise at a slower rate and, with occasional reversals, into modern times. The marsh deposits that formed as a result of these sedimentation processes do not represent stable land surfaces and were therefore unavailable for human occupation. These deposits are thus not considered sensitive for containing precontact Native

American habitation sites. Although random, accidently deposited items such as net sinker or projectile point could have been lost while a precontact Native American was fishing or hunting, such items would be rare.

The archaeological sensitivity of the fill sediments to be disturbed by the proposed Project are considered low, given that they were deposited in the decades following World War II. The sensitivity of underlying clay and peat is similarly low because they do not represent stable land surfaces that precontact Native American peoples could occupy. Even if a random precontact artifact were to occur in the sediments below the Project parcel, it should be reiterated that the anticipated maximum depth of disturbance for the proposed Project is no more than 9.5 feet bgs (utility trenching maximum depth) and thus confined entirely to the imported fill.

3.4.2 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (16 USC 470 et seq.) declares federal policy to protect historic sites and values, in cooperation with other nations, states, and local governments. Subsequent amendments designated the State Historic Preservation Officer as the individual responsible for administering state-level programs. Federal agencies are required to consider the effects of their undertakings on historic resources, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment on those undertakings. Federal agencies are required by statute to "take into account" the effects of their actions and undertakings on "historic properties." A historic property is the federal term that refers to cultural resources (e.g., prehistoric or historical archaeological sites; maritime historical resources, including shipwrecks, buildings, and structures on the shore or in the water; and cultural artifacts) that are 50 or more years old, possess integrity, and meet the criteria of the NRHP. The NRHP eligibility criteria are found at 36 Code of Federal Regulations (CFR) Section 60.4. A lead federal agency is responsible for project compliance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800).

State

California Environmental Quality Act

CEQA requires lead agencies to determine whether a proposed project would have a significant effect on historical resources, including both archaeological and historic architectural (built environment) resources. The CEQA Guidelines (Section 15064.5(a)) define a historical resource as: (1) a resource listed in or determined to be eligible by the State Historic Resources Commission for listing in the CRHR; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Such resources may be

considered historically significant, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

In addition, Section 15064.5 (a)(4) states that "the fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1." If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply.

If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources. A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in our past.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. It has yielded, or may be likely to yield, information important in prehistory or history (PRC Section 5024.1[c]).

The CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064[c][4]).

California Native American Graves Protection and Repatriation Act (2001)

In the California Health and Safety Code, Division 7, Part 2, Chapter 5 (Sections 80108030), broad provisions are made for the protection of Native American cultural resources. The Act sets the state policy to ensure that all California Native American human remains and cultural items are treated with due respect and dignity. The Act also provides the mechanism for disclosure and return of human remains and cultural items held by publicly funded agencies and museums in California. Likewise, the Act outlines the mechanism with which California Native American tribes not recognized by the federal government may file claims to human remains and cultural items held in agencies or museums.

California PRC, Section 5020

This California code created the California Historic Landmarks Committee in 1939. It authorizes the Department of Parks and Recreation to designate Registered Historical Landmarks and Registered Points of Historical Interest.

California PRC, Section 5097.9

PRC Section 5097.9 details procedures to be followed whenever Native American remains are discovered. It states that no public agency—and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977—shall interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution. It further states that no such agency or party shall cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, except on a clear and convincing showing that the public interest and necessity so require.

California PRC, Section 7050.5

Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the PRC. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the PRC states that there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains, until the coroner of the county in which the human remains are discovered has determined the remains to be archaeological. If the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.

California Health and Safety Code, Section 7051

Under this code, every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment in the state prison.

California Code of Regulations, Title 14, Section 4307

Under this state preservation law, no person shall remove, injure, deface, or destroy any object of paleontological, archaeological, or historical interest or value.

Regional and Local

City of Oakland General Plan

The City of Oakland's General Plan Historic Preservation Element contains policies related to historic preservation (City of Oakland 1998). This includes the following goal.

- **Goal 2** – to preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetics interest or value

3.4.3 Impact Analysis

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

No Impact

No archaeological inventory of the 7101 Edgewater Drive parcel was attempted, because the entire parcel is developed; the ground surface is obscured by extant structures and paved parking areas. Similarly, no built environment inventory was completed, because the proposed Project does not include the demolition or alteration of any of the structures standing on the parcel.

Current conditions—including the history of reclamation; extent of current development; and evidence of subsurface conditions, as evidenced from existing geotechnical data in concert with archival data, including historic topographic maps and aerial imagery—were used to determine the potential for exposing previously undiscovered archaeological sites during project implementation (i.e., excavation). This analysis revealed that all of the excavations associated with the proposed Project would be confined to the layer of imported material used to reclaim this portion of San Leandro Bay following the close of World War II. The imported fill is not sensitive for containing significant archaeological resources, because any archaeological materials transported to the site and inadvertently used in the reclamation process would not retain sufficient integrity to be considered eligible for inclusion to either the NRHP or CRHR. Similarly, none of the standing structures on the parcel are likely to be considered eligible for inclusion to the CRHR; all were built in 1970 or later, and all represent fairly standard municipal structures that are unlikely to meet any of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history (PRC Section 5024.1[c]).

There are no recorded NRHP- or CRHR-eligible properties at the Project site at 7101 Edgewater Drive, nor are there any NRHP- or CRHR-eligible properties within 0.5 mile of the parcel. Although none of the structures on the 7101 Edgewater parcel have themselves been evaluated for their historical significance (individually or as a group), the proposed Project does not include any demolition or physical alterations to these structures. Therefore, the Project would result in **no impact** related to historical resources pursuant to Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact

As detailed in Chapter 2 and as discussed above, the proposed Project includes ground-disturbing activities down to a maximum depth of no more than 9.5 feet bgs, which indicates that the project-associated ground-disturbing activities are confined entirely to imported fill brought into the area in the mid-twentieth century.

The proposed Project therefore does not require any ground-disturbing activities in native soils that could result in an adverse change to the significance of an archaeological resource pursuant to §15064.5 or could result in disturbing human remains. Therefore, the likelihood of intact archaeological or human remains occurring in the soils and sediments to be disturbed with Project implementation is low. As described in Section 2.6, the construction contractor will prepare for approval by the City or Port an emergency plan of action for discoveries of unknown historic or archaeological resources. This plan will be followed should workers encounter any unidentified resources during construction. Therefore, the Project would have **no impact** related to the significance of archaeological resources pursuant to Section 15065.5, or related to disturbance of human remains.

3.4.4 Mitigation Summary

No mitigation measures would be necessary.

3.5 ENERGY

Would the Project:

Question	CEQA Determination
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	Less-than-Significant Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less-than-Significant Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.5.1 Environmental Setting

The transportation sector (predominantly from vehicles) is the largest consumer of energy, accounting for 38 percent of end-use energy consumption in California (United States Energy Information Administration 2023). There is a direct link between the vehicle miles traveled (VMT) and energy use. In addition to mobile sources in the transportation sector, energy is consumed from residential and commercial/industrial (C/I) building use. Energy is consumed by building use primarily in the form of electricity and natural gas, and by transportation uses primarily in the form of gasoline and diesel fuel.

In the Project site, natural gas and most electrical services are provided by Pacific Gas and Electric Company (PG&E). Electrical service from PG&E is supplemented by limited solar arrays on MSC Buildings 2, 3, 4, 5, and 8, providing approximately 606 kilowatts of alternating current. In 2022, PG&E provided 104,694,978 megawatt hours of electricity to its customers (CEC 2022a). Electricity is generated from a variety of sources, including hydropower, natural-gas-fired generators, renewable resources eligible under the state's Renewable Portfolio Standards (RPS) program (e.g., solar, wind, geothermal, hydroelectric, and bioenergy), and purchases from other energy suppliers. PG&E's electricity base mix as of 2021 was provided by 48 percent qualified renewable energy sources and 91 percent by GHG-free sources (PG&E 2022). In addition, the proportion of PG&E-delivered electricity for all customers generated from eligible renewable energy sources is anticipated to increase to 100 percent by 2040. The general electrical power mix for PG&E as of 2021 is presented in Table 3-8.

Natural gas service is provided to Alameda County and the surrounding areas of northern and central California by PG&E through portions of PG&E's approximately 43,000 miles of natural gas distribution pipelines (PG&E 2024). Natural gas consumption in the PG&E service area was approximately 4,449 million therms in 2022 (CEC 2022b), approximately 8.5 percent (377 million therms) of which were provided to users in Alameda County (CEC 2022c).

Table 3-8 PG&E Electrical Power General Mix, 2021

Energy Source	Percentage (%)
Eligible Renewable, Total	47.7
Biomass and Biowaste	*4.2*
Geothermal	*5.2*
Eligible Hydroelectric	*1.8*
Solar	*25.7*
Wind	*10.9*
Coal	0.0
Large Hydroelectric	4.8
Natural Gas	8.9
Nuclear	39.3
Other	0.0
Unspecified Power	0.0
Total	**100.0**

Source: PG&E 2022

Notes:

[1] As defined in Senate Bills 1078 and 1038, which modified the definition of "in-state renewable electricity generation technology," an eligible renewable resource includes geothermal facilities, hydroelectric facilities with a capacity rating of 30 MW or less, biomass and biogas, selected municipal solid waste facilities, photovoltaic, solar thermal, and wind facilities, ocean thermal, tidal current, and wave energy generation technologies.

[2] "Unspecified Power" sources refer to electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

MW = megawatt

Energy Use for Transportation

As discussed above, transportation is the largest energy-consuming sector in California, accounting for approximately 38 percent of all energy use in the state (United States Energy Information Administration 2023). More motor vehicles are registered in California than in any other state, and commute times in California are among the longest in the country. Because transportation accounts for more energy consumption than other end-use sectors, the fuel use and travel demand associated with the buildout of the Project would be important for consideration in an assessment of energy efficiency.

Transportation fuel has and will continue to diversify in California and elsewhere. Although gasoline and diesel fuel historically accounted for nearly all demand, there are now numerous options, including ethanol, natural gas, electricity, and hydrogen. Currently, despite advancements in alternative fuels and clean vehicle technologies, gasoline and diesel remain the primary fuels used for transportation in California, and California remains the second-highest consumer of motor gasoline in the country (United States Energy Information Administration 2023).

Local Conditions

Alameda County used a combined total of approximately 10,395.38 kilowatt hours of electricity in 2022 across its residential and nonresidential sectors, which represents approximately 4 percent of the total

energy usage across the state for that year. It used approximately 377.31 million therms of natural gas in that same year, which is approximately 3 percent of the total natural gas use across the state for that year. At the local level, Alameda County consumes a small amount of energy relative to the state.

3.5.2 Regulatory Setting

Although many federal, state, regional, and local energy-related plans, policies, and regulations do not directly apply to the implementation of the proposed Project, an overview of the regulatory setting applicable to energy use is helpful for understanding the overall context for energy conservation and efficiency actions locally and regionally. Many of the statewide and regional policies and plans developed to reduce GHG emissions, such as the CARB 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan; CARB 2022b), also target reductions in energy use through reduced VMT and increased energy efficiency.

There are also several energy sector regulations established to reduce GHG emissions in California. Established in 2002, California's RPS requires electricity providers to provide a specified minimum portion of their electricity supply from eligible renewable resources by milestone target years. The RPS requires retail sellers of electricity to serve 60 percent of their electric load with renewable energy by 2030, with interim targets of 44 percent by 2024 and 52 percent by 2027, as well as requiring that all of the state's electricity come from carbon-free resources (not only RPS-eligible ones) by 2045. In addition, new buildings constructed in California must comply with the standards contained in CCR Title 20, Energy Building Regulations; and Title 24, Energy Conservation Standards (CALGreen), which are designed to increase energy efficiency and conservation.

On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 Clean Air Plan, which describes a comprehensive control strategy that the Air District will implement to reduce emissions of PM, TACs, ozone precursors, and GHGs in the SFBAAB. Consistent with the GHG reduction targets adopted by the State of California, the Clean Air Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050, a key component of which relates to reduced reliance on fossil fuels for energy production and increased energy efficiency.

Additionally, the Oakland 2030 Equitable Climate Action Plan contains policies regarding energy efficiency (City of Oakland 2020). The plan's Goal B-2 includes planning for all existing buildings to be efficient and all electric by 2040. Additionally, plan Goal P-2 calls for a reduction of emissions from electricity specific to the Port. Specifically, it states that by 2023, the Port should procure 100 percent carbon-free and nuclear-free electricity for Port operations and all electricity supplied to tenants or other end users.

3.5.3 Impact Analysis

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation?

Less-than-Significant Impact

Energy use is generally separated into two main categories: direct and indirect energy. In the context of transportation, direct energy is typically associated with fuel consumed for vehicle propulsion and is a

function of traffic characteristics such as VMT (calculated as volume by distance traveled), speed, vehicle mix, and thermal value of the fuel being used. Indirect energy is all the remaining energy use of a project needed to construct, operate, and maintain facilities.

Direct Energy Use

Direct energy use for the Project is associated with City fleet vehicle trips to and from the fuel station and fuel delivery truck trips. As stated in Section 3.2.3, operational activities associated with the Project would be largely the same as existing conditions. The number of City fleet vehicles that use the fuel station (approximately 350 vehicles) would be unchanged by the Project. However, it should be noted that this number is anticipated to decrease over time as municipal fleets transition to alternative fuel sources, which would in turn result in reduced operational energy use associated with fossil fuels for vehicle travel.

The Project would not result in any increase in vehicle trips to the Project site for fueling or related fuel delivery truck trips; these vehicle trips were, therefore, assumed to be the same for the Project as existing conditions for this analysis. Should additional refueling needs occur, it would be minimal in the increase in the number of mobile trips and related operational energy consumption increases from existing conditions. Based on this, and the anticipated future reduction in fossil fuel-powered City fleet vehicles, the Project's direct energy use would be **less than significant**.

Indirect Energy Use

Indirect energy use for the Project can be categorized into the energy needed to construct the Project, the energy needed to power Project facilities (e.g., fuel pumps and lighting), and any other energy required for project operations and periodic maintenance, including the emergency generator, landscaping water, and intermittent vehicle trips by onsite groundskeepers to provide landscaping water. As detailed in Section 3.2, the only change from existing conditions would be the emergency generator and intermittent (up to once daily) onsite groundskeeper trips to water the proposed tree; accordingly, these are the only operational energy uses calculated and summarized in Table 3-9 below. CAL FIRE-Office of the State Fire Marshal inspections are anticipated to occur once every 3 years and would result in minimal fuel consumption; therefore, this energy consumption was not evaluated quantitatively.

Table 3-10 shows the indirect energy that would be needed to construct the Project.

Table 3-9 Indirect Energy Usage for Operations

Source	Annual CO_2 (MT)	CO_2 Factor (lb CO_2/MMBTU)	CO_2 Factor (lb CO_2/gallon)	MMBTU/Year	Gallons/Year
Backup power generator	4.28	163.45	22.45	57.80	420.70
Maintenance Vehicle	5.84	163.45	22.45	78.70	573.30
Total	**10.12**	**326.90**	**44.90**	**136.50**	**994.00**

Notes:

CO_2 = carbon dioxide; lb = pound; MMBTU = million British thermal unit; MT = metric tons

Table 3-10 Indirect Energy Usage for Construction

Phase	Vehicle Type	Fuel	MT CO_2	CO_2 Factor (lb CO_2/ MMBTU)	CO_2 Factor (lb CO_2/gal)	MMBTU/Year	Gallons/ Year
Asphalt Removal	Off-Road	Diesel	0.46	163.45	22.45	6.20	44.90
Asphalt Removal	Worker	Gasoline	0.12	148.57	17.86	1.70	14.50
Asphalt Removal	Vendor	Diesel	0.19	163.45	22.45	2.60	19.00
Asphalt Removal	Haul	Diesel	1.62	163.45	22.45	21.90	159.40
Compaction/Grading	Off-Road	Diesel	0.94	163.45	22.45	12.70	92.60
Compaction/Grading	Worker	Gasoline	0.59	148.57	17.86	8.70	72.40
Compaction/Grading	Vendor	Diesel	0.32	163.45	22.45	4.30	31.70
Compaction/Grading	Haul	Diesel	1.11	163.45	22.45	15.00	109.40
Concrete Pour	Off-Road	Diesel	12.23	163.45	22.45	165.00	1,201.50
Concrete Pour	Worker	Gasoline	0.18	148.57	17.86	2.60	21.70
Concrete Pour	Vendor	Diesel	1.74	163.45	22.45	23.50	171.00
Tank Set	Off-Road	Diesel	0.34	163.45	22.45	4.60	33.80
Tank Set	Worker	Gasoline	0.04	148.57	17.86	0.50	4.50
Tank Set	Vendor	Diesel	0.29	163.45	22.45	4.00	28.80
Canopy Install	Off-Road	Diesel	4.78	163.45	22.45	64.40	469.00
Canopy Install	Worker	Gasoline	0.55	148.57	17.86	8.20	67.90
Canopy Install	Vendor	Diesel	1.84	163.45	22.45	24.80	180.90
Trim Install	Off-Road	Diesel	1.91	163.45	22.45	25.80	187.60
Trim Install	Worker	Gasoline	0.37	148.57	17.86	5.40	45.30
Trim Install	Vendor	Diesel	0.49	163.45	22.45	6.60	47.90
Cleanup/Startup	Off-Road	Diesel	1.09	163.45	22.45	14.80	107.50
Cleanup/Startup	Worker	Gasoline	0.37	148.57	17.86	5.40	45.30
Cleanup/Startup	Vendor	Diesel	0.49	163.45	22.45	6.60	47.90
Cleanup/Startup	Haul	Diesel	0.10	163.45	22.45	1.30	9.40
Utility Installation	Off-Road	Diesel	1.03	163.45	22.45	13.90	101.40
Utility Installation	Worker	Gasoline	0.29	148.57	17.86	4.40	36.20
Utility Installation	Vendor	Diesel	0.14	163.45	22.45	1.90	14.00
Utility Installation	Haul	Diesel	1.27	163.45	22.45	17.20	125.00
Total			**34.90**	**4,457.56**	**591.88**	**474.15**	**3,490.50**

Notes:

lb = pound; MMBTU = million British thermal unit; MT CO_2 = metric tons carbon dioxide

As shown in Table 3-9, construction of the Project would require a one-time commitment of approximately 474.15 million British thermal units (MMBTU) over an anticipated 3- to 6-month construction period (9 to 14 weeks active construction). Project-related construction activities would be temporary in nature and would be conducted in accordance with all applicable laws and regulations,

including applicable federal, state, and local laws that are intended to promote efficient use of resources and minimize environmental impacts. Construction equipment and heavy-duty trucks used for the proposed Project would be required to comply with all federal and state standards and regulations, including limiting idling to 5 minutes or less (Section 2449 of the CCR, Title 13, Article 4.8, Chapter 9), which would minimize the wasteful consumption of fuel during construction. The Project does not include unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites. In addition, construction-related energy consumption would cease after the completion of construction, which would be relatively short-term (i.e., approximately 3 to 6 months total, 9 to 14 weeks active construction).

For operations, ongoing electricity use to power Project facilities (e.g., fuel pumps and lighting) would be minimal and easily accommodated by the existing power infrastructure in the region. However, as noted in Section 3.2.3, the Project would require the use of a backup power generator, as well as up to one maintenance vehicle trip per day for tree watering by onsite groundskeepers. Energy use in the form of fuel consumption from the generator and maintenance trips is quantified in Table 3-9 above. As noted above, CAL FIRE-Office of the State Fire Marshal inspections that are anticipated to occur once every 3 years would require minimal fuel consumption, which, therefore, is not quantified; this energy use would not be wasteful, inefficient, or unnecessary.

As shown in Table 3-9, the Project would result in 136.50 MMBTU of new energy use per year, relative to baseline conditions. There is no formal significance threshold adopted for the energy use associated with project operations. However, based on the analysis in Section 3.3.3, this aspect of the Project would comply with the applicable air quality regulations. Additionally, use of the backup generator would be limited to periodic maintenance and testing and emergency backup power use (approximately 150 hours per year); and periodic maintenance by onsite groundskeepers may require up to one vehicle trip per day to maintain onsite landscaping. Therefore, the indirect use of energy for Project operations would not be wasteful or inefficient, and the overall impact would be **less than significant**.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less-than-Significant Impact

The Project would include the construction of three new canopies featuring lighting, six new fuel pumps, and associated appurtenances that would require power. Construction activities under the Project would use construction equipment and vehicles that are in compliance with federal and state standards for fuel efficiency. In addition, the power needs of these features would be minimal, would be easily accommodated by the existing energy infrastructure in place, and would not require the expansion of energy infrastructure. Furthermore, construction and operations of the Project would take place at the existing MST, would be consistent with existing land uses, and would not conflict with any plans or policies for renewable energy or energy efficiency. Therefore, the impact would be **less than significant**.

3.5.4 Mitigation Summary

No mitigation measures would be necessary.

3.6 GEOLOGY AND SOILS

Would the Project:

Question	CEQA Determination
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Less-than-Significant Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	
ii) Strong seismic ground shaking?	
iii) Seismic-related ground failure, including liquefaction?	
iv) Landslides?	
b) Result in substantial soil erosion or the loss of topsoil?	Less-than-Significant Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	Less-than-Significant Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.6.1 Environmental Setting

The proposed Project site lies in the Coast Ranges geomorphic region. The Coast Ranges region lies between the Pacific Ocean and the Great Valley (Sacramento and San Joaquin Valleys) geomorphic region and stretches from the Oregon border to the Santa Ynez Mountains near Santa Barbara. Much of the Coast Ranges is composed of marine sedimentary deposits and volcanic rocks that form northwest-trending mountain ridges and valleys, running subparallel to the San Andreas Fault Zone. In the San Francisco Bay Area, movement along this plate boundary is distributed across a complex system of strike-slip, right-lateral, parallel, and subparallel faults. These faults include the San Andreas, Hayward, Rodgers Creek-Healdsburg, Concord-Green Valley, Greenville-Marsh Creek, Calaveras, and West Napa Faults.

The Coast Ranges can be further divided into the northern and southern ranges, which are separated by San Francisco Bay. San Francisco Bay lies in a broad depression created from an east-west expansion

between the San Andreas and the Hayward Fault systems. The San Francisco and San Pablo Bays, including shoreline areas, are generally composed of soft, compressible sediments known as Bay Mud, which can be very thick in areas. The proposed project site is in the Coast Ranges-South physiographic province; according to USGS, surficial geology at the site is artificial fill, generally consisting of broken rock, sand, and gravel (Partner Engineering and Science, Inc. 2023).

Faults are fractures or lines of weakness in the Earth's crust. Sudden movement along a fault generates an earthquake. Geologists have determined that the greatest potential for surface fault rupture and strong seismic ground shaking is from active faults; that is, faults with evidence of activity during the Holocene epoch (i.e., the last 11,700 years). Earthquake risk is based on the fault's characteristics, yearly movement, last recorded movement, and connection to other faults. The Hayward Fault, approximately 4.4 miles northeast of the site, is the nearest major active fault. Other active faults in the region include the San Andreas Fault, approximately 14 miles to the west; and the Calaveras Fault, approximately 20 miles to the east. Although USGS closely monitors fault activity, they are not able to predict earthquake occurrences, only the probability of a major earthquake happening within a given time frame (USGS 2023). The 2007 Working Group on California Earthquake Probabilities has estimated that there is a 63 percent probability that one or more large earthquakes (magnitude 6.7 or greater) will occur along one of the major fault zones (San Andreas, San Gregorio, Hayward, Calaveras, or Rodgers Creek) and minor faults in the San Francisco Bay area during the 30 years between approximately 2008 and 2038 (USGS 2008). According to California Geologic Survey geologic hazard maps, the site was not mapped in a zone of seismically induced hazard zones for landslide or tsunami. However, the site is mapped in an area of seismic induced liquefaction. The site would be subject to ground shaking (Partner Engineering and Science, Inc. 2023).

The Project work area surface in the MSC is asphalt of variable thickness, underlain by approximately 9.5 to12.5 feet of artificial fill (consisting of mainly clayey sand). The fill overlies approximately 17 feet of native stratum (Sandy Clay [CL] and Peat [OH]). Groundwater is found approximately 10 feet below the ground surface (Partner Engineering and Science, Inc. 2023); however, historically, the depth to groundwater has been measured at a minimum depth of approximately 2 feet below top of casing (btoc) of groundwater monitoring wells in the MSC (Terraphase 2022). The proposed fuel station would be constructed on a new reinforced-concrete tank pad (mat slab foundation), to be installed in accordance with the recommendations of the project Geotechnical Report (Partner Engineering and Science, Inc. 2023).

There is no potential for recovering paleontological resources in the existing asphalt or artificial fill directly beneath the Project site.

3.6.2 Regulatory Setting

Chapter 5 of the *Safety Element* of the City of Oakland General Plan (City of Oakland 2023c) describes the following policies regarding geological resources that were adopted for the purpose of avoiding or mitigating an environmental effect, and that apply to the proposed Project.

- **Policy SAF-1.1:** Seismic Hazards. Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena. Prioritize programs in areas of highest seismic risk and seismic vulnerability.

- **Policy SAF-1.2**: Structural Hazards. Continue, enhance, or develop regulations and programs designed to minimize seismically related structural hazards from new and existing buildings.
- **Policy SAF-1.3:** Limit Development in Hazardous Areas and Minimize Erosion. Minimize threat to structures and humans by limiting development in areas subject to landslides or other geologic threat and undertake efforts to limit erosion from new development.
- **Policy SAF-1.4:** Seismic Hazard Coordination. Work with other public agencies to reduce potential damage from earthquakes to "lifeline" utility, economic, and transportation systems, including the California Department of Transportation (Caltrans); BART; PG&E, EBMUD, and other utilities providers; the Port; and others.

3.6.3 Impact Analysis

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i, Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?

Less-than-Significant Impact

The proposed Project site does not lie in or near an Alquist-Priolo Earthquake zone and would have a very low potential for fault rupture to occur. Surface fault rupture occurs when fault movement causes displacement of surface deposits. The displacement may result from a large-magnitude earthquake or from "creep" (measurable surface displacement in the absence of an earthquake) along a fault without an associated earthquake. Surface fault rupture is generally limited to a linear zone that is only a few yards wide. The Project site is in an area that has the potential to be subject to strong ground shaking from an earthquake along any of the active faults in the region, including Hayward Fault, the closest fault to the Project site. Undocumented fills as well as loose sandy fill soils exist in the subsurface at the Project site. The site was mapped in a zone of seismically induced hazard for liquefaction. During a liquefaction event, lateral spreading and seismically induced settlement could take place at the Project site. The Project site is relatively level, although gentle slopes are present, and is currently used for parking and storage; therefore, it would have limited susceptibility to landslides.

The proposed Project would procure a structural building permit from the City of Oakland and Port and would subsequently adhere to the most current seismic design requirements to minimize impacts from ground shaking. Infrastructure and project elements of the proposed Project would meet Uniform Building Code seismic zone design standards or better to withstand expected earthquake ground shaking, liquefaction, or other ground failures. Appropriate construction practices would be implemented during construction to ensure the safety of workers and/or equipment during strong seismic shaking. Furthermore, project excavation and backfill would be designed and constructed in conformance with recommendations contained in the geotechnical engineering report for the proposed Project (Partner Engineering and Science, Inc. 2023), which would further reduce or eliminate the potential for adverse effects from seismic or geologic hazards. Therefore, there would be **less-than-significant impacts** related to seismic or geologic hazards.

b) Result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact

Project construction and operation would not result in substantial erosion or loss of topsoil. The proposed project is in an existing MSC currently covered by asphalt and lacking exposed soils and topsoil. Fuel station construction involves a relatively limited amount of excavation activities, collectively resulting in the excavation of no more than 669 cubic yards of material. Excavation below existing asphalt would occur in artificial fill consisting of mainly clayey sand, which is unlikely to include topsoil of substantial value for growing and supporting vegetation, given the existing asphalt and the MSC's commercial and industrial uses. Fuel station activities and operations, including the fueling of fleet equipment and public work vehicles, would be largely unchanged from existing conditions. If any additional refueling needs arise because the proposed ASTs are smaller than the existing USTs planned for removal (not anticipated based on current typical refiling rate), new or worsened potential for erosion or loss of topsoil is unlikely, given that activities would occur on paved surfaces. The project includes installation of a single landscaped tree which involves a marginal adjustment (i.e., a 207-square-foot area) reducing the existing impervious surface area to pervious soil for the tree planting. The Project would not substantially change drainage in a manner that could result in erosion. For these reasons, there would be **less-than-significant impacts** related to erosion or loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-than-Significant Impact

Although the Project site is mapped in a zone of seismically included hazard for liquefaction or settlement (loose sandy artificial fill), the proposed fuel station would have little or no effect on these potential existing hazards. Project components would be constructed in compliance with current standards for seismic safety, as ensured through building permit processes and regulatory compliance. Furthermore, the project would be constructed in conformance with design considerations and recommendations contained in the geotechnical engineering report for the proposed Project (Partner Engineering and Science, Inc. 2023), which would further reduce or eliminate the potential for adverse effects from seismic or geologic hazards. As discussed in Chapter 2, the fuel station would be supported by a new reinforced-concrete tank pad (structural mat slab) bearing on a 4-foot rigid pad that is designed to make the fuel structure more resilient to liquefaction, and to reduce the magnitude of total and differential seismic settlement experienced by the structure in the event of liquefaction. Additionally, the geotechnical engineering report recommends that tank utilities use flexible connections if seismically induced liquefaction settlement does occur (Partner Engineering and Science, Inc. 2023). Because the proposed fuel station would be erected on a new reinforced-concrete tank pad, construction would have negligible—if any—effect on the site's susceptibility to seismic or other geologic hazards. Other foundation improvements recommended in the geotechnical engineering report and summarized in Chapter 2 (e.g., canopy support column and guard posting footings) would further address susceptibility to seismic or geologic hazards. The project site and surrounding areas are generally level and therefore have limited susceptibility to landslides, although the site does gently slope toward the west. Appropriate construction practices would be implemented during

construction to ensure the safety of workers and/or equipment during strong seismic shaking that could result in liquefaction. Operations would be largely unchanged from existing conditions and would not affect the potential for liquefaction or settlement. Therefore, impacts related to the site's potential susceptibility would be **less than significant**.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact

Expansive soils are soils that expand when water is added and shrink when they dry out. This continuous change in soil volume can cause structures built on this type of soil to move unevenly and crack when the moisture content in the soil changes. Artificial fill has a relatively low expansive potential. No significant changes in soil moisture would occur during construction or operation, because the fuel station would be entirely surfaced in impermeable concrete, and the project includes minor excavation (up to 669 cubic yards). Because the project involves negligible changes to impervious surfaces,[8] no substantive changes to existing stormwater and sewer discharge utilities are anticipated. Stormwater would continue to be conveyed to existing MSC systems, with minor deviations (relocating a short length of storm drain and inlet); and wastewater would continue to be discharged to the sewer system, with minor improvements consisting of new connection, a new sanitary sewer lift station, and a new oil/water separator. Therefore, there would be **no impact** related to expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact

The Project would not involve a septic system or alternative wastewater system. There would be **no impact** related to supporting the use of septic or wastewater systems.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact

The project site and depths where construction-related excavation activities would occur are underlain by concrete asphalt and artificial fill, both of which have low potential for paleontological resources. Additionally, Project operations do not involve ground disturbance or excavation activities. The Project site currently provides parking and storage, as has likely been the case since the start of MSC operations in 1968. Based on review of historic aerials and topographic maps, the coastal edge of the site has been expanded by man-made fill since 1974 (Partner Engineering and Science, Inc. 2023). Consequently, it is

[8] The project includes one small 207-square-foot newly pervious area required for a single landscaped tree. The landscaped area would be maintained by City staff as part of the existing overall approximately 17-acre MSC landscape maintenance. This would include regular watering during tree establishment during subsequent summer months.

anticipated that soils underneath the site have no potential to contain paleontological resources. Therefore, there would be **no impact** related to paleontological resources.

3.6.4 Mitigation Summary

No mitigation measures would be necessary.

3.7 GREENHOUSE GAS EMISSIONS

Would the Project:

Question	CEQA Determination
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Cumulatively Considerable
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Cumulatively Considerable

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.7.1 Environmental Setting

Unlike emissions of criteria air pollutants and TACs, which can have more localized or regional impacts, emissions of GHGs generated locally contribute to global concentrations of GHGs, which result in changes to the climate and environment. GHGs are present in the atmosphere naturally, are released by natural and anthropogenic (human-caused) sources, and are formed from secondary reactions taking place in the atmosphere. Natural sources of GHGs include the respiration of humans, animals, and plants; decomposition of organic matter; volcanic activity; and evaporation from the oceans. Anthropogenic sources include the combustion of fossil fuels by stationary and mobile sources, waste treatment, and agricultural processes. The principal GHGs contributing to climate change are carbon dioxide (CO_2), methane, nitrous oxide (N_2O), and fluorinated compounds. Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect (the warming of Earth's lower atmosphere due to the trapping of heat by GHG) and have led to a trend of unnatural warming of the earth's climate, known as global climate change (IPCC 2021).

The Global Warming Potential (GWP) of GHGs compares the ability of each GHG to trap heat in the atmosphere relative to another gas. GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and the length of time the gas remains in the atmosphere (its "atmospheric lifetime"). The GWP of each gas is measured relative to CO_2. Therefore, CO_2 has a GWP of 1. GHGs with lower emissions rates than CO_2 may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO_2 (i.e., high GWP). The concept of CO_2 equivalence (CO_2e) is used to account for the different GWP potentials of GHGs. GHG emissions are typically measured in terms of pounds or tons of CO_2e and are often expressed in metric tons (MT) CO_2e.

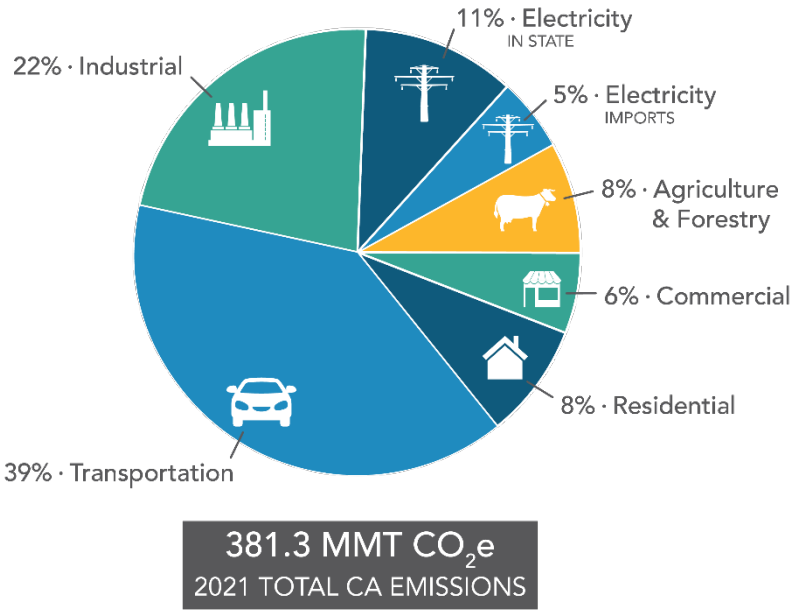
GHG emissions have the potential to adversely affect the environment because such emissions contribute cumulatively to global climate change. It is unlikely that a single project would contribute significantly to climate change, but cumulative emissions from many projects and activities affect global GHG concentrations and the climate system. Therefore, impacts associated with GHG emissions are analyzed within the cumulative context of a project's potential contribution to the significant impact of global climate change.

Greenhouse Gas Emissions Inventory and Trends

EPA prepares an annual report that tracks nationwide GHG emissions and sinks by source, economic sector, and GHG, from 1990 to the present. The annual report provides a comprehensive accounting of total GHG emissions from all anthropogenic sources in the United States. In 2022, GHG emissions in the United States totaled 6,341.2 million MT CO_2e, and emissions increased by 1 percent compared to 2021; this increase was largely driven by an increase in CO_2 emissions from fossil fuel combustion (EPA 2024d). Fossil fuel combustion is the largest source of GHG emissions in the United States, at 75 percent of all CO_2e emissions (EPA 2024d). Transportation, electricity generation, and industrial are the top contributing sectors to GHG emissions from fossil fuel combustion (EPA 2024d).

CARB prepares an annual inventory of statewide GHG emissions. As shown on Figure 3-1, which presents statewide GHG emissions by sector (or type of activity), 381.3 million MT CO_2e were generated in 2021. Combustion of fossil fuel in the transportation sector was the largest contributing sector to California's GHG emissions in 2021, accounting for 39 percent of total GHG emissions. Transportation was followed by industry, which accounted for 22 percent; and then the electric power sector (including in-state and out-of-state sources), which accounted for 16 percent of total GHG emissions (CARB 2023).

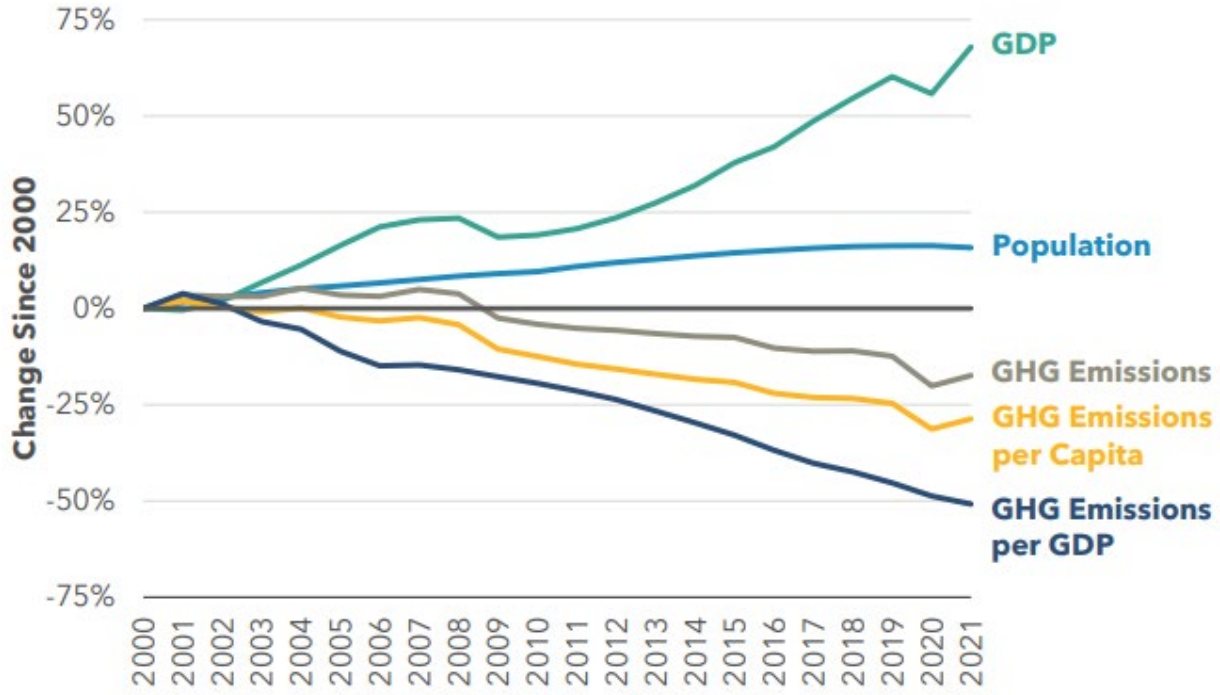
Figure 3-1 2021 California Greenhouse Gas Emissions Inventory by Sector



Source: CARB 2023

California has implemented several programs and regulatory measures to reduce GHG emissions. Figure 3-2 demonstrates California's progress in reducing statewide GHG emissions. Since 2007, California's GHG emissions have been declining, even as population and gross domestic product have increased. Per capita GHG emissions in 2021 were 30 percent lower than the peak per capita GHG emissions recorded in 2001. Similarly, GHG emissions per million dollars of gross domestic product have decreased by 51 percent since the peak in 2001.

Figure 3-2 Trends in California Greenhouse Gas Emissions (Years 2000 to 2020)



Source: CARB 2023

3.7.2 Regulatory Setting

Although many federal, state, regional, and local GHG-related plans, policies, and regulations do not directly apply to the implementation of the Project, the regulatory framework is helpful for understanding the overall context for GHG emissions impacts and strategies to reduce GHG emissions.

Federal

Clean Air Act

EPA is the federal agency responsible for implementing the federal CAA. The United States Supreme Court ruled on April 2, 2007, that CO_2 is an air pollutant as defined in the CAA, and that EPA has the authority to regulate emissions of GHGs. In *Massachusetts v. Environmental Protection Agency et al.,* 12 states and cities (including California), along with several environmental organizations, sued to require EPA to regulate GHGs as pollutants under the CAA (127 S. Ct. 1438 [2007]). The Supreme Court ruled that GHGs fit in the CAA's definition of a pollutant and that EPA had the authority to regulate GHGs. The Inflation Reduction Act, signed on August 16, 2022, affirms EPA's authority to regulate GHG emissions under the CAA.

The Energy Independence and Security Act (EISA) of 2007 amended the Energy Policy and Conservation Act to further reduce fuel consumption and expand production of renewable fuels. The EISA's amendment statutorily mandated that the National Highway Traffic Safety Administration (NHTSA) set average fuel economy standards for light duty cars and trucks for each model year. The first phase targeted vehicle model years 2012 through 2016; the second phase of the standards includes GHG and fuel economy standards for model years 2017 through 2025. On May 2, 2022, finalized standards for 2024 through 2026

model years were published, which require the fuel economy standards to increase 8 percent year over year for model years 2024 and 2025, and 10 percent annually for model year 2026. In 2026, if all standards are met through fuel efficiency improvements, the average industry fleetwide fuel efficiency for light-duty cars and trucks would be approximately 49 miles per gallon (NHTSA 2022). The 2024 through 2026 standards are anticipated to save approximately 200 billion gallons of oil and 2.5 billion MT of GHG emissions.

In addition to standards for light duty cars and trucks, EPA and NHTSA are also implementing the Medium- and Heavy-Duty Vehicle GHG Emissions and Fuel Efficiency Standards. These standards include phased requirements for GHG reduction and fuel efficiency in medium- and heavy-duty vehicles and are also anticipated to generate development and research jobs focused on advanced cost-effective technologies for cleaner and more efficient commercial vehicles.

The Energy Policy Act of 2005, which amended the CAA, created the 2005 Renewable Fuel Standard (RFS) Program to reduce the reliance on fossil fuels. Although applicable to obligated parties, such as refiners and importers of gasoline or diesel fuel, and not consumers, the RFS established requirements for volumes of renewable fuel used to replace petroleum-based fuels. The four renewable fuels accepted as part of RFS are biomass-based diesel, cellulosic biofuel, advanced biofuel, and total renewable fuel. The 2007 EISA expanded the program and its requirements to include long-term goals of using 36 billion gallons of renewable fuels and extending annual renewable fuel volume requirements to year 2022; and requires EPA to set renewable fuel volumes for 2023 and beyond, in coordination with the Secretary of Energy and according to certain criteria defined in the statute.

State

The legal framework for GHG emission reductions has come about through Executive Orders (EOs), legislation, and regulations. The major components of California's climate change initiatives are outlined in the following paragraphs.

Assembly and Senate Bills

The statewide legislative context for GHG emissions analysis is established by AB 32 (2006), which requires reduction of statewide GHG emissions to 1990 levels by 2020; SB 32, which established a GHG reduction mandate of 40 percent below 1990 statewide emissions levels by 2030; and AB 1279, which established a statewide policy of achieving carbon neutrality no later than 2045, and achieving and maintaining net negative emissions thereafter, and requires that statewide anthropogenic GHG emission be reduced to at least 85 percent below the 1990 levels by 2045. These near-term and long-term legislative targets create a framework that can be used to inform the level of emissions reductions necessary, and whether GHG emissions associated with a project would represent a cumulatively considerable contribution to the significant cumulative impact of climate change. As the Supreme Court held, "consistency with meeting [those] statewide goals [is] a permissible significance criterion for project emissions" (Center for Biological Diversity v. Department of Fish & Wildlife [2015] 62 Cal.^{4t}h 220).

California Air Resources Board 2022 Scoping Plan

The CARB 2022 Scoping Plan, which was approved by CARB on December 15, 2022, assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than

2045. Carbon neutrality is not a standard to be achieved on an individual project basis, or even by an individual municipality, but through the implementation of best available technology, increasingly stringent regulations to reduce emissions from various sources, state and regional plans to reduce VMT and increase carbon-free vehicle use, and carbon capture and sequestration actions focused on the natural and working lands sector, as identified in the final 2022 Scoping Plan.

Transportation Sector Regulations

California has established several regulatory actions to reduce GHG emissions from the transportation sector. EO B-16-12 orders state entities through several actions to support the rapid commercialization of ZEVs. EO N-79-20 sets the goal to transition to 100 percent ZEVs for in-state sales of new passenger cars and trucks by 2035, and for medium-and heavy-duty vehicles by 2045. In addition, EO N-79-20 sets the goal for California to transition to 100 percent zero-emission off-road vehicles and equipment by 2035. The Low Carbon Fuel Standard requires the state to further reduce the fuel carbon intensity of transportation fuels to 20 percent or greater by 2030. The Advanced Clean Cars Program/ZEV Program establishes requirements to achieve the maximum feasible reduction in GHG emissions from vehicles used for personal transportation; and under the proposed Advanced Clean Cars II Regulations, establishes the phasing to reach the goal of EO N-79-20 for all new passenger vehicles sold in the state to be zero emission by 2035.

Energy Sector Regulations

There are several energy sector regulations established to reduce GHG emissions in California. Established in 2002, California's RPS requires electricity providers to provide a specified minimum portion of their electricity supply from eligible renewable resources by milestone target years. The RPS requires retail sellers of electricity to serve 60 percent of their electric load with renewable energy by 2030, with interim targets of 44 percent by 2024, and 52 percent by 2027, as well as requiring that all of the state's electricity come from carbon-free resources (not only RPS-eligible ones) by 2045. In addition, new buildings constructed in California must comply with the standards contained in CALGreen, which are designed to increase energy efficiency and conservation.

Regional and Local

Sustainable Communities and Climate Protection Act

The Sustainable Communities and Climate Protection Act (SB 375), signed in September 2008, requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS), that will prescribe land use allocation in that MPO's Regional Transportation Plan (RTP). Each MPO is required to incorporate these GHG emissions targets into the regional transportation planning process to identify land use, housing, and transportation strategies that will achieve the regional GHG reduction targets. Adopted by the MTC and ABAG in October 2021, Plan Bay Area 2050 is the current RTP/SCS for the region. No strategies outlined in Plan Bay Area 2050 would be directly applicable to the proposed Project.

Bay Area Air Quality Management District 2017 Clean Air Plan

On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 Clean Air Plan, which describes a comprehensive control strategy that BAAQMD will implement to reduce emissions of PM, TACs, ozone precursors, and GHGs to protect public health and the climate. Consistent with the GHG reduction targets

adopted by the State of California, the Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. No strategies outlined in the 2017 Clean Air Plan related to climate change would be directly applicable to the proposed Project.

City of Oakland Natural Gas Use Regulations

The City of Oakland is undertaking efforts to eliminate natural gas use in buildings. The City began requiring all new construction to be all-electric as of December 2020 as the first step toward the pathway for complete electrification. Currently, the City of Oakland is developing the roadmap for transitioning existing buildings away from natural gas, which includes rebates, grants, and tax credits for electrification projects. Such projects include installing solar; upgrading electric panels; transitioning to all-electric commercial kitchens; installing electric vehicle chargers; and switching residential appliances from natural gas to heat pumps, electric clothes dryers, or induction stoves. The proposed Project does not propose any new buildings; it would use existing onsite electric utility connections and would not use natural gas. Therefore, the proposed Project would not conflict with the City's transition to all-electric power sources.

Bay Area Air Quality Management District CEQA Guidelines

BAAQMD has developed CEQA Guidelines (BAAQMD 2023a) to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects and plans in the SFBAAB. The most recent CEQA Air Quality Guidelines were published in April 2023. The guidelines include nonbinding recommendations for how a lead agency can evaluate, measure, and mitigate air quality and climate impacts generated from land use construction and operational activities. The guidelines include separate thresholds of significance for project- and plan-level analyses. At the project level, BAAQMD's recommended climate impact thresholds of significance include either incorporating design criteria or showing consistency with a GHG reduction strategy. Additionally, the guidelines include no numerical thresholds of significance for construction-related emissions of GHGs.

3.7.3 Impact Analysis

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Cumulatively Considerable

Implementation of the proposed Project would generate short-term GHG emissions during construction. Exhaust GHG emissions would be generated from a variety of sources, such as heavy-duty construction equipment, haul trucks, material delivery trucks, and construction worker vehicles. Construction would be temporary, anticipated to last approximately 3 to 6 months (9 to 14 weeks active construction), and the generation of construction-related GHG emissions would cease at the end of construction. Operational GHG emissions can be direct and indirect. Direct GHG emissions are generated at the location of consumption or use, and indirect emissions occur at a different time or location from the point of consumption or use. Similar to the operational emissions evaluation for Air Quality, the operational GHG emissions evaluation is focused on the change in GHG emissions associated with the proposed Project

compared to existing conditions. Increased operational emissions are limited to direct emissions from periodic maintenance vehicle trips for tree watering and intermittent use of the backup power generator. CAL FIRE-Office of the State Fire Marshal inspections are anticipated to occur once every 3 years and would result in minimal mobile source emissions; therefore, these emissions were not evaluated quantitatively. Additionally, a minimal amount of indirect GHG emissions associated with electricity demand for minimal water demand to serve the proposed single tree would be generated by operation of the proposed Project. Changes in electricity consumption associated with lighting, the lift station, and minor appurtenances under the proposed Project compared to existing conditions would be minimal and would not result in a substantial change in indirect GHG emissions from electricity. Additionally, operational mobile GHG emissions associated with City fleet equipment and public works vehicles, along with fuel delivery truck trips, would not change as a result of the proposed Project. Should additional refueling needs occur, they would be minimal in the increase in the number of mobile trips and related operational emissions increases from existing conditions.[9] Other operational activities, such as periodic onsite maintenance, landscaping, and inspections, would remain unchanged from existing conditions and would not result in an increase in operational GHG emissions.

Construction GHG Emissions

BAAQMD does not have a threshold of significance for construction-related GHG emissions. The BAAQMD CEQA Guidelines explain that construction emissions are temporary and variable, and represent a very small portion of a project's lifetime GHG emissions (BAAQMD 2023b). The Project's magnitude of emissions generated and consistency with applicable plans, policies, and regulations for reducing GHG emissions are evaluated to determine whether implementation of the Project would result in cumulatively considerable effects. The applicable GHG reduction plan is the state's 2022 Scoping Plan, because it is the only relevant plan that considers the relatively recently adopted legislation of AB 1279 for accelerated GHG reduction targets and statewide carbon neutrality. It provides the framework, based on extensive modeling and scenario evaluation, of what is required to achieve the state's 2045 carbon neutrality target, and what specifically is required of new development to contribute to the achievement of the target. The discussion of consistency focuses on those actions identified in the 2022 Scoping Plan that are applicable to the proposed Project.

The 2022 Scoping Plan includes action for 25 percent of construction equipment energy demand to be electrified by 2030, and 75 percent by 2045. Although this calls for electrification of construction equipment to reduce demand for fossil fuel energy and GHGs, this is achieved at a fleetwide level and not as a percentage applied to individual projects. In addition, construction activities for the proposed Project would be complete prior to the 2022 Scoping Plan's timeline for construction equipment electrification. Implementation of construction BMPs related to equipment exhaust emissions, as detailed in Section 3.2, would further reduce GHG emissions from construction activities.

[9] If tank refilling were conservatively assumed to increase due to the smaller size of the tanks that would be installed under the proposed Project, there would need to be an increase of approximately 220 fuel delivery trucks per day to exceed BAAQMD-recommended operational thresholds of significance, assuming a one-way trip distance of 30 miles.

Operational GHG Emissions

Operational GHG emissions would be limited to direct emissions resulting from periodic maintenance vehicle trips, intermittent operation of the backup power generator, and minimal indirect GHG emissions from electricity consumed for supplying water for tree watering. Changes in electricity consumption associated with lighting, the lift station, and minor appurtenances under the proposed Project compared to existing conditions would be minimal and would not result in a substantial change in indirect GHG emissions from electricity. There are no actions of the 2022 Scoping Plan directly applicable to operation of the proposed Project. However, the shift to a more predominantly GHG-free power mix, consistent with state RPS requirements, would inherently reduce long-term GHG emissions associated with electricity use. As detailed in Section 3.7.2, California's RPS requires electricity providers to provide a specified minimum portion of their electricity supply from eligible renewable sources by milestone target years. Consistent with the state RPS requirements, electricity used for Project operations would be provided by electric utilities that follow the RPS regulatory requirements for renewables. Therefore, electricity used for Project operations and the associated indirect GHG emissions would not conflict with an applicable plan, policy, or regulation adopted to reduce GHG emissions. Additionally, the frequency of vehicles using the proposed fuel station is anticipated to reduce over the long term as municipal fleets transition to alternative fuel sources in accordance with the City's 2030 Equitable Climate Action Plan (City of Oakland 2020) and Zero Emission Vehicle Plan (City of Oakland 2023), which would in turn result in reduced operational mobile GHG emissions.

As detailed above, construction would be temporary and short in duration (approximately 3 to 6 months total, 9 to 14 weeks active construction) and would generate limited GHG emissions. Furthermore, operational emissions would be limited to minor direct emissions from maintenance vehicles and the backup power generator; and indirect emissions from electricity consumption for supplying water and powering fuel pumps, lighting, and other appurtenances. The power source for such operations would shift to predominantly GHG-free sources over time. Therefore, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted to reduce GHG emissions. These impacts would be **less than cumulatively considerable**.

3.7.4 Mitigation Summary

No mitigation measures would be necessary.

3.8 HAZARDS AND HAZARDOUS MATERIALS

Would the Project:

Question	CEQA Determination
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less-than-Significant Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less-than-Significant Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less-than-Significant Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?	Less-than-Significant Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.8.1 Environmental Setting

This section presents hazards and hazardous materials conditions in the Project vicinity, and evaluates the potential for the construction or operation of the proposed Project to result in significant impacts related to 1) exposing people or the environment to adverse hazards and hazardous materials conditions; and 2) impairment of emergency response and access plans. Impacts related to water quality are analyzed in Section 3.9; impacts related to air quality are analyzed in Section 3.2; and impacts related to exposure of people or structures to wildland fires are addressed at the beginning of Chapter 3, under the heading "Effects Found Not to Be Significant."

Municipal Service Center Operations

The proposed Project would take place at the City's MSC, which occupies approximately 17 acres at 1701 Edgewater Drive in Oakland, California. The MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. It primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

The Project area—which is approximately 0.7 acre, inclusive of the 4,877-square-foot fuel station footprint and construction staging area (approximately 30,000 square feet)—is currently used for parking and staging of municipal vehicles, debris bins, and other miscellaneous equipment. The existing fuel station that would be removed and functionally replaced by the proposed Project is 450 feet southeast of the Project footprint. The existing fuel station currently provides service to fleet equipment and public works vehicles used for City, Alameda County, and California State operations and maintenance activities. Following construction of the proposed Project, the existing fuel station will be decommissioned and USTs will be removed. Proposed Project infrastructure would, therefore, allow for fuel service to municipal vehicles to continue uninterrupted. Decommissioning and removal will occur prior to December 12, 2025, in compliance with SB 4451.

Stormwater runoff at the Project site and in the MSC is currently collected via sheet flow to an existing inlet and drainage system that discharges to the bay. The MSC also includes a sanitary sewer force main connection, including a junction box approximately 230 feet northeast of the Project site. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site. The MSC also holds an EBMUD Wastewater Discharge Permit.

Hazardous Material Site Records

The MSC is identified as a LUST cleanup site under the California Code, Health and Safety Code (Case Site No. R00000293; SWRCB 2024), with a case status of "Site Assessment." The LUSTs were removed in the mid- to late-1990s and are unrelated to the existing fuel station USTs planned for removal. The MSC has been under regulatory oversight of ACEHD as a LUST case since 1995. The COPC identified in the case listing include TPH-g, TPH-d, and petroleum-related VOCs including BTEX. These contaminants were found to be present in soil, groundwater, and soil gas at the MSC. To accommodate construction of the proposed Project, seven groundwater monitoring/remediation wells were destroyed from the proposed Project site in August 2024.

A Current Conditions Report and Low Threat Closure Request (Closure Request) dated May 6, 2022, and a Sea-Level Rise Vulnerability Assessment (SLVRA) dated March 2, 2023, were prepared and submitted on behalf of the City to ACEHD (Terraphase 2022, 2023). The Closure Request presented the results of a site-wide soil gas and subslab soil gas survey, along with an evaluation of the site and residual contamination immediately adjacent to the San Francisco Bay. ACEHD changed the case from "Eligible for Closure" to "Site Assessment" (ACEHD 2024). In addition, ACEHD requested that a Contingency Plan for Secondary Source Excavation During Single Wall UST Removal be prepared for the fuel station USTs planned for removal and that a Soil and Groundwater Management Plan be prepared for future management of the MSC (ACEHD 2024).

Current Contaminant Distribution

As identified in the 2022 Closure Request and other historical documentation, the current distribution of residual petroleum hydrocarbons and fuel oxygenates in soil, groundwater, and soil gas in the MSC are described in the following paragraphs.

- **Soil.** Residual soil impacts that exceed the SFBRWQCB C/I shallow soil exposure Environmental Screening Level (ESL) for TPH-g, TPH-d, benzene, and ethylbenzene remain at the MSC, as recorded since 2013. These exceedances occur at depths at depths ranging from 5.5 feet bgs to 12.5 feet bgs. Recorded exceedances were observed at several soil borings in or near (within 50 feet) the Project footprint. Based on historical data in the ground disturbance area for the reinforced-concrete tank pad, reported concentrations of TPH-g, TPH-d, and benzene within 9 feet bgs do not exceed their respective ESLs for construction worker safety. In this same area, one detection of both TPH-d and TPH-g at a depth of 12.5 to 13 feet bgs exceeded their respective construction worker ESLs. The maximum planned depth of excavation for the Project is 9.5 feet bgs. Two additional samples collected in the planned utility corridor alignments reported concentrations of TPH-g that exceeded the construction worker ESL for TPH-g at depths between 9 and 10.5 bgs; the planned depths of Project utility trenching in these areas are less than 4 feet bgs.
- **Groundwater.** Groundwater samples collected since the 2013 Closure Request have exhibited concentrations of TPH-d, TPH-g, and/or benzene that exceed the SFBRWQCB groundwater ESLs for either saltwater ecotoxicity or for C/I settings in some onsite wells. Recorded exceedances were observed at several sample locations in or near (within 50 feet) the Project footprint. There have also been isolated exceedances of naphthalene and/or BTEX compounds in a small number of wells, the nearest of which occurs approximately 20 feet northeast of the proposed electrical junction box connection.
- **Soil-Gas and Subslab Soil-Gas**. Soil vapor sampling has been conducted at 11 soil gas well locations at the MSC between 2017 and 2021. TPH-g has been detected at all soil gas well locations at concentrations ranging from 110 micrograms per cubic meter (µg/m^3) to 94,000,000 µg/m^3. Four of the 11 soil gas well locations have reported TPH-g concentrations above the C/I ESL[10]of 83,000 µg/m^3, including during the last monitoring events in 2020 and 2021. There are no low-threat closure policy (LTCP) criteria specific to TPH-g in soil gas. Three of TPH-g exceedances occur approximately 125 to 230 feet southeast from the Project footprint. The fourth recorded exceedance was observed approximately 75 feet northwest of the proposed sewer force main trenching area; however, there are no LTCP criteria specific to TPH-g in soil gas.

  Benzene has been detected in soil gas wells at concentrations ranging from 4.2 µg/m^{3_3} to 6,500 µg/m^3. Reporting limits for benzene and other VOCs have been elevated in some samples due to the high TPH-g concentrations. Because the laboratory reporting limits are at times above the ESL of 14 µg/m^3 for benzene, benzene impacts to soil gas may be present that are not directly identified by reported data. Such impacts would be expected to be co-located with high reported TPH-g concentrations in the two areas identified above.

[10] ESLs based on SFBRWQCB C/I subslab soil-gas human health risk level.

Potential Exposure Pathways

The 2022 Closure Request identified potential COPC transport and release mechanisms and receptors at the site. Relevant potential exposure pathways for workers on site include the following:

- **Inhalation.** Inhalation as a result of intrusion of soil gas into indoor air is not a potential pathway, because no structures for continual occupation are proposed as part of this Project. However, inhalation as a result of volatilization of impacted soil gas being released during excavation or trenching is a potential pathway for construction workers.
- **Direct Contact with Groundwater.** Groundwater at the site is currently not used as a potable source (EBMUD 2012); drinking water is municipally supplied to the MSC by EBMUD. Onsite construction workers may be directly exposed to groundwater while performing utility activities in subsurface trenches. The Project includes trenching to an approximate maximum depth of 9.5 feet bgs. Historically, the depth to groundwater has been measured at a minimum depth of approximately 2 feet btoc in the groundwater monitoring wells. The direct contact to groundwater by construction workers was evaluated in a Health Risk Assessment (Arcadis 2011) and does not pose a threat to human health.
- **Direct Contact with Soil.** Given that the MSC is mostly covered with buildings, concrete, asphalt paving, and perimeter landscaping—and that no structures for continual occupation are being constructed—it is anticipated that current and future onsite commercial workers would not be exposed to constituents in soil via direct contact exposure pathways (i.e., incidental ingestion, dermal contact, and inhalation of particulates). Based on historical site soil data, site COPCs were detected in samples collected in the top 10 feet of soil. Therefore, direct contact with soil is a potential exposure pathway for construction workers.

Based on the information presented in the preceding paragraphs, the potential exposure pathways discussed below that are relevant to this Project may exist on site.

- **Current and Future Onsite Utility and Construction Trench Workers:**
  - Inhalation of vapors
  - Inhalation of dust particles
  - Incidental ingestion and dermal contact of surface and subsurface soil
  - Incidental ingestion or and/or dermal contact with groundwater

Proximity to Schools and Airports

There are no schools within 0.25 mile of the Project site; the nearest school is Lighthouse Community Charter School, approximately 1.15 miles southeast of the Project site. The closest airport is Oakland Airport, which is approximately 0.6 mile west of the Project site. The Project site is in the AIA identified in the Oakland Airport ALUC (Alameda County 2010).

3.8.2 Regulatory Setting

Federal

The primary federal agencies with responsibility for hazardous materials management include EPA, the United States Department of Labor Occupational Safety and Health Administration (OSHA), and the United States Department of Transportation (USDOT). Federal laws, regulations, and responsible agencies are summarized in Table 3-11.

Table 3-11 Federal Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible Agency	Description
Oil Pollution	Oil Pollution Act; 33 USC Section 2701 et sec., and Part 155	The Oil Pollution Act establishes a liability system for oil spills into navigable waters or adjacent shorelines that injure or are likely to injure natural resources, and/or the services that those resources provide to the ecosystem or humans. Pursuant to this act, federal and state agencies and Indian tribes may act as Trustees on behalf of the public to assess the injuries, scale restoration to compensate for those injuries, and implement restoration.
CWA	33 USC Section 1257 et sec.	The federal CWA and subsequent amendments, under the enforcement authority of EPA, was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry. In California, implementation and enforcement of the NPDES program is conducted through the California SWRCB and the nine RWQCBs. The CWA also sets water quality standards for surface waters and established the NPDES program to protect water quality. Several sections of the CWA pertain to regulating impacts on waters of the United States, as summarized below.
	Section 402 – NPDES	The 1972 amendments to the CWA established the NPDES permit program to control discharges of pollutants from point sources. The 1987 amendments to the CWA created a new section of the CWA devoted to stormwater permitting (Section 402[p]). EPA has delegated administering and enforcing the provisions of CWA and NPDES to the State of California. NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States.
Hazardous Materials Management	Community Right-to-Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act)	This Act imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of and to prevent or mitigate injury to human health or the environment if such materials are accidentally released.

Classification	Law or Responsible Agency	Description
Hazardous Waste Handling	RCRA	Under RCRA, EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from "cradle to grave."
	Hazardous and Solid Waste Act	Amended RCRA in 1984, affirming and extending the "cradle to grave" system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
	EPA	Section 112(r) of the federal CAA (referred to as the USEPA's Risk Management Plan) specifically covers "extremely hazardous materials," which include acutely toxic, extremely flammable, and highly explosive substances. Facilities involved in the use or storage of extremely hazardous materials must implement a Risk Management Plan, which requires a detailed analysis of potential accident factors and implementation of applicable mitigation measures.
Hazardous Materials Transportation	USDOT	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. USDOT regulations govern all means of transportation except packages shipped by mail (49 CFR).
	United States Postal Service	Postal service regulations govern the transportation of hazardous materials shipped by mail.
Occupational Safety	Occupational Safety and Health Act of 1970	The federal Occupational Safety and Health Administration sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries (29 CFR 1910).
Structural and Building Components (Lead-based paint, polychlorinated biphenyls, and asbestos)	Toxic Substances Control Act	This Act regulates the use and management of polychlorinated biphenyls in electrical equipment and sets forth detailed safeguards to be followed during the disposal of such items.
	EPA	EPA monitors and regulates hazardous materials used in structural and building components, and their effects on human health.

Notes:

CFR = Code of Federal Regulations; CWA = Clean Water Act; EPA = United States Environmental Protection Agency; NPDES = National Pollutant Discharge Elimination System; RCRA = Resource Conservation and Recovery Act of 1976; RWQCB = Regional Water Quality Control Board; SWRCB = State Water Resources Control Board; USC = United States Code; USDOT = United States Department of Transportation

State and local agencies often have rules that are either parallel to or more stringent than those of federal agencies. In most cases, state law mirrors or overlaps federal law, and enforcement of these laws is the responsibility of the state, or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the state or local agency section.

State

The primary state agencies with responsibility for hazardous materials management in the region include Department of Toxic Substances Control and SFBRWQCB within the California Environmental Protection Agency (CalEPA); California Occupational Safety and Health Administration (Cal/OSHA); California Department of Health Services; California Highway Patrol; and the California Department of Transportation (Caltrans). State laws, regulations, and responsible agencies are summarized in Table 3-12.

Table 3-12 State Laws and Regulations Related to Hazardous Materials Management

Classification	Law or Responsible Agency	Description
Hazardous Materials Definition	Title 22 of the California Code of Regulations	A hazardous material is defined in Title 22, Section 66260.10, of the California Code of Regulations as "A substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed."
Hazardous Materials Management	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program; CUPA (Health and Safety Code Sections 25404 et seq.)	In January 1996, CalEPA adopted regulations that implemented a Unified Program at the local level. The agency responsible for implementation of the Unified Program is called the CUPA, which for the City of Oakland is the Alameda County Department of Health Services, discussed further below.
	State Hazardous Waste and Substances List (Cortese List); DTSC, RWQCB, Alameda County Environmental Health Department	DTSC maintains the "Cortese List," compiled pursuant to Government Code Section 65962.5 and referenced in Public Resources Code Section 21092.6. The oversight of hazardous materials sites often involves several different agencies that may have overlapping authority and jurisdiction. DTSC is the lead agency. The MSC is identified as a LUST cleanup site managed by the RWQCB, with cleanup oversight by the Alameda County Environmental Health Department.
	Section 25503 of the California Health and Safety Code	Section 25503 requires businesses that handle/store a hazardous material or a mixture containing a hazardous material to establish and implement a Business Plan for Emergency Response (Business Plan). A Business Plan is required when the amount of hazardous materials exceeds 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases. A Business Plan is also required if federal thresholds for extremely hazardous substances are exceeded. The Business Plan includes procedures to deal with emergencies following a fire, explosion, or release of hazardous materials that could threaten human health and/or the environment.
	Aboveground Petroleum Storage Act	CAL FIRE-Office of the State Fire Marshal is responsible for ensuring the implementation of the Aboveground Petroleum Storage Act. Tank facilities with 10,000 gallons or more of total aboveground petroleum storage capacity are inspected at least once every 3 years by a Unified Program Agency and have reporting and fee requirements. With the exception of conditionally exempt tank facilities, all tank facilities must prepare and implement a Spill, Prevention, Control and Countermeasure Plan that meets current federal rule requirements.

Classification	Law or Responsible Agency	Description
Hazardous Waste Handling	California Hazardous Materials Release Response Plan and Inventory Law of 1985; CUPA	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 requires that businesses that store hazardous materials on site prepare a Hazardous Materials Business Plan and submit it to the local CUPA, which in this case is the Alameda County Department of Health Services.
	California Hazardous Waste Control Act; DTSC	Under the California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100 et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code, Division 20, Chapter 6.8, Section 25300 et seq., also known as the State Superfund law, provides for the investigation and remediation of hazardous substances pursuant to state law.
	California Fire Code	The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures. In addition, the Fire Code includes designing structures to enable ingress and egress during fires and other emergencies. The code includes designing for ingress and egress, emergency escape routes, exit design requirements, and lighting.
Hazardous Materials Transportation	Titles 13, 22, and 26 of the California Code of Regulations	These sections regulate the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
	California Highway Patrol and Caltrans	These two state agencies have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.
	California Vehicle Code	The California Vehicle Code includes several sections pertaining to transportation of hazardous materials and hazardous waste. This includes requirements for transportation on state or interstate highways that offer the least overall transit time whenever practicable; and avoiding, whenever practicable, congested thoroughfares, places where crowds are assembled, and residence districts.
Occupational Safety	Cal/OSHA	Cal/OSHA has the primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the CFR. Cal/OSHA standards are generally more stringent than federal regulations.
	Cal/OSHA regulations (Title 8 California Code of Regulations)	The use of hazardous materials in the workplace requires employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.

Classification	Law or Responsible Agency	Description
Emergency Response	Cal OES and local government partners	The State of California and local governments throughout the Bay Area, including Alameda County, have made investments in the planning and resources necessary to respond to natural and human-caused emergencies and disasters. Cal OES and its local government partners developed the Bay Area RECP with support from the Department of Homeland Security to provide a framework for collaboration and coordination during regional events. The RECP has been prepared in accordance with national and state emergency management systems and plans. The RECP provides an all-hazards framework for collaboration among responsible entities, and coordination during emergencies in the San Francisco Bay Area. The RECP defines procedures for regional coordination, collaboration, decision-making, and resource sharing among emergency response agencies in the Bay Area.
	California Accidental Release Prevention Program	The goal of the California Accidental Release Prevention Program is to prevent and mitigate accidental releases of substances that pose the greatest risk of immediate harm to the public and the environment. Facilities are required to prepare a Risk Management Plan in compliance with California Code of Regulations Title 19, Division 2, Chapter 4.5, if they handle, manufacture, use, or store a federally regulated substance in amounts above established federal thresholds; or if they handle a state-regulated substance in amounts greater than state thresholds and have been determined to have a high potential for accident risk.

Notes:

CalEPA = California Environmental Protection Agency; Cal OES = California Office of Emergency Services; Cal/OSHA = California Occupational Safety and Health Administration; Caltrans = California Department of Transportation; CFR = Code of Federal Regulations; CUPA = Certified Unified Program Agency; DTSC = Department of Toxic Substances Control; LUST = leaking underground storage tank; OSHA = Occupational Safety and Health Administration; RECP = Regional Emergency Coordination Plan; RWQCB = Regional Water Quality Control Board

Regional and Local

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Program, codified in Health and Safety Code Sections 25404 et seq., requires the administrative consolidation of six hazardous materials and waste programs under one agency, a Certified Unified Program Agency (CUPA). The following programs are consolidated under the unified program:

- Hazardous Materials Release Response Plans, and Inventory (also referred to as Hazardous Materials Business Plans)
- California Accidental Release Program
- USTs
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures
- Hazardous Waste Generation and Onsite Treatment
- Uniform Fire Code Plans and Inventory Requirements

The state Secretary for Environmental Protection designated the Alameda County Department of Environmental Health as the local CUPA. The CUPA is charged with the responsibility of conducting compliance inspections of hazardous materials facilities in Alameda County, including the City of Oakland. These facilities handle hazardous materials, generate or treat a hazardous waste, and/or operate USTs. The CUPA uses education and enforcement to minimize the risk of chemical exposure to human health and

the environment. The CUPA forwards important facility information to local fire prevention agencies, enabling the agencies to take appropriate protective action in the event of emergencies at regulated facilities. To legally store and use hazardous materials above the trigger quantities, users must apply for permits and demonstrate satisfactory compliance with regulations. The quantities that trigger disclosure are based on the maximum quantity on site at any time:

- 55 gallons, 500 pounds, or 200-cubic-foot capacity for 30 days or more at any time in the course of a year
- Any amount of hazardous waste
- Category I or II pesticides
- Explosives
- Extremely hazardous substances above the threshold planning quantity

Port of Oakland Administrative Code, Chapter 9.01 (Environmental Provisions)

Chapter 9.01 of the Port Administrative Code establishes environmental requirements that apply to all entities that access or use Port property. The requirements cover, among other matters, storage tanks, compliance with environmental laws, hazardous materials management and cleanup, imported fill, reuse of excavated materials, asbestos, permits, and reporting.

City of Oakland General Plan

The Public Safety Element of the Oakland General Plan describes the following policies regarding hazards and hazardous materials, which were adopted for the purpose of avoiding or mitigating an environmental effect and are applicable to the proposed Project.

- **Policy HM-1:** Minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage, and disposal of hazardous materials.
    - **Action HM-1.1:** Continue to exercise unified-program responsibilities, including the issuance of permits for and inspection of certain industrial facilities, monitoring the filing of disclosure forms and risk-management plans, hazardous-materials assessment reports and remediation plans, and closure plans by such facilities.
    - **Action HM-1.6:** Through the Urban Land Redevelopment program, and along with other participating agencies, continue to assist developers in the environmental clean-up of contaminated properties.
- **Policy HM-2:** Reduce the public's exposure to TACs through appropriate land use and transportation strategies.
    - **Action HM-2.1:** Continue to enforce performance standards controlling the emission of air contaminants, PM, smoke, and unpleasant odors.
- **Policy HM-3:** Seek to prevent industrial and transportation accidents involving hazardous materials, and enhance the City's capacity to respond to such incidents.
    - **Action HM-3.1:** Continue to enforce regulations limiting truck travel through certain areas of the city to designated routes, and consider establishing time-based restrictions on truck travel on certain routes to reduce the risk and potential impact of accidents during peak traffic hours.

Oakland Municipal Code

Under Oakland Municipal Code, Title 8 Section 12.010, the City of Oakland assumes the authority and responsibility for the implementation of Chapter 6.95 of the California Health and Safety Code (Health and Safety Code Section 25500 et seq.) as to the handling of the hazardous materials in the City. Pursuant to Section 25502 of Chapter 6.95, the City of Oakland shall have exclusive jurisdiction within its boundaries for the purposes of carrying out Chapter 6.95.

Oakland Municipal Code, Title 8, Section 42, previously described the City of Oakland as the local CUPA. However, that role has been transferred to the Alameda County Department of Environmental Health, as previously noted.

3.8.3 Impact Analysis

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-Significant Impact

Project construction includes limited ground disturbance associated with trenching for utilities and excavation for the support pads, sanitary sewer lift station, oil/water separator, landscape tree, and canopy columns. The total approximate volume of excavation is 669 cubic yards, occurring to an anticipated maximum depth of 9.5 feet bgs. Trenching and excavation could potentially occur in underlying soils affected by TPH-g, TPH-d, benzene, and ethylbenzene. Trenching and excavations may also encounter shallow groundwater that may be affected by TPH-d, TPH-g, or benzene.

Soils, including potentially contaminated soils generated during ground disturbance that would need to be stored in the project area or MSC prior to offsite disposal, would be managed consistent with California Stormwater BMP Handbook measure WM-3 for stockpile management and WM-7 for contaminated soil management, as described in Section 2.6.3. This would generally include properly storing and managing excavated materials (e.g., placed on and covered by heavy-duty polyethylene plastic sheeting to mitigate dust generation and rain runoff; and labeled and secured to prevent accidental removal, disposal, or use), proper management of potentially contaminated soils (e.g., minimize onsite storage, dispose of contaminated soils off site), testing and sampling materials for COCs, and proper soil disposal once profiling analytical results have been received. If the excavated material is designated a state or federal hazardous waste or otherwise exceeds ESLs, the material will be profiled for offsite disposal at a permitted facility. USDOT regulates offsite shipment of hazardous waste under 49 CFR 172, which assigns hazardous material shipper responsibilities, such as proper labeling, packaging, and tracking. Nonhazardous soils excavated during construction may be reused on site (e.g., as backfill), or disposed of at an offsite permitted landfill facility.

As described in Section 2.6.2, the contractor would use nearby monitoring wells to determine groundwater elevations, to anticipate whether groundwater will be encountered during construction. If groundwater is encountered during construction, it will be containerized, tested, and properly disposed of off site or discharged to the sanitary sewer or stormwater after obtaining the necessary permit(s). If groundwater encountered during excavation has evidence of contamination (e.g., visual staining, suspicious odors, or evidence of physical debris)—or if the groundwater is emanating from, in contact

with, or near soil that has evidence of contamination—a groundwater sample would be collected and analyzed in accordance with EPA Method 6010B/7470A for CAM 17 Metals; EPA Method 8260 for VOCs; and EPA Method 8015 for TPH-g, TPH-d, and TPH as motor oil (TPH-mo), at a minimum. Groundwater may also be analyzed for other constituents and properties to meet discharge permitting requirements that may include treatment before discharge. Water generated from dewatering activities, it will be contained on site until analytical results are evaluated for appropriate disposal or treatment.

Hazards to workers during ground disturbance required for Project construction would be avoided or minimized through adherence to applicable regulations and policies. This includes Cal/OSHA occupational safety policies for employee safety training, safety equipment, accident and illness prevention programs, and hazardous substance exposure warnings. As described in Section 2.6.3, soil sampling activities will be conducted in accordance with a site-specific HASP meeting the requirements of Title 8, CCR Section 5192 for the protection of construction workers. The site-specific HASP will include monitoring requirements to ensure that contaminant levels do not exceed action levels for specific contaminants at the site boundary, as appropriate. Potential worker exposure pathways identified in the 2022 Closure Report include inhalation of vapors or dust particles in outdoor air, and incidental ingestion or dermal contact with surface and subsurface soil or groundwater (Terraphase 2022).

Use of any common construction materials (e.g., fuels or lubricants) and equipment listed in Section 2.5, Table 2-2 would occur in compliance with manufacturers' specifications, standard construction BMPs, and applicable regulations.

During operation, the Project would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over fuel-dispensing facilities. Hazardous materials regulations—which are codified in CCR Titles 8, 13, 22, and 26—and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code—were established at the state level to ensure compliance with federal regulations and to reduce the risk to human health and the environment from the routine use of hazardous substances. Protection against accidental spills and releases provided by this legislation includes physical and mechanical controls of fueling operations, including automatic shutoff valves; requirements that fueling operations be contained on impervious surface areas; oil/water separators or physical barriers in catch basins or storm drains; vapor emissions controls; leak detection systems; and regular testing and inspection. The California Hazardous Materials Release Response Plan and Inventory Law of 1985 also requires the proposed Project to prepare and implement a Hazardous Materials Business Plan that lists the hazardous materials stored, along with their volumes and locations, and submit the plan through the California Environmental Reporting System.

The applicant is also required to comply with applicable provisions of Title 49 of CFR Parts 100 through 185, and all amendments through December 9, 2005 (Hazardous Materials Regulations). Hazardous materials must be stored in designated areas designed to prevent accidental release to the environment. California Building Code requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards.

The fuel delivery frequency and associated fuel delivery truck trips are assumed to remain unchanged under the proposed Project compared to existing conditions because the current typical refilling rate (7,000 gallons per week) is accommodated in the capacity of the proposed ASTs. If any additional refueling needs arise because the proposed ASTs are smaller than the existing USTs, they would be

minimal and unlikely to pose any new or increased hazards. Fuel delivery would be transported via truck, a routine procedure that is not expected to impose excessive risk. The project would be required to comply with the California Vehicle Code Section 31303, which requires that hazardous materials be transported using routes with the lowest travel time. California Vehicle Code Section 31303 further prohibits the transportation of hazardous materials through residential neighborhoods. As described in Section 2.4, the same number of City fleet equipment and public works vehicles refueling at the Project site would continue under the proposed Project (approximately 350 vehicles). Activities proposed to occur at the fueling station are anticipated to decrease over time as the City replaces its vehicle fleet and achieves state and local regulatory mandates to reduce the use of petroleum fuels.

Other operation and maintenance activities proposed as part of the new fuel station are anticipated to be similar to existing operations, with minor deviations that would not pose new or increased hazards. Inspections would continue to include daily visual observations by users, as-needed maintenance by contractors/Designated Operator, and City routine safety checks, with the addition of CAL FIRE Office of the State Fire Marshal inspections as required for tank facilities with 10,000 gallons or more of total aboveground petroleum storage capacity.

Negligible changes to stormwater and sewer discharge are anticipated (e.g., new connections, sanitary sewer lift station, and slightly changed conveyance), which would occur in compliance with the facilities' existing stormwater and wastewater discharge permits. The Project includes installing a trench drain around the proposed fuel station perimeter, which would convey runoff to an oil/water separator before discharging to the sanitary sewer system. A storm drainpipe and inlet that encroach into the concrete pad at the northern corner would be relocated to accommodate the Project and prevent fuel station runoff from entering the storm drain system. The Project would not increase stormwater runoff, create new impervious surfaces, or result in more than negligible changes to drainage patterns from installing the fuel station, relocating the storm drain, and installing and operating the sanitary sewer system improvements.

In consideration of the Project's adherence to applicable regulations and policies and implementation of avoidance and minimization measures, Project construction would result in **less-than-significant impacts** related to routine transport, use, or disposal of hazardous materials. Given the limited changes to existing operations and with consideration of regulatory agency oversight and compliance requirements for existing permits, operational impacts are not anticipated.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less-than-Significant Impact

Although the project involves the storage and use of fuel, compliance with applicable federal and state laws related to the storage of hazardous materials would be required to maximize containment and provide for prompt and effective cleanup if an accidental release occurs. Applicable standards include the CalEPA's Aboveground Petroleum Storage Act, Cal/OSHA operational requirements, and California Health and Safety Code Section 25270 regarding aboveground storage tanks.

The Alameda County Department of Health Services is the local CUPA, the agency responsible for the implementation and regulation of the following programs: the Aboveground Petroleum Storage Act

Program, California Accidental Release Prevention (CalARP) Program, and Hazardous Materials Business Plan Program.

The proposed Project will require a Hazardous Materials Business Plan and a Risk Management Plan. Operators or facilities that use or store large quantities of hazardous materials are required by law to prepare a Hazardous Materials Business Plan that lists the hazardous materials stored, along with their volumes and locations, and submit the plan through the California Environmental Reporting System. Users of acutely hazardous materials above prescribed thresholds must prepare and submit a Risk Management Plan under the CalARP program. The purpose of the CalARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. Release reporting is required by several state and federal laws.

In consideration of existing and applicable state, federal, and county laws and programs regarding hazardous materials management, safety and reporting, impacts associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials during construction and operation of the project would be **less than significant**.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact

There are no existing or proposed schools within 0.25 mile of the proposed Project; the nearest school is Lighthouse Community Charter School, approximately 1.15 miles southeast of the Project site. Although the proposed Project may encounter contaminated soils that require offsite disposal, under these circumstances transport would occur in compliance with USDOT regulations for transport to avoid or minimize potential accident or release hazards. The fuel delivery frequency and associated fuel delivery truck trips are assumed to remain unchanged under the proposed Project compared to existing conditions. Should additional refueling needs occur, they would be minimal and unlikely to pose any new or increased hazards. Fuel delivery would be required to comply with the California Vehicle Code, which requires that hazardous materials be transported using routes that have the lowest travel time and avoid residential neighborhoods. Activities proposed to occur at the fueling station are anticipated to decrease over time as the City replaces its vehicle fleet and achieves state and local regulatory mandates to reduce the use of petroleum fuels. Project construction and operations are not anticipated to result in any other changes to routine use or accidents involving hazardous materials that could affect offsite receptors. Therefore, there would be **no impact** related to hazardous material emissions within 0.25 mile of a school.

d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; and as a result, would it create a significant hazard to the public or the environment?

Less-than-Significant Impact

The MSC is identified as a LUST cleanup site under the California Code, Health and Safety Code (Case Site No. R00000293; SWRCB 2024), with a case status of "Site Assessment."

As described in the discussion for checklist item a), above, trenching for utilities and excavation for the support pads, sanitary sewer lift station, oil/water separator, landscape tree, and canopy columns could potentially encounter soils or groundwater affected by TPH-g, TPH-d, benzene, or ethylbenzene. Adverse impacts to the public and environment during construction would be avoided or minimized by implementing the California Stormwater BMP Handbook measure WM-3 for stockpile management and WM-7 for contaminated soil management (refer to Section 2.6.3); and by complying with state and federal regulations. If groundwater is encountered during construction, it will be containerized, tested, and properly disposed of off site or discharged to the sanitary sewer or stormwater after obtaining the necessary permit(s). Potential adverse impacts to workers would be addressed by preparing and implementing a HASP and by complying with Cal/OSHA policies and regulations. The Project entails minor operational changes that are not anticipated to result in new or increased hazardous material impacts.

As described in Section 3.8, the "Site Assessment" case status was assigned following ACEHD's review of the 2022 Closure Request and an earlier "Eligible for Closure" status in 2023. ACEHD's review generally concurred with the 2022 Closure Request evaluation and conclusions, including those pertaining to continued decrease in subsurface fuel hydrocarbon and oxygenate concentrations, mitigation of leaching from soil to groundwater, COPC concentrations below thresholds for protecting aquatic organisms and fish consumption, absence of drinking water beneficial uses and associated water quality objective, and a low threat to environmental and human health and safety from the contaminant plume. The case was listed as "Eligible for Closure" in 2023 based on ACEHD's evaluation of the site under current conditions against the State Water Resources Control Board's (SWRCB's) LTCP criteria. However, due to the location of the site and residual contamination immediately adjacent to San Francisco Bay, ACEHD has since requested submittal of an SLVRA to evaluate risk to the bay from mobilization of residual contamination under future scenarios. Accordingly, ACEHD changed the case status from "Eligible for Closure" to "Site Assessment." The ACEHD also requested revision and resubmittal of the 2022 Closure Request.

The proposed Project would minimally affect the existing LUST "Site Assessment" case status. This includes minimal access constraints during construction and operation of the proposed fuel station (i.e., avoiding and working around the proposed fueling station and appurtenances) that are unlikely to adversely affect preparation of an SLVRA or related assessments or future investigations such as for LNAPL inundation. Soil and groundwater data supporting the Closure Request update and pending eligibility for closure have been collected from sample points in or near the Project site during investigations completed in 2016, and later. To accommodate construction of the proposed Project, seven groundwater monitoring/remediation wells were destroyed from the proposed Project site in August 2024; there are no groundwater/remediation wells or other infrastructure related to closure investigations that would be affected by the Project, and other existing MSC groundwater/remediation wells would remain operable. The area surrounding the proposed fuel station would remain available for remediation investigations (e.g., soil borings) following construction of the proposed Project.

In consideration of the Project's adherence with applicable regulations and policies, implementation of avoidance and minimization measures, recent soil and groundwater investigations in the Project area, recent removal of groundwater/remediation wells at the Project site, and minimal operational changes, Project construction and operation would result in **less-than-significant** impacts to the public or the environment related to existing LUST sites and cleanup status.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?

Less-than-Significant Impact

The Project site is approximately 0.6 mile east of the Oakland Airport and occurs in the AIA identified in the Oakland Airport's ALUC (Alameda County 2010). The ALUC identifies anticipated noise levels in the AIA and identifies land uses where ALUC review is recommended during permitting.

The Project site is outside of the 60 to 70 dB Community Noise Equivalent Level (CNEL) contour zones identified in the plan. The CNEL represents the average noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. Sounds of 60 dB are as loud as a normal conversation between two people sitting at a distance of about 1 meter; sounds of 70 dB are as loud as a washing machine or a dishwasher.

The Project site is in the AIA Safety Compatibility Zone, Zone 6 (Traffic Pattern Zone). This zone contains the aircraft traffic pattern. Although a high percentage of accidents occur in this zone, the size of the zone reduces the risk level compared to the other zones. There are no plan restrictions on storage of fuel and other hazardous materials in Zone 6, or restriction on nonresidential use intensity (people per acre).

The proposed Project does not include any elements required or recommended for airport land use compatibility. The proposed 19-foot-tall fuel station is not likely to pose a hazard to air navigation, because the fuel station would be approximately 0.6 mile east of the airport, in the existing developed industrial MSC, and would be shorter than existing MSC buildings. Although the project includes lighting for the three proposed fuel station canopies, the Project area is already illuminated by existing overhead light poles; new light poles would adhere to Port's Exterior Lighting Policy, including following the Recommended Levels for Exterior Lighting provided by the Illuminating Engineering Society of North America. These design recommendations would govern illumination levels to prevent spillover and light pollution. For these reasons, new lighting is unlikely to be mistaken for airport lighting.

Although the Project site is in the Oakland Airport AIA Zone 6 Traffic Pattern Zone, where a high percentage of accidents occur, the proposed Project complies with land use and safety compatibility criteria detailed in the ALUC and occurs outside of identified 60 to 70 dB CNEL contour zones. Therefore, there would be a **less-than-significant impact** related to proximity to airports or compatibility with an applicable airport land use plan.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact

No Project construction activities would occur outside the boundary of the MSC, other than movement of trucks and vehicles. Construction personnel are expected to consist of between four and eight workers on the site daily, depending on the construction phase. The construction activities are estimated to require approximately 22 vendor trips over the duration of construction. The export of excavated material and

import of construction material would require approximately 64 haul truck round trips over the duration of construction. These trips would occur on local truck routes, as designated in Section 10.52.070 of the City of Oakland Municipal Code, and would be consistent with existing uses of these roadways (refer to Section 3.14 for additional details).

The fuel delivery frequency and associated fuel delivery truck trips are assumed to remain unchanged under the proposed Project compared to existing conditions. The existing fuel station refueling frequency has varied from approximately 3,000 to 7,000 gallons a week from 2022 through 2024. Should additional refueling needs occur, they would be minimal and unlikely to generate traffic that would affect emergency response. The same number of City fleet equipment and public works vehicles refueling at the Project site would continue under the proposed Project (approximately 350 vehicles). Frequency of refueling the proposed ASTs and DEF, as well as frequency of vehicles using the proposed fuel station, is anticipated to reduce over the long term as municipal fleets transition to alternative fuel sources.

With consideration of the confinement of fuel station construction and operational activities in the MSC, and the negligible increases to traffic from construction and operation of the project, there would be **no impact** related to impairing or interfering with emergency response.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact

As described at the beginning of Chapter 3, under the heading "Effects Found Not to Be Significant," wildfire hazards are not present in the proposed Project area. The proposed Project is not in a designated wildland area that would contain substantial forest fire risks or hazards. The MSC is currently developed in a highly urbanized area of the City of Oakland. The Project site does not contain dense vegetation, and is surrounded by other developed properties, roadways, and San Leandro Bay. The Project site is not in or near a state Responsibility Area or lands classified as very high fire severity zones (CAL FIRE 2024). Therefore, **no impact** would occur with regard to wildfire.

3.8.4 Mitigation Summary

No mitigation measures would be necessary.

3.9 HYDROLOGY AND WATER QUALITY

Would the Project:

Question	CEQA Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	No Impact
i) result in substantial erosion or siltation on- or off-site;	No Impact
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	No Impact
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.9.1 Environmental Setting

Municipal Service Center Surface Hydrology, Stormwater, and Wastewater Conveyance

The approximately 17-acre MSC is almost entirely paved or developed, with limited areas of ornamental landscaping. There are no natural streams, channels, or ponds in the MSC. Stormwater runoff at the Project site and in the MSC is currently collected via sheet flow to an existing inlet and drainage system that discharges to the bay. The MSC also includes a sanitary sewer force main connection for wastewater collection and discharge, including a junction box located approximately 230 feet northeast of the Project site. The proposed Project footprint is surrounded by several stormwater drainage inlets, and a short length of storm drainpipe and inlet encroach into the proposed concrete tank pad's northern corner. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES

permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site. The MSC also holds an EBMUD Wastewater Discharge Permit.

Regional Hydrology and Watershed

The Project site is in the San Francisco Bay watershed, East Bay cities hydrologic area, and in undefined subarea #204.20. The hydrologic area spans approximately 246 square miles (Caltrans 2023). The MSC is bound to the west by San Leandro Bay, and to the northwest by Damon Slough.

San Leandro Bay is a small inlet in San Francisco Bay bounded by the Oakland shoreline, Bay Farm Island to the south, and Alameda Island to the north. San Leandro Bay is the catchment for multiple watersheds, with several tributaries that flow to the embayment, namely Sausal Creek; Peralta Creek via East Creek Slough; Lion Creek via Damon Slough; Elmhurst Creek; and San Leandro Creek. The creeks nearest the site are Damon Slough, approximately 0.2 mile north of the Project site;, and Elmhurst Creek, approximately 0.4 mile southeast of the Project site.

San Leandro Bay is on California's list of Toxic Hot Spots due to excessive levels of dichlorodiphenyltrichloroethane (DDT), lead, mercury, pesticides, PACs, and zinc in its sediment. In sediment tests, the highest concentrations of contamination were found near creek channels, indicating that the sources are from point and nonpoint inputs. The one exception was mercury, which had higher concentrations in open water areas compared to tributaries. A Watershed Survey Report prepared for the RWQCB found that concentrations of chemical contaminants near the mouth of Elmhurst Creek exceeded the board's guideline values, that toxicity levels were detrimental to invertebrate reproduction, and that sediment was highly toxic to amphipods (marine crustaceans; ACFCD 2024). San Leandro Bay has listed pollutants according to the 303(d) List (2020-2022) and Total Maximum Daily Loads (Caltrans 2023). These are listed in Table 3-13.

Table 3-13 San Leandro Bay 303 (d) and Total Maximum Daily Load Pollutants

Pollutant	Status
Chlordane	TMDL required
DDT	TMDL required
Dieldrin	TMDL required
Dioxin Compounds (including 2,3,7,8-TCDD)	TMDL required
Furan Compounds	TMDL required
Invasive Species	TMDL required
Lead (sediment)	TMDL required
Mercury	Being addressed with USEPA approved TMDL
Polycyclic Aromatic Hydrocarbons (sediment)	TMDL required
Pesticides (sediment)	TMDL required
Zinc	TMDL required

Notes:

DDT = dichlorodiphenyltrichloroethane; TCDD = tetrachlorodibenzodioxin; TMDL = Total Maximum Daily Load; USEPA = United States Environmental Protection Agency

Storm-Induced Flooding

The Federal Emergency Management Agency (FEMA), through its Flood Insurance Rate Mapping (FIRM) program, designates areas where flooding could occur during 100-year and 500-year flood events. The Project site is in Zone X (an area of minimal flood hazard or 0.2 percent annual chance of flood hazard [500-year flood zone]), according to FEMA FIRM Map 06001C0252H (FEMA 2024). FEMA-designated Special Flood Hazard Areas near the MSC occur only in the bay, surrounding channels, and portions of Arrowhead Marsh.

Dam Inundation, Tsunami, and Seiches

The Project site is in the dam breach inundation zone for Chabot dam and New Upper San Leandro dam in case of dam failure on a sunny day (DWR 2024). Both dams are categorized as "extremely high" for downstream hazards in the event of breach or failure. The City of Oakland Local Hazard Mitigation Plan (LHMP; City of Oakland 2021) identifies the probability of dam failure for these dams as low, with large-scale dam failures occurring infrequently, typically coinciding with events such as earthquakes and excessive rainfall.

The Project site is in the Alameda County Tsunami Hazard Area (CDOC 2024c). Tsunami hazards in Oakland are described and assessed in City of Oakland LHMP, which references the City's Safety Element. The overall risk from tsunamis in Oakland appears to be small, especially because there would usually be several hours to evacuate residents and undertake other emergency preparations for most tsunamis approaching the coast. The 2021 LHMP further substantiates that tsunamis have not been a major problem in Alameda County or most of the Bay Area and have not resulted in significant damage (City of Oakland 2021).

A seiche is a resonant, side-to-side movement of water in a closed or mostly closed body of water such as San Francisco Bay. Seiche risk at areas along Oakland's shoreline is minimal because there are no large, confined bodies of water with depths that would cause this hazard (City of Oakland 2021). Based on the assessment in the LHMP, the seiche hazard is considered to be very low risk.

Groundwater

The MSC is in the Santa Clara Valley Groundwater Basin (Basin No. 2-009.04;DWR 2019). During geotechnical explorations conducted for the Project, groundwater was encountered at a depth of 10 feet bgs (Partner Engineering and Science, Inc. 2023). Historically, groundwater levels at the site range from approximately 2 to 10 feet bgs and are partially subject to tidal influence. This is supported by groundwater monitoring well observations, which have observed depth to groundwater at minimum depths of approximately 2 feet btoc of groundwater monitoring wells (Terraphase 2022). Shallow groundwater in the MSC flows predominately southwest to the nearest shoreline along San Leandro Bay. In the northern portion of the MSC, groundwater flows in a more northerly direction. Existing groundwater beneficial uses in the Santa Clara Valley Groundwater Basin, which encompasses 240 square miles, include Municipal and Domestic Supply, Agricultural Supply, Industrial Service Supply, and Industrial Process Supply (SFBRWQCB 2024). EBMUD's domestic water supply is provided by the Mokelumne River system (EBMUD 2024a), and groundwater in the Project area is not currently used or planned for use as a potable or drinking water source (EBMUD and City of Hayward 2022).

As detailed in Section 3.8, the MSC is identified as a LUST cleanup site with a case status of "Site Assessment." Groundwater samples collected since the 2013 Closure Request have exhibited concentrations of TPH d, TPH g, and/or benzene that exceed the SFBRWQCB groundwater ESLs for either saltwater ecotoxicity or for C/I settings in some onsite wells. Recorded exceedances were observed at several sample locations in or near (within 50 feet) the Project footprint. There have also been isolated exceedances of naphthalene and/or BTEX compounds in a small number of wells, the nearest of which occurs approximately 20 feet northeast of the proposed electrical junction box connection.

3.9.2 Regulatory Setting

Federal

Clean Water Act (33 USC 1257 et seq.)

The CWA established the federal structure for regulating surface water quality standards and discharges of pollutants into waters of the United States. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The genesis of the CWA, enacted in 1948, was the Federal Water Pollution Control Act. It was significantly reorganized and expanded in 1972 by the CWA. The CWA requires states to set standards to protect water quality.

Under Section 402 of the CWA, discharge of pollutants to navigable waters is prohibited unless the discharge complies with general or individual National Pollutant Discharge Elimination System (NPDES) permits. This includes both point-source and nonpoint-source (i.e., stormwater) discharges. NPDES stormwater regulations are intended to improve the quality of stormwater discharged to receiving waters to the "maximum extent practicable" by using structural and nonstructural BMPs. BMPs can include educational measures, regulatory measures, public policy measures, or structural measures. Implementation and enforcement of the NPDES program is conducted through the SWRCB and the nine RWQCBs.

State

Porter-Cologne Act

The California Legislature enacted the Porter-Cologne Water Quality Control Act (Porter-Cologne) in 1969 to preserve, enhance, and restore the quality of the state's water resources. Porter-Cologne established the SWRCB and nine RWQCBs. These agencies are responsible for setting the state's water quality policy and enforcing ground- and surface-water quality standards. The Porter-Cologne Act provides for the adoption of water quality control plans to designate beneficial uses of water, set water quality objectives to protect beneficial uses, and provide for a program to achieve those objectives. The plans may include prohibitions against the discharges of waste, or certain types of waste, in specified areas or under specified conditions. The RWQCBs are authorized to issue waste discharge requirements and water quality certifications for activities that may affect water quality.

Industrial General Permit

The Industrial General Permit adopted by the SWRCB regulates industrial stormwater discharges and authorized nonstormwater discharges from industrial facilities in California. The Industrial General Permit requires dischargers to:

- eliminate unauthorized nonstormwater discharges;
- develop and implement Stormwater Pollution Prevention Plans that include BMPs;
- implement minimum BMPs, and advanced BMPs as necessary, to achieve compliance with the effluent and receiving water limitations of the Industrial General Permit;
- conduct monitoring, including visual observations and analytical stormwater monitoring for indicator parameters;
- compare monitoring results for monitored parameters to applicable numeric action levels derived from the EPA's 2008 Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity and other industrial stormwater discharge monitoring data collected in California;
- perform the appropriate exceedance response actions when there are exceedances of the applicable numeric action levels; and
- certify and submit all permit-related compliance documents via the Storm Water Multiple Application and Report Tracking System.

The Industrial General Permit was amended by the SWRCB in 2018 to additionally incorporate the following requirements:

- Federal Sufficiently Sensitive Test Method Ruling;
- Total Maximum Daily Load Implementation Requirements; and
- Statewide Compliance Options incentivizing onsite or regional stormwater capture and use.

Municipal Storm Water Program

Stormwater discharges from MS4s are regulated through the Municipal Storm Water Program. Municipalities with populations of 100,000 or more are covered by the Phase I Permit Program; municipalities with populations of less than 100,000 and nontraditional municipalities designated by the state are covered by the Phase II Permit Program. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site.

Regional and Local

The Open Space, Conservation, and Recreation Element of the Oakland General Plan (City of Oakland 1996) describes the following policies that were adopted for the purpose of protecting water resources and are relevant to the proposed Project:

- **Policy CO-5.1:** the City's goal to protect groundwater recharge by, for example, limiting impervious surfaces

- **Policy CO-5.2:** improve groundwater quality such as cleaning up contaminated sites and through ongoing monitoring of groundwater
- **Policy CO-5.3:** strategies to control urban runoff, such as reducing water pollution associated with stormwater runoff or reducing water pollution from hazardous material areas
- **Policy CO 6.5:** protect the surface waters of the San Francisco Bay and San Francisco Estuary system, by such means as discouraging shoreline activities that negatively impact marine life in the water and marshland areas

The City of Oakland's General Plan Safety Element contains policies related to flooding, tsunami and seiche (City of Oakland 2023c). These policies include:

- **Policy SAF-3.1:** continuing or strengthening City programs that seek to minimize the storm-induced flooding hazard
- **Policy SAF-3.2:** enforcing and updating local ordinances to comply with regional orders that would reduce the risk of storm-induced flooding
- **Policy SAF-3.4:** continue to coordinate with FEMA, the Alameda County Flood Control and Water Conservation District, and the State Division of Safety of Dams on flood-control-related projects

3.9.3 Impact Analysis

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

No Impact

The proposed Project entails construction and operation of a fuel station, with primary components that include two 12,000-gallon fuel ASTs, a 500-gallon DEF tank, six dispensers (three diesel, three gasoline), and three overhead canopies, all of which would be situated on a new reinforced-concrete-tank pad. Construction activities would include removing the existing asphalt and subgrade; compacting, grading, and forming the tank pad, tank footings, guard posts, canopy columns (for three individual canopies), and concrete pad for the backup generator; setting and anchoring the ASTs, DEF tank, and backup generator; installing the canopy; trenching and installing utility connections (buried electrical, storm drain, and sewer); installing the tank trim and piping; and installing landscaping. Project construction would occur in adherence with the water quality BMPs described in Section 2.6.2, which would avoid or minimize water quality impacts such as those potentially occurring from accidental spills or otherwise conveying materials to water bodies.

Construction activities include excavation to depths up to 9.5 feet bgs, which could encounter groundwater. Groundwater has been historically recorded and recently observed as shallow as 2 feet bgs in the MSC. As described in Section 2.6.2, the contractor will use nearby monitoring wells to determine groundwater elevations, to anticipate whether groundwater will be encountered during construction. If groundwater is encountered during construction, it will be containerized, tested, and properly disposed of off site, or discharged to the sanitary sewer or stormwater after obtaining the necessary permit(s). If groundwater

encountered during excavation has evidence of contamination (e.g., visual staining, suspicious odors, or evidence of physical debris)—or if the groundwater is emanating from, in contact with, or near soil that has evidence of contamination—a groundwater sample would be collected and analyzed in accordance with United States Environmental Protection Agency (EPA) Method 6010B/7470A for California Assessment Manual (CAM) 17 Metals; EPA Method 8260 for VOCs; and EPA Method 8015 for TPH-g, TPH-d, and TPH as motor oil (TPH-mo), at a minimum. Groundwater may also be analyzed for other constituents and properties to meet discharge permitting requirements that may include treatment before discharge. Water generated from dewatering activities will be contained on site until analytical results are evaluated for appropriate disposal or treatment. As also detailed in Section 2.6.3, ground disturbance will occur in accordance with applicable state and federal laws, including consistency with California Stormwater BMPs Handbook measure WM-3 for stockpile management, and WM-7 for contaminated soil management. The proposed Project will also comply with the Port's Post-Construction Design Manual to reduce offsite stormwater runoff. Adverse impacts to the groundwater table from Project excavations or foundation improvements (e.g., reinforced-concrete tank pad, guard post foundations, or canopy column foundations) are not anticipated.

The proposed Project would minimally impair or otherwise interfere with the existing LUST cleanup site, existing Site Assessment status, or future case closure. Soil and groundwater data supporting the facility's existing Site Assessment status has been collected from sample points in or near the Project site through 2021. To prepare for construction of the proposed Project, seven groundwater monitoring/remediation wells were destroyed from the proposed Project site area in August 2024; there are no groundwater/remediation wells or other infrastructure that would be affected by the Project, and other existing MSC groundwater/ remediation wells would remain operable. Although the proposed fueling station would need to be avoided during future investigations, the area surrounding the proposed fuel station would remain available for monitoring or other remediation investigations (e.g., soil borings) following construction of the proposed Project. The minimal access limitations associated with the Project are not anticipated to substantially affect future cleanup site activities, including the ACEHD's requested revision and resubmittal of the Closure Request, preparation of an SLVRA, LNAPL inundation assessment, or eventual case closure.

The proposed improvements would be constructed on existing paved surfaces and would not increase impermeable surface areas or result in more than negligible effects on stormwater conveyance in the MSC. Negligible changes to stormwater and sewer discharge are anticipated, consisting of new stormwater and sanitary sewer connections, a new sanitary sewer lift station, a new oil/water separator, and slightly changed conveyance. The Project includes installing a trench drain around the proposed fuel station perimeter; the drain would convey runoff to an oil/water separator before discharging to the sanitary sewer system via a new sanitary sewer force main connection to an existing junction box approximately 230 feet northeast of the Project site. A storm drainpipe and inlet that would encroach into the concrete pad at the northern corner would be relocated to accommodate the Project and prevent fuel station runoff from entering the storm drain system. The Project would not increase stormwater runoff, create new impervious surfaces, or result in more than negligible changes to drainage patterns from installing the fuel station, relocating the storm drain, and installing and operating the sanitary sewer system improvements.

The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site. The

MSC also holds an EBMUD Wastewater Discharge Permit. Operation of the proposed improvements is not anticipated to conflict with or otherwise affect these existing authorizations.

In consideration of the Project's small scale and location in the existing paved MSC, the implementation of BMPs to avoid water quality impacts and address the potential for encountering groundwater during construction, proposed improvements to stormwater and wastewater infrastructure, and existing facility permits, the Project would result in **no impact** related to groundwater quality.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

No Impact

The proposed Project would have no effect on groundwater supplies or recharge. The proposed fuel station and its components would be constructed on an existing paved surface and would not result in increased impervious surface areas or result in drainage changes that would affect groundwater recharge. Installation of the single landscaping tree would add a small pervious area which may negligibly improve groundwater recharge. Shallow groundwater may be encountered during trenching or excavations; BMPs, including containerizing groundwater, would be implemented to control groundwater. Potential groundwater control would only occur during the brief duration of construction for Project elements requiring excavation where groundwater is encountered; this is anticipated to have no more than negligible effects on groundwater and would not affect groundwater supplies or recharge. As described in the discussion for checklist item a), above, the proposed Project would have minimal effects on the existing LUST cleanup site under regulatory site assessment (limited to avoiding the fuel station during future investigations). The Project includes stormwater and wastewater system improvements to ensure that operations would not introduce new or increased sources of potential groundwater pollution, such as relocating a short length of existing storm drainpipe and inlet that encroach into the proposed tank pad footprint; and installing a new sewer force main connection, oil/water separator, and sanitary sewer lift station. As discussed in Chapter 2, operational changes would be minimal and would not introduce new or increased sources of potential groundwater pollution. Therefore, there would be **no impact** related to groundwater recharge or management.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows?

No Impact

The proposed Project would be constructed on existing impermeable pavement and would not result in increased impervious surface areas or surface runoff. Stormwater and wastewater runoff would continue to be captured and conveyed through the MSC's existing systems, and the Project includes minor

conveyance and treatment improvements to accommodate the proposed fuel station. As described in Chapter 2, operational changes would be minimal and consistent with existing MSC operations. Irrigation for the proposed single landscaping tree is unlikely to result in erosion or significantly contribute runoff. There are no water bodies, streams, or rivers present on the site. The Project site is in an area of minimal flood hazard, and the construction or operation of the proposed improvements is unlikely to impede flood flows or have more than negligible effects on flood flow conveyance. Construction BMPs described in Section 2.6.2 would be implemented to avoid or minimize temporary impacts related to erosion or water quality. Therefore, the Project would result in **no impact** related to altered drainage patterns, the addition of impervious surfaces, erosive potential, or exceeding the capacity of existing drainage systems.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

No Impact

As discussed in Section 3.9.1, the proposed Project is in a mapped tsunami and dam inundation area and is outside of the 100-year flood zone, or any special flood zones. Tsunami or dam inundation risks in the Project area are relatively small, and seiches are unlikely to pose a risk to the Project area. The proposed Project would have negligible effects on stormwater conveyance, which would not affect flood hazard or tsunami susceptibility or introduce new or increased potential for release of pollutants. Potential release of pollutants from inundation could include disturbance of construction materials or equipment in the unlikely event of a tsunami or substantial storm event coinciding with construction. As detailed in Section 3.8, the Project would be subject to hazardous material regulations and routine inspections during operations. Operations would be consistent with existing commercial and industrial activities that occur at the MSC. Furthermore, NOAA operates the National Tsunami Warning Center and the Pacific Tsunami Warning Center, which alert local authorities ahead of tsunamis. For most tsunamis approaching the coast, several hours are available to evacuate residents and undertake other emergency preparations, such as securing work sites. Therefore, the Project would result in **no impact** related to release of pollutants due to inundation from storms, dam inundation, tsunamis, or seiches.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact

The proposed Project would be constructed in a manner that would minimize potential water quality effects, including through implementation of water-quality–related BMPs, such as avoiding spills through employee training, maintaining spill kits on site, and cleaning accidental spills immediately. Project operations would entail negligible changes from existing operating conditions. Additional water use would be limited to irrigation for the single landscaping tree. The facility would continue to operate in compliance with regulatory conditions from required permits and approvals, such as the existing stormwater and wastewater discharge permits. As described in the discussion for checklist item a), above, the proposed Project would minimally affect the existing LUST cleanup site and pending case closure (limited to avoiding the fuel station during future investigations). Therefore, there would be **no impact** from conflict with any water quality control plan or sustainable groundwater management plan.

3.9.4 Mitigation Summary

No mitigation measures would be necessary.

3.10 LAND USE AND PLANNING

Would the Project:

Question	CEQA Determination
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.10.1 Environmental Setting

The Project site and surrounding areas are classified for Regional Commercial use in accordance with the General Plan and Estuary Policy Plan (City of Oakland 2024). This classification is intended to maintain, support, and create areas of the City that serve as regional drawing centers of activity. The MSC has a land use designation of Exempt Public Agency, and most of the surrounding areas have a land use designation of Light Industrial. Consistent with these designations, the MSC primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

3.10.2 Regulatory Setting

There are no federal or state regulations pertaining to land use and planning that would apply to the analysis herein. Local regulations and policies are listed in the following paragraphs.

Regional and Local

Port of Oakland Development Permit

Under Section 708 of the City Charter, any construction, alteration, or other development in the Port Area requires a Port Building Permit (more often referred to as a Port Development Permit). The Board of Port Commissioners must approve a Port Development Permit prior to the start of such work, and prior to submittal for a City of Oakland building permit. Applications for Port Development Permits for privately owned property in the Port Area are considered and acted on by the Port Executive Director in the same manner as applications made to the Board of Port Commissioners. The Board of Port Commissioners has adopted ordinances governing the application and issuance of Port Development Permits, including Port Ordinance No. 2083, as amended by Port Ordinance Nos. 2972, 3689, and 3943. Furthermore, as the lessor of certain lands in the Port Area, the Port enforces additional standards for its lessees through each applicable tenancy agreement.

City of Oakland Building Permits

The proposed reinforced-concrete-tank pad and concrete pad for the backup generator will require a building permit from the City of Oakland. Building permit applications are submitted through the City's online application system and are routed for review depending on the type of project. Building permit

review may include plan check reviews for conformance with planning approvals, tree or creek protection, fire protection, construction recycling, or zoning inspections. Site inspections are performed to ensure conformity with approved documents and codes.

City of Oakland General Plan

The Project site is in the Regional Commercial General Plan land use classification established by the Land Use and Transportation Element (LUTE) (City of Oakland 2023d). The LUTE of the Oakland General Plan contains the following land use policies that address issues related to land use and planning, and/or are particularly relevant to the proposed Project (City of Oakland 2023d). The LUTE was updated in September 2023, as part of Phase 1 of the General Plan Update.

- **Industry and Commerce Policy I/C.4.1:** Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.
- **Industry and Commerce Policy I/C4.2:** Minimizing Nuisances. The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.
- **Waterfront Policy W1.1:** General Plan Conformance of Projects in the Seaport and Airport Areas. The Port shall make a written determination on General Plan conformity for each project, plan, and/or land use guideline it approves in the Port Area. Prior to making such a determination the Port will forward its proposed determination to the Director of City Planning, who may provide the Port with written comments within a specified time period. Any comments so provided shall be considered and responded to in writing by the Port in its conformity determination.

  For projects in the Port Area outside the Seaport and airport areas, the Port's determination of General Plan conformity may be appealed to the City Council within 10 days. If not appealed within 10 days, the Port's determination shall be deemed final. If appealed, the City Council, by a vote of at least six members, shall make a final determination on the appeal within 30 days. The City Planning Commission shall provide recommendation to the City Council for consideration in hearing on appeal of the Port's conformity determination.
- **Waterfront Policy W1.2:** Planning with the Port. Plans for maritime and aviation operations as well as activities on all lands in Port jurisdiction should be coordinated with, and generally consistent with, the Oakland General Plan.
- **Waterfront Policy W1.3:** Reducing Land Use Conflicts. Land uses and impacts generated from Port or neighborhood activities should be buffered, protecting adjacent residential areas from the impacts of seaport, airport, or other industrial uses. Appropriate siting of industrial activities, buffering (e.g., landscaping, fencing, or transitional uses), truck traffic management efforts, and other mitigations should be used to minimize the impact of incompatible uses.

3.10.3 Impact Analysis

a) Physically divide an established community? b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact

The proposed Project would not physically divide an established community. The proposed Project is in a light industrial area bordered by other commercial, industrial, and public agency facilities and is consistent with the City of Oakland's General Plan and industrial zoning. The Project would be generally consistent with all applicable state, regional, and local plans and programs; hence, there would be **no impact.**

3.10.4 Mitigation Summary

No mitigation measures would be necessary.

3.11 NOISE

Would the Project result in:

Question	CEQA Determination
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less-than-Significant Impact
b) Generation of excessive ground borne vibration or ground borne noise levels?	Less-than-Significant Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.11.1 Environmental Setting

Sound, Noise, and Acoustics

Sound is the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air). Noise is defined as sound that is unwanted (i.e., loud, unexpected, or annoying). Acoustics is the physics of sound.

The amplitude of pressure waves generated by a sound source determines the perceived loudness of that source. A logarithmic scale is used to describe sound pressure level in terms of dB. The threshold of human hearing (near-total silence) is approximately 0 dB. A doubling of sound energy corresponds to an increase of 3 dB. In other words, when two sources at a given location are each producing sound of the same loudness, the resulting sound level at a given distance from that location is approximately 3 dB higher than the sound level produced by only one of the sources. For example, if one automobile produces a sound pressure level of 70 dB when it passes an observer, two cars passing simultaneously do not produce 140 dB; rather, they combine to produce 73 dB.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 hertz (Hz) and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). All noise levels reported in this section are in terms of A-weighting. There is a strong correlation between A-weighted sound levels and community response to noise. As discussed above, doubling sound energy results in a 3 dB increase in sound. In typical noisy environments, noise-level changes of 1 to 2 dB are generally not perceptible by the healthy human ear; however, people can

begin to detect 3 dB increases in noise levels. An increase of 5 dB is generally perceived as distinctly noticeable and a 10 dB increase is generally perceived as a doubling of loudness. The following are the sound level descriptors commonly used in environmental noise analysis:

- L_{eq} is an average of the sound energy occurring over a specified time period. In effect, the L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound that actually occurs during the same period. The 1-hour, A-weighted equivalent sound level ($L_{eq[h]}$) is the energy average of A-weighted sound levels occurring during a 1-hour period.
- L_{max} is the highest instantaneous sound level measured during a specified period.
- L_{dn} (Day-Night Noise Level) is the 24-hour L_{eq} with a 10 dB "penalty" applied during nighttime noise-sensitive hours, 10:00 p.m. through 7:00 a.m. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.
- L_n (Statistical Descriptor) is the noise level exceeded n percent of a specific period of time, generally accepted as an hourly statistic. An L_{10} would be the noise level exceeded 10 percent of the measurement period.

Sound from a localized source (i.e., point source) propagates uniformly outward in a spherical pattern, and the sound level attenuates (decreases) at a rate of 6 dB for each doubling of distance from a point/stationary source. Roadways and highways and, to some extent, moving trains consist of several localized noise sources on a defined path; these are treated as "line" sources, which approximate the effect of several point sources. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. Therefore, noise from a line source attenuates less with distance than noise from a point source with increased distance.

Groundborne Vibration

Groundborne vibration is energy transmitted in waves through the ground. Vibration attenuates at a rate of approximately 50 percent for each doubling of distance from the source. This approach considers only the attenuation from geometric spreading and tends to provide for a conservative assessment of vibration level at the receiver.

Vibration is an oscillatory motion that can be described in terms of the displacement, velocity, or acceleration. Vibration typically is described by its peak and root-mean-square (RMS) amplitudes. The RMS value can be considered an average value over a given time interval. The peak vibration velocity is the same as the peak particle velocity (PPV), generally presented in units of inches per second (in/sec). PPV is the maximum instantaneous positive or negative peak of the vibration signal and is generally used to assess the potential for damage to buildings and structures. The RMS amplitude typically is used to assess human annoyance to vibration, and the abbreviation "VdB" is used in this document for vibration decibels to reduce the potential for confusion with sound decibels.

Existing Noise Environment

The existing noise environment in the Project area is primarily influenced by surface-transportation noise from vehicular traffic on I-880 and Edgewater Drive. Additionally, intermittent noise from activities at the surrounding industrial and commercial areas further contributes to the current noise levels. Industrial equipment in the Project site and MSC itself also plays a role in shaping the overall noise environment. The MSC primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment,

as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches.

The nearest noise-sensitive areas to the Project site include trail segments to the west and northwest (Garretson Point trail), as well as various commercial office uses within the MSC, such as the 911 call center building, the checkpoint at the MSC entrance, and the Oakland Parks Tree Division offices. Some of these buildings include outdoor seating areas, notably including the 911 call center building and Oakland Parks Tree Division offices. Outside the MSC, nearby noise receptors include the Home Health and Hospice Administrative Building, at 7677 Oakport Street, approximately 1,600 feet southeast of the project site; and car dealership offices to the east, at approximately 1,000 feet. The nearest residential uses to the Project site are approximately 4,000 feet to the northeast (along Leona Creek Drive to the east of I-880 and the railway).

Ambient Noise Level Surveys

AECOM measured ambient noise levels near existing noise-sensitive uses at various locations in the Project area. Table 3-14 summarizes the results of the ambient noise-level measurements. One long-term and four short-term measurements of ambient noise levels were conducted on September 11 through September 12, 2024, in the Project area, as shown in Figure 3-3. As shown in Table 3-14, measured ambient noise levels at the noise-sensitive land uses closest to the project area range between approximately 53 and 65 dBA L_{eq}, during the daytime.

Table 3-14 Ambient Noise Levels in the Project Area

Measurement Site		Date		Start Time	Duration	Daytime (7 a.m.–10 p.m.)		Nighttime (10 p.m.–7 a.m.)		L_{dn}
		From	To			L_{eq}	L_{max}	L_{eq}	L_{max}	
LT-01	Western Boundary of Project Site by the Garretson Point Trail	September 11	September 12	14:00	24 hours	64.4	79.7	49.2	61.3	63.1
ST-01	911 Call Center Building Outside Seating Area	September 11		13:53	30 minutes	52.9	71.3	—	—	—
ST-02	MSC Entry Gate Checkpoint	September 11		14:28	15 minutes	64.9	85.9	—	—	—
ST-03	Oakland Parks Tree Division Building Outside Seating Area	September 11		14:44	30 minutes	53.5	66.7	—	—	—
ST-04	Garretson Point Trail Picnic Table Area	September 11		15:42	30 minutes	54.8	70.3	—	—	—

Notes:

Noise-level measurements were conducted using Larson Davis Laboratories Model 820 and 824 sound-level meters, calibrated using an LDL Model CAL200 acoustical calibrator and programmed to record A-weighted sound levels using a "slow" response. The equipment complied with all pertinent requirements of the American National Standards Institute for Class 1 sound-level meters.

L_{dn} = day-night noise level; L_{eq} = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); L_{max} = maximum noise level; MSC = Municipal Service Center

Source: Data compiled by AECOM in 2024.

AECOM

Port of Oakland

City of Oakland Municipal Service Center Fuel Station
7101 Edgewater Drive, Oakland, CA

FIGURE 3-3

Existing Ambient Noise Monitoring Locations

3.11.2 Regulatory Setting

Federal, State, Regional, and Local

Federal, state, regional, and local policies and regulations form a framework of quantitative and qualitative thresholds for assessing project impacts. These regulations are described below in the context of whether the proposed Project would result in significant adverse impacts related to noise and vibration.

City of Oakland Planning Code Section 17.120.050

The City of Oakland Planning Code Section 17.120.050 establishes construction noise standards for receiving land uses, including residential and commercial/industrial; and operational noise standards for receiving land uses including residential/civic, commercial, and industrial/agricultural/extractive. These noise standards are listed in Table 3-15 and Table 3-16.

The Project may have a significant impact on the environment if it would generate construction or operational noise in violation of Planning Code Section 17.120.050, including exceeding the receiving noise thresholds identified in Table 3-15 and Table 3-16

Table 3-15 City of Oakland Construction Noise Standards at Receiving Property Line, dBA

Receiving Land Use	Maximum Allowable Noise Level (dBA)	
	Weekdays	Weekends
	7 a.m. to 7 p.m.	9 a.m. to 8 p.m.
Less than 10 Days		
Residential	80	65
Commercial, Industrial	85	70
More than 10 Days		
Residential	65	55
Commercial, Industrial	70	60

Notes:

If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.

dBA = A-weighted decibels

Table 3-16 City of Oakland Operational Noise Standards at Receiving Property Line, dBA

Receiving Land Use	Cumulative No. of Minutes in a 1-Hour Period[2]	Maximum Allowable Noise Level (dBA)	
		Daytime 7 a.m. to 10 p.m.	Nighttime 10 P.M. to 7 a.m.
Residential and Civic[3]	20 (L_{33})	60	45
	10 ($L_{16.7}$)	65	50
	5 ($L_{8.3}$)	70	55
	1 ($L_{1.7}$)	75	60
	0 (L_{max})	80	65
		Anytime	
Commercial	20 (L_{33})	65	
	10 ($L_{16.7}$)	70	
	5 ($L_{8.3}$)	75	
	1 ($L_{1.7}$)	80	
	0 (L_{max})	85	
Industrial, Agricultural and Extractive	20 (L_{33})	70	
	10 ($L_{16.7}$)	75	
	5 ($L_{8.3}$)	80	
	1 ($L_{1.7}$)	85	
	0 (L_{max})	90	

Notes:

1. These standards are reduced 5 dBA for simple tone noise, noise consisting primarily of speech or music, or recurring impact noise. If the ambient noise level exceeds these standards, the standard shall be adjusted to equal the ambient noise level.
2. L_x represents the noise level that is exceeded X percent of a given period. L_{max} is the maximum instantaneous noise level.
3. Legal residences, schools and childcare facilities, health care or nursing home, public open space, or similarly sensitive land uses.

dBA = A-weighted decibels; L_{max} = maximum noise level

City of Oakland Planning Code Sections 8.18.010 and 8.18.020

The City of Oakland Planning Code Sections 8.18.010 and 8.18.020 include limitations for excessive and annoying or persistent noises. Relevant to the proposed Project, the following acts are considered excessive and annoying or persistent noises, which are prohibited.

- Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 9 p.m. and 6 a.m. so as to create a noise disturbance across a real property line or at any time to violate the applicable noise provisions of the Oakland Planning Code.
- Creation of any noise in or adjacent to a hospital or medical care facility, nursing home, school, court, day care, church, or similar facility, so as to interfere with the functions of such activity.
- Noise resulting from construction and demolition activities, the operation of commercial refrigeration units, air conditioning systems, compressors, commercial exhaust systems, ventilation units, and other commercial or industrial noises associated with land use activities, shall be regulated pursuant to standards contained in the noise regulations of the Oakland Planning Code.
- Persistent maintenance or emission of any noise or sound produced by human, animal or mechanical means, between the hours of 9 p.m. and 7 a.m. next ensuing, which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health of any person shall constitute a nuisance.

The Project may have a significant impact on the environment if it would generate construction or operational noise qualifying as excessive and annoying or persistent according to Planning Code Sections 8.18.010 and 8.18.020.

City of Oakland Planning Code Section 17.120.060

City of Oakland Planning Code Section 17.120.60 requires that activities within 400 feet of any Residential Zone boundary be operated so as not to create a vibration that is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard. There are no Residential Zone boundaries within 400 feet of the MSC, and this planning code requirement therefore does not apply to the Project.

City of Oakland General Plan Policies

The City of Oakland Noise Element (City of Oakland 2005a) contains policies and actions relevant to noise compatibility, including the following relevant to the proposed Project:

- **Policy 1:** Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment.
    - **Action 1.1:** Use the noise-land use compatibility matrix from the Noise Element in conjunction with the noise contour maps (especially for roadway traffic) to evaluate the acceptability of residential and other proposed land uses and also the need for any mitigation or abatement measures to achieve the desired degree of acceptability.
    - **Action 1.2:** Continue using the City's zoning regulations and permit processes to limit the hours of operation of noise-producing activities which create conflicts with residential uses and to attach noise-abatement requirements to such activities.
    - **Action 1.3:** Continue working with the Alameda County Community Development Agency (in its role as the county's airport land use commission) and with the Port of Oakland to ensure consistency with the county's airport land-use plan of the City's various master-planning documents, zoning ordinance and land-use development proposals near Oakland's airport.
- **Policy 3:** Reduce the community's exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the City.
    - **Action 3.1:** Continue to use the building-permit application process to enforce the California Noise Insulation Standards regulating the maximum allowable interior noise level in new multi-unit buildings.

The Project may have a significant impact on the environment if it would conflict with the Noise Element policies or actions.

City of Oakland General Plan Noise Element Initial Study/Negative Declaration

The Initial Study/Negative Declaration prepared for the Noise Element (City of Oakland 2005b) identifies additional noise impact thresholds that are relevant to the proposed Project. This includes compliance with Oakland Planning Code Sections 17.120.050, 8.18.020, and 17.120.60, as described above; as well as the following:

- A 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Conflict with state land use compatibility guidelines for all specified land uses for determination of acceptability of noise (State of California Governor's Office of Planning and Research 2003 [Appendix C, Figure 2]).
- Projects in an airport land use plan that would expose people residing or working in the project area to excessive noise levels.
- Projects in the vicinity of a private airstrip that would expose people residing or working in the project area to excessive noise levels.

The Project may have a significant impact on the environment if it would exceed the thresholds identified in the City of Oakland General Plan Noise Element Initial Study/Negative Declaration.

California Noise Insulation Standards

The California Noise Insulation Standards (CCR Part 2, Title 24) identifies a maximum exposure threshold of 45 dBA Ldn or Community Noise Equivalent Level (CNEL) for multi-family dwellings, hotels, motels, dormitories, and long-term care facilities. Given the distance to the nearest residential or other sensitive land uses (approximately 4,000 feet from the Project site), the scale of Project construction and operations, and intervening structures that would attenuate noise, this standard is unlikely to be exceeded by the Project and is not discussed further.

FTA Groundborne Vibration Impact Criteria

The Federal Transit Administration's (FTA's) *Transit Noise and Vibration Impact Assessment* manual identifies human annoyance groundborne vibration exposure thresholds for several land use categories, as identified in Table 3-17.[11]

Table 3-17 FTA Groundborne Vibration Impact Criteria

Land Use Category	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
Category I: Buildings where vibration would interfere with interior operations	65 VdB[4]	65 VdB[4]	65 VdB[4]
Category II: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category III: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB

Notes:

1. More than 70 vibration events of the same source per day.
2. Between 30 and 70 vibration events of the same source per day.
3. Fewer than 30 vibration events of the same source per day.
4. This criterion is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Vibration-sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of heating ventilation, air conditioning systems, and stiffened floors.

FTA = Federal Transit Administration; VdB = vibration decibels

[11] The FTA criteria were developed to apply to transit-related groundborne vibration. However, these criteria should be applied to transit-related and non-transit-related sources of vibration.

As described in the FTA manual, most commercial or industrial uses are not considered noise-sensitive because activities in these buildings are generally compatible with higher noise levels. Buildings in the MSC house several City service branches, which are not considered noise-sensitive uses. This includes the Building 6 storage building, which is the nearest building to the proposed fuel station. Although the Project may have a significant impact on the environment if it would exceed the vibration thresholds in Table 3-17, these thresholds are not considered applicable to buildings and land uses in the MSC. The nearest buildings or structures to the MSC are at distances where construction VdB thresholds would likely attenuate below audible levels.

Caltrans Transportation and Construction Vibration Guidance Manual

The Caltrans Transportation and Construction Vibration Guidance Manual (Caltrans 2020) identifies vibration criteria for effects on buildings from continuous vibration, such as that generated by construction machinery. The manual identifies a 0.2 in/sec PPV threshold for risk of architectural damage to normal buildings (buildings with plastered walls and ceilings). The Project may have a significant impact on the environment if it would exceed the 0.2 in/sec PPV threshold and result in risk of architectural damage to buildings.

3.11.3 Impact Analysis

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less-than-Significant Impact

Construction of the proposed improvements would occur at the Project site shown in Figures 2-2 and 2-3. The construction equipment expected for the Project includes a skid steer, backhoe, concrete pump, crane, gradall, and a saw. According to the FHWA Roadway Construction Noise Model, the combined noise levels from this equipment are projected to reach 82 dB, L_{eq} and 90 dB, L_{max} at a distance of 50 feet (FHWA 2006). These levels represent the typical noise impact from construction equipment operating simultaneously at the site, with higher noise levels expected closer to the machinery. Table 3-18 provides a summary of construction noise levels (L_{eq}) estimated at various distances from the Project site.

As shown in Table 3-18, the maximum allowable construction noise levels defined in City of Oakland Planning Code Section 17.120.050 would not be exceeded. The closest location, Garretson Point trail at 50 feet from the Project site (civic land use), would experience the highest noise level, at 82 dBA. There is no defined maximum allowable construction noise level for civic land uses, and only transitory exposure by trail users is expected during construction. Construction noise levels at MSC outdoor areas within 300 to 350 feet will reach 65 to 66 dBA, which is below maximum allowable construction noise levels for commercial receiving land use. The remaining receiving locations in Table 3-18 would similarly experience construction noise levels below the City's maximum allowable construction noise levels.

Table 3-18 Predicted Construction Noise Levels at Sensitive Uses

Location	Distance (feet)	Noise Level (dBA, L_{eq})	Receiving Land Use	Weekday Maximum Allowable Noise Level (dBA)	
				Less than 10 Days	More than 10 Days
Western Boundary of Project Site by the Garretson Point Trail	50	82	Civic	NA	NA
911 Call Center Building Outside Seating Area	300	66	Commercial	85	70
MSC Entry Gate Checkpoint	300	66	Commercial	85	70
Oakland Parks Tree Division Building Outside Seating Area	350	65	Commercial	85	70
Garretson Point Trail Picnic Table Area	500	62	Civic	NA	NA
Commercial (Dealership)	1,000	56	Commercial	85	70
Home Health and Hospice Administrative Building	1,600	52	Commercial	85	70
Residential	4,000	44	Residential	80	65

Notes:

dBA = A-weighted decibels; L_{eq} = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); MSC = Municipal Service Center; NA = not applicable

The proposed Project would not generate operational noise levels that would conflict with City of Oakland Planning Code Sections 17.120.050, 8.18.010, or 8.18.020. The observed ambient noise levels at the Project site and surrounding areas, as listed in Table 3-14, are within the maximum allowable operational noise levels identified in Planning Code. Although the nearest sensitive receptor, Garretson Point trail at 50 feet from the Project site (civic land use), experiences ambient noise levels slightly above daytime and nighttime allowable dBA criteria, Planning Code Section 17.10.050 includes adjustments in dBA limits to reflect ambient conditions. Project operations are not anticipated to increase noise levels compared to existing operations at the MSC. Typical fuel station operations would entail fueling and fuel delivery by rubber tire equipped vehicles. Such vehicles do not produce substantial noise (up to 58 VdB at 25 feet for a loaded truck) and are not anticipated to generate higher noise levels than occurs under existing conditions where the Project site is used for parking and staging of municipal vehicles, debris bins, and other miscellaneous equipment. The proposed emergency backup generator is expected to produce an L_{eq} of 78 dB at 50 feet. The generator would only operate intermittently to provide backup emergency power or for periodic maintenance and testing (approximately 150 hours a year) and is anticipated to generate noise levels similar to those of other existing intermittent operations at the MSC. The anticipated 78 dB noise level at Garretson Point trail is below the 80 dB L_{max} limits for daytime noise at civic receptors identified in Planning Code Section 17.120.050, and below the 79.7 dB observed during 24-hour ambient noise monitoring. Other operational activities such as fuel station maintenance are expected to occur infrequently and generate intermittent noise and are unlikely to exceed Planning Code Section 17.120.050 maximum allowable noise levels weighted for cumulative exposure. Operations would also not occur during the nighttime hours of 10 p.m. to 7 a.m.

The Project would not result in excessive and annoying or persistent noises as defined in City of Oakland Planning Code Sections 8.18.010 or 8.18.020. The Project does not entail operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tools between 9 p.m. and 6 a.m. There is no medical care facility, nursing home, school, court, day care, church, or similar facility adjacent to the Project site or MSC. Project construction and operations would not generate any persistent noise or sound between the hours of 9 p.m. and 7 a.m. As detailed in the preceding paragraphs, Project construction and operational noise would be within the thresholds defined the City of Oakland Planning Code.

Project construction and operations are also unlikely to conflict with policies from the Noise Element of the General Plan or exceed noise thresholds defined in the Noise Element Initial Study/Negative Declaration. As described, Project construction and operations would not conflict with applicable Planning Code Sections. The Project would entail minimal changes to existing operations, and the equipment that would be typically used for fueling and servicing the fuel station would be rubber-tired and unlikely to produce additional operational noise compared to existing conditions. The Project is therefore unlikely to generate a 5 dB permanent increase in ambient noise levels compared to existing conditions. Ambient noise levels at Garretson Point Trail, the nearest sensitive receptor, are expected to be within the 50 to 70 dBA CNEL/L_{dn} noise levels that are normally acceptable for neighborhood parks, as identified in the Governor's Office of Planning and Research General Plan Guidelines (and adopted in the General Plan Noise Element). Noise levels above 70 dB at this location would be limited to during construction, and potentially during infrequent fuel station maintenance. The Project would also not conflict with the applicable vibration criteria or the Oakland Airport's ALUC, which are discussed further under topics b) and c), respectively.

In consideration of the anticipated construction noise levels within applicable regulatory thresholds, MSC and surrounding land uses, baseline ambient noise levels, operations comparable to existing conditions, and the avoidance measure described in Section 2.6.4 (adherence with Planning Code noise standards), the Project would have **less-than-significant impacts** related to applicable noise standards.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact

Construction activities have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

The heaviest vibration-generating construction equipment on site would be the backhoe, which is conservatively assumed to generate vibrations similar to a large bulldozer. According to FTA (2018), the vibration level for a bulldozer is 0.089 in/sec PPV. This PPV value is below the 0.2 in/sec PPV threshold (Caltrans 2020) with respect to the prevention of structural damage for normal buildings. PPV values would remain below 0.2 in/sec at construction distances equal to or greater than 15 feet from buildings. These values and distance reflect a conservative estimate, with most construction equipment resulting in substantially less groundborne vibration. The fuel station tank pad would be installed approximately 34.5 feet from the nearest MSC building (Building 6), although some construction activities, such as utility

trenching and generator installation, would occur near or adjacent to Building 6. Construction activities near the existing buildings would not include use of the backhoe or other equipment likely to exceed the 0.2 PPV vibration threshold.

Offsite construction equipment and onsite operations would be limited to use of rubber-tired equipment or vehicles. According to FTA (2018), the vibration level associated with the use of a loaded truck is 0.003 in/sec PPV. These vibration levels would be well below Caltrans's recommended standard of 0.2 in/sec PPV (Caltrans 2020) with respect to the prevention of structural damage for normal buildings.

The long-term operation of the of the proposed Project would be minimally affected by the proposed operations, and with implementation of the avoidance measure described in Section 2.6.4 (adherence with Planning Code noise standards), short-term construction would not result in the exposure of persons or structures to or generation of excessive groundborne vibration or groundborne noise levels. As a result, this impact would be **less than significant**.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

No Impact

The Project site is within 2 nautical miles of Oakland Airport, which is approximately 0.6 mile west of the Project site. The Project site is outside of the 60 to 70 dB CNEL contour zones identified in the ALUC (Alameda County 2010). The CNEL represents the average noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. Therefore, Project construction and operations workers are unlikely to be exposed to noise hazards related to proximity to the airport. Also, the Project construction workers would follow all applicable safety procedures to protect themselves from excessive noise generated by construction equipment and other noise sources. This includes the mandatory use of personal protective equipment, such as earplugs or noise-canceling earmuffs, in accordance with Occupational Safety and Health Administration standards. These measures are intended to minimize noise exposure during construction activities, ensuring that workers are safeguarded from potential hearing damage and other noise-related health risks. Adherence to these safety protocols will ensure that construction workers are adequately protected from excessive noise levels during the project. Therefore, the project is not expected to expose people to excessive noise levels from airport operations, and **no impact** related to airport noise would occur.

3.11.4 Mitigation Summary

No mitigation measures would be necessary.

3.12 PUBLIC SERVICES

Question	CEQA Determination
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	
i) Fire protection?	No Impact
ii) Police protection?	No Impact
iii) Schools?	No Impact
iv) Parks?	No Impact
v) Other public facilities?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.12.1 Environmental Setting

The MSC primarily functions for parking, staging, repair, and fueling of municipal vehicles and equipment, as well as staging and storage of miscellaneous equipment and construction materials. Buildings in the MSC house several City service branches. The MSC is bounded to the west by San Leandro Bay, to the northwest by Damon Slough, and to the southeast and east by commercial and industrial developments, including the Oakland Arena and Coliseum east of I-880. The western perimeter of the MSC is bordered by the publicly accessible Garretson Point bayside recreational trail. The publicly accessible Arrowhead Marsh park occurs approximately 0.5 mile west of the Project site in San Leandro Bay between the MSC and Oakland Airport.

Police and Fire Protection

The City of Oakland provides police and fire protection services for the MSC. The closest City of Oakland Police Department is the Eastmont Substation, at 2651 73rd Avenue. The closest City of Oakland Fire Department stations include Fire Station Nos. 27 and 29, at 8501 Pardee Drive and 1016 66th Avenue, respectively. Response times vary depending on the number of calls at any given time, and the distance that responders have to travel. City of Oakland police response time for life-threatening emergencies is typically 20 minutes; fire department responders aim to respond within approximately 7 minutes from when dispatch first receives the call to arrival on the scene (City of Oakland 2023a, 2023b).

Schools

The Project site is in the Oakland Unified School District. There are no schools within 0.5 mile of the site. The nearest school is Lighthouse Community Charter School, approximately 1.15 miles southeast of the

Project site. The Oakland Unified School District's Encompass Academy Elementary School is approximately 1.4 miles northeast, and Brookefield Elementary School is approximately 1.5 miles southeast of the Project site (Oakland Unified School District 2024).

Parks

The City of Oakland has more than 2,500 acres of open space, including 100 parks. The MSC is adjacent to Martin Luther King, Jr. (MLK) Regional Shoreline parkland. The parkland includes the Garretson Point Trail, which wraps on the western and northern sides of the MSC parcel. The Project work area would be approximately 50 feet from designated parkland (outside of the MSC), separated by the existing perimeter fencing and mature tree line that surrounds the project. Arrowhead Marsh is approximately 0.5 mile west of the Project site, in San Leandro Bay between the MSC and Oakland Airport. Arrowhead Marsh is a 741-acre publicly accessible park leased to East Bay Regional Park District from the Port.

Other Public Facilities

Oakland Arena, an indoor venue known for hosting commercial events such as concerts and sports events; and Oakland Coliseum, a multi-purpose stadium primarily used for sports, are approximately 0.5 mile northeast of the proposed Project site. San Leandro Bay to the west and Damon Slough to the northwest also serve recreational purposes such as boating.

3.12.2 Regulatory Setting

The public service analysis presented herein is predominantly affected by regional and local regulations or policies, which are described in the following section.

Regional and Local

City of Oakland General Plan

The City of Oakland General Plan Safety Element contain the following goals related to public services (City of Oakland 2023c):

- **Goal SAF-5.1 Risks from Hazardous Materials Facilities.** Review proposed facilities that would produce or store hazardous materials, gas, natural gas, or other fuels to identify, and require feasible mitigation for, any significant risks. Regulations and enforcement of activities should be disclosed in a set of findings. The review shall consider, at a minimum, the following:
    - presence of seismic or geologic hazards;
    - presence of other hazardous materials;
    - proximity to residential development and areas in which substantial concentrations of people exist, particularly Environmental Justice communities already overburdened by pollution, including toxic releases from facilities, cleanup sites, groundwater threats/threats from sea level rise, and other sources; and
    - nature and level of risk and hazard associated with the proposed project.

3.12.3 Impact Analysis

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: i) Fire protection? ii) Police protection? iii) Schools? iv) Parks? v) Other public facilities?

No impact

The proposed fuel station would allow current operations at the existing fuel station planned for removal to continue largely unchanged. Minor operational changes would not affect long-term levels of staffing. Project construction would be relatively brief, lasting approximately 3 to 6 months (9 to 14 weeks active construction), and requiring no more than eight workers on the site daily, depending on the construction phase. The Project would require additional CAL FIRE-Office of the State Fire Marshal inspections every 3 years, as required for tank facilities with 10,000 gallons or more of total aboveground petroleum storage capacity. This nominal increase in fire service is not anticipated to require any new or altered government facilities or affect response times. Because the level of operations expected following the Project would be similar to those under existing conditions, there would be no anticipated increase in the local population and, therefore, no need for any additional schools, parks, or other public facilities as a result of the proposed Project. Therefore, the proposed Project would have **no impact** related to public services.

3.12.4 Mitigation Summary

No mitigation measures would be necessary.

3.13 RECREATION

Question	CEQA Determination
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.13.1 Environmental Setting

Garretson Point Trail, part of the larger MLK Regional Shoreline and an East Bay Regional Park District (EBRPD) Facility, borders the western and northern perimeter of the MSC. A slatted chain-link fence separates the trail from the Project site. The trail is accessible from several locations surrounding the MSC, including from Edgewater Drive north and south of the MSC, and from adjoining trail spurs. The Damon Slough confluence with San Leandro Bay, where Lion Creek and Arroyo Viejo Creek drain into the estuary, is north of the MSC and approximately 700 feet from the Project site. The marshy area of Damon Slough supports a variety of bird and other wildlife habitat. According to the EBRPD MLK map, it is a designated wildlife sanctuary (EBRPD 2024). Approximately 870 feet southwest of the MSC is Elmhurst Creek, separated from the MSC by the Port's Business Center at 7303 Edgewater Drive. Damon Slough, San Leandro Bay, and Elmhurst Creek may provide public recreation opportunities such as small boating and wildlife viewing. There is also a kayak/canoe launch near the Elmhurst Creek bridge. There are no other parks or open spaces within a 0.25-mile radius of the project area.

3.13.2 Regulatory Setting

No federal laws related to recreation are directly applicable to the CEQA analysis for the proposed Project. Regional and local policies or regulations applicable to recreation are described in the following section.

Regional and Local

City of Oakland General Plan

The City of Oakland General Plan's Open Space, Conservation, and Recreation Element contains goals and policies that are intended to provide for parklands, reduce potential land use conflicts, maintain such parklands, and provide park-related programs. In addition, land uses along the shoreline should promote the beneficial uses of the Estuary and Bay waters, including a balanced mix of commercial shipping facilities; water-dependent industry, commerce, and transportation; recreation; water-oriented services and housing; and resource conservation (City of Oakland 1996). Policies relevant to the proposed Project include the following:

- **Policy OS2.1:** Protection of Park Open Space. Manage Oakland's urban parks to protect and enhance their open space character while accommodating a wide range of outdoor recreational activities.
- **Policy OS6.1:** Intergovernmental Coordination. Coordinate Oakland's open space planning with other agencies, including adjacent cities and counties, the Port, and the East Bay Regional Park District.
- **Policy OS7.1:** Promotion of Beneficial Waterfront Uses. Require land uses along the shoreline that promote the beneficial uses of the Estuary and Bay waters, including a balanced mix of commercial shipping facilities; water-dependent industry, commerce, and transportation; recreation; water-oriented services and housing; and resource conservation.
- **Policy OS7.2:** Dedication of Shoreline Public Access. Support the Bay Conservation and Development District requirements, which mandate that all new shoreline developments designate the water's edge as publicly accessible open space where safety and security are not compromised, and where access can be achieved without interfering with waterfront industrial and maritime uses. Where such conflicts or hazards would result, support the provision of offsite access improvements in lieu of onsite improvements. In such cases, the extent of offsite improvements should be related to the scale of the development being proposed.

3.13.3 Impact Analysis

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?, b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact

Project construction and operation would not result in physical deterioration or increased use of any recreation facilities. Construction and operation of the proposed Project would be confined within the existing MSC, except for vehicle trips on local roadways, and therefore would not directly encroach on Garretson Point trail, San Leandro Bay, Damon Slough, or Elmhurst Creek. As detailed in Section 3.8, the Project is unlikely to adversely affect neighboring waterbodies. Proposed operations would be largely similar to existing conditions and would not require additional workers, and no more than eight construction workers are anticipated for the duration of construction. There would be no increased use of or need for expansion of existing recreational facilities. Therefore, there would be **no impact** related to recreation.

3.13.4 Mitigation Summary

No mitigation measures would be necessary.

3.14 TRANSPORTATION

Would the Project:

Question	CEQA Determination
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.14.1 Environmental Setting

Local vehicle access to the Project site on Edgewater Drive is provided from Oakport Street, which connects Edgewater Drive via Hassler Way; and from Hegenberger Road, which connects to Edgewater Drive. These streets are near the East Bay hub of the Bay Area freeway system, with access to I-880. Truck traffic follows local routes as designated in Section 10.52.070 of the City of Oakland Municipal Code.

Oakport Street is a north-south roadway in Oakland, running parallel to I-880 along its eastern side. It primarily serves as a local access road for commercial and industrial properties, including several large businesses and offices. The street typically consists of two lanes in each direction, allowing for moderate traffic flow. Oakport Street connects directly to Edgewater Drive, providing access to I-880 via a nearby on-ramp. Traffic volume on Oakport Street is relatively moderate compared to major thoroughfares, with a focus on accommodating local and commercial traffic rather than through traffic.

Edgewater Drive is a major north-south arterial in Oakland, running from the northeast of the Project site and connecting to Hegenberger Road. It serves as a significant connector for both industrial and commercial areas, with direct access to I-880 via an interchange near Hegenberger Road. Edgewater Drive typically has four lanes, two in each direction, accommodating a steady flow of traffic, including trucks servicing nearby businesses. Traffic volume is relatively high, especially during peak hours, because it provides a key route between the local businesses and the freeway.

Hassler Way is a smaller, lesser-known street in Oakland, primarily serving local industrial and commercial areas. It is a short roadway with only two lanes, one in each direction, and relatively low traffic volume compared to major thoroughfares. Hassler Way does not connect directly to I-880, but it links Edgewater Drive to Oakport Street, which provides access to the freeway. Its primary use is for local traffic, providing access to nearby businesses and industrial facilities.

Hegenberger Road is a major thoroughfare in Oakland, connecting Edgewater Drive to I-880 and primarily serving commercial and industrial properties in the area. The road varies from six to eight lanes wide,

three to four lanes in each direction. The traffic volume on Hegenberger Road is generally high, reflecting its role as a local access road to the freeway and Oakland Airport.

I-880 generally has a north-south orientation along the Oakland Seaport, then curves more east-west before generally following a northwest-southeast orientation through the remainder of Oakland and cities further south. I-880 provides access to Interstate 80, which is a major east-west transcontinental highway that terminates on the West Coast in San Francisco.

Local bus service in Oakland is provided by the Alameda–Contra Costa Transit District. High-frequency local and regional rail service is provided by BART, supplemented by less-frequent regional and intercity mainline rail services on the Amtrak Capitol Corridor and San Joaquins. The nearest transit service is the BART station at Edgewater Drive and Hassler Way, approximately 0.4 mile from the Project site.

There are existing and planned bikeways in the vicinity of the Project site. Direct pedestrian access to/from the Project site is provided by local roads connecting Edgewater Drive. Offsite trails to the west and north of the project site would not be affected by the Project related vehicular traffic.

Emergency access for the Project site is generally provided by the existing roadway network.

3.14.2 Regulatory Setting

State

Senate Bill 743

SB 743 shifted priorities for measuring transportation-related environmental impacts away from congestion and level of service and toward VMT. SB 743 eliminates traffic delay as an environmental impact in the CEQA Guidelines. The bill was passed in 2013 and implemented in 2018. The goals of SB 743 include promoting policies that combat climate change by reducing GHG emissions and particulates; encouraging infill development and a diversity of uses instead of sprawl; promoting multi-modal transportation networks; providing clean, efficient access to destinations; and improving public health through active transportation. As noted in the Technical Advisory on Evaluating Transportation Impacts in CEQA (Office of Planning and Research 2018), VMT refers to the amount and distance of automobile travel attributable to a project. Heavy-duty truck VMT is not required to be evaluated. The Technical Advisory recommends that for land use projects, a per capita or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. In making this recommendation, the Office of Planning and Research recognized that land use development projects (i.e., those involving residential, office, and retail proposals) tend to have the greatest influence on VMT as a result of permanent trips generated during operations. For other types of projects, lead agencies should consider the purposes in PRC Section 21099(b)(1) (i.e., promote reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses) in applying a threshold of significance.

Regional and Local

City of Oakland General Plan

The Oakland General Plan comprises numerous elements; those containing policies relevant to transportation resources are contained primarily in the LUTE. The City's Bicycle Master Plan and Pedestrian

Master Plan, and subsequent updates to these plans (described in the following paragraphs), are incorporated into the General Plan.

The following policies are included in the LUTE (City of Oakland 1998) pertaining to truck routes:

- **Policy T1.6:** Designating Truck Routes. An adequate system of roads connecting port terminals, warehouses, freeways and regional arterials, and other important truck destinations should be designated. This system should rely upon arterial streets away from residential neighborhoods.
- **Policy T1.8:** Rerouting and Enforcing Truck Routes. The City should make efforts to reroute truck traffic away from neighborhoods, wherever possible, and enforce truck route controls.

Oakland Municipal Code

As noted in Section 3.14.1, local truck routes in Oakland are defined in the California Vehicle Code and Oakland Municipal Code.

3.14.3 Impact Analysis

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?, b) Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?, c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? d) Result in inadequate emergency access?)

No Impact

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would construct a fuel station in an existing industrial facility and would result in no or negligible operational changes in other areas of the facility. The Project would not increase the capacity of roadways or affect demand on roadways. The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The Project would have no permanent impact on VMT. Additionally, the proposed Project will not include hazardous roadway design features or introduce features or designs that would pose an incompatible use; and would not result in inadequate emergency access. There would be **no impact**.

3.14.4 Mitigation Summary

No mitigation measures would be necessary.

3.15 TRIBAL CULTURAL RESOURCES

Would the Project:

Question	CEQA Determination
Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.15.1 Environmental Setting

Tribal cultural resources may include physical cultural items; or may refer to places or contributing elements within a tribal cultural resources landscape, such as gathering places, sacred sites, landscape features, culturally significant plants, or other locations or items that are related to the religious and cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living tribal community. This category of resources under CEQA recognizes that tribes may have unique knowledge, expertise, and information about tribal cultural resources that is important to the self-identity of tribal groups and can only be identified by members of the relevant tribe, thereby requiring consultation under CEQA pursuant to AB 52 (described under Section 3.15.2 below). Historical resources, unique archaeological resources, or nonunique archaeological resources may also be tribal cultural resources if they meet criteria outlined in PRC Section 21074, as further explained in Section 3.15.2. This section addresses tribal cultural resources, including archaeological resources that can be defined as a tribal cultural resource as addressed in Section 3.4.

Ethnographic Background of Proposed Project Area

As described in Section 3.4.1, the proposed Project is in the *Chochenyo* territory of the Costanoan Indians. Costanoan is not a native term, but rather is derived from the Spanish word *Costanos*, meaning coast people. The term Ohlone is generally preferred by tribal groups representing the area and is more commonly used today.

Native American Consultation

AECOM, on behalf of the Port, electronically submitted a Sacred Lands Files (SLF) and Native American Contacts List Request form to the California NAHC for the currently proposed Project. The NAHC replied to AECOM's request on July 22, 2024, providing both a list of Native American contacts and the results of the SLF review. The NAHC indicated that their review of the SLF was "positive," meaning that Native American resources may be in or near the proposed Project area, and identified the Northern Valley Yokut/Ohlone Tribe on their attached contact list as the party to contact concerning this finding.

On September 17, 2024, contact letters were sent by AECOM on behalf of the Port to all of the groups and individuals identified in the July 22, 2024, response from the NAHC, including the aforementioned Northern Valley Yokut/Ohlone Tribe. This letter requested any information these groups may have regarding properties, features, or materials in the current 7101 Edgewater Drive parcel (i.e., the Project area) and immediate vicinity that may be of concern to the local Native American community.

To date, responses have been received from the Ohlone Indian Tribe, Amah Mutsun Tribal Band of San Juan Bautista, and Lisjan Nation. Tribal responses and associated outreach are described below. None of these tribal groups identified resources or areas of concern on the Project parcel.

- On September 17, 2024, Mr. Andrew Galvan of the Ohlone Indian Tribe responded via email to the Port's CEQA consultant (AECOM). Mr. Galvan recalled the presence of a precontact Native American archaeological resource approximately 2.5 miles to the north of the 7101 Edgewater parcel that he had visited with the Project cultural resources technical lead (Mark Hale, AECOM).
- On September 19, 2024, Ms. Lorelei Alli of the Amah Mutsun Tribal Band of San Juan Bautista responded via email to the Port's CEQA consultant and provided a letter or response and Most Likely Descendant (MLD) monitoring recommendations should human remains be discovered during project implementation, as well as a series of measures should an indication of a positive cultural or historic occur within 1 mile of the project area.
- On September 24, 2024, Ms. Lucy Gill of the Lisjan Nation responded via email to the Port's CEQA consultant requesting consultation. Ms. Gill also requested copies of the NAHC's SLF review, any information received from the California Historical Resources Information System, any other archaeological reports, and specific information about ground disturbance from the Project. On October 7, 2024, the Port's consultant provided Ms. Gill with the SLF review, NWIC search results, and details on ground disturbance. On November 25, 2024, Ms. Gill requested a copy of the Draft IS/ND. The Port's consultant replied on November 26, 2024, providing portions of the Administrative Draft IS/ND, including the project description, avoidance measures, and cultural and tribal analysis sections.

  Consultation between the Lisjan Nation and Port occurred on November 27, 2024. The Lisjan Nation requested avoidance measures consisting of stopping work and providing notification if artifacts or evidence of shell mounds are encountered during construction.

Records of the written communications described above are included in Appendix B, and the cultural resource BMPs in Section 2.6.5 have been revised to reflect input received.

Archaeological Assessment

No precontact archaeological resources, including those that could be considered tribal cultural resources, were identified in the records search materials used for this analysis. As described in Section 3.4, there is a very low potential for intact (i.e., undisturbed, *in situ*) precontact Native American archaeological resources in the Project area because the Project site is anticipated to only require excavation into introduced fill that was placed in the mid-twentieth century. This being the case, the Project would not disturb native soils capable of harboring *in situ* precontact Native American archaeological resources.

3.15.2 Regulatory Setting

The following state laws are relevant to the protection of tribal cultural resources.

State

California Environmental Quality Act

CEQA requires lead agencies to consider, as a separate category of environmental analysis, whether projects will impact tribal cultural resources. In some cases, tribal cultural resources are viewsheds, cultural landscapes, plant gathering areas, or other sacred spaces that are not readily identifiable to people outside of the tribe. In many cases, tribal cultural resources also include an archaeological component, such as artifacts, features, and sites (with or without human remains). PRC Section 21074 states the following:

a. "Tribal cultural resources" are either of the following:

    1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

        A. Included or determined to be eligible for inclusion in the CRHR.

        B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

    2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

b. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

c. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the county coroner has examined the remains (Section 7050.5b). PRC Sections 5097.94 and 5097.98 also outline the process to be followed if human remains are discovered. On determining or having reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours (Section 7050.5c). The NAHC will notify the MLD. With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposition of, with appropriate dignity, the Native American human remains, and any cultural or funerary items associated with Native American people.

Assembly Bill 52

AB 52 (effective July 1, 2015) added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, pertaining to consultation with California Native American tribes, consideration of tribal cultural resources, and confidentiality. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of impacts on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging impacts to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential unless the information is deemed publicly available by the tribe.

AB 52 requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project if the tribe has requested, in writing, to be informed and consulted by the lead agency of proposed projects in that geographic area. Section 21080.3.1(d) states that the lead agency shall provide formal notification to the designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. This shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency's contact information, and a notification that the California Native American tribe has 30 days to request consultation.

3.15.3 Impact Analysis

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In

applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact

As detailed in Chapter 2, construction of the proposed Project will not extend below the 9.5 to 12.5 feet of introduced fill underlying the Project site. As evidenced by records searches and outreach conducted for the proposed Project, there are no known tribal cultural resources at the Project site; furthermore, the potential for tribal cultural resources to lie undetected below the Project site is low.

Given that the proposed Project does not entail any ground disturbance in native soils, given the Project's consistency with existing site and area uses, and in consideration of tribal outreach conducted to date, the Project would result in no impact from adverse change in the significance of a tribal cultural resource.

3.15.4 Mitigation Summary

No mitigation measures would be necessary.

3.16 UTILITIES AND SERVICE SYSTEMS

Would the Project:

Question	CEQA Determination
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

The following sections describe the environmental setting, regulatory setting, and impact analysis supporting the CEQA determinations in the table above.

3.16.1 Environmental Setting

In the Project site, electrical and natural gas services are provided by PG&E. Electrical service from PG&E is supplemented by limited solar arrays on MSC Buildings 2, 3, 4, 5, and 8, providing approximately 606 kilowatts of alternating current. Potable water and wastewater treatment service are supplied to the Project site by EBMUD (EBMUD 2024b).

Stormwater runoff at the Project site and in the MSC is currently collected via sheet flow to an existing inlet and drainage system that discharges to the bay. The MSC also includes a sanitary sewer force main connection for wastewater conveyance, including a junction box approximately 230 feet northeast of the Project site. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel, which allow discharge of stormwater from the site. The MSC also holds an EBMUD Wastewater Discharge Permit.

In the City of Oakland, municipal solid waste[12] is collected by Waste Management of Alameda County and transported to the Waste Management Davis Street Transfer Station in the City of San Leandro. From the transfer station, trucks haul most of the waste to the Altamont Landfill and Resource Facility near the City of Livermore, or the Keller Canyon Landfill in Contra Costa County (City of Oakland 2015b). Both the Altamont

[12] This refers to residential and commercial garbage-containing products like packaging, furniture, and clothing, and considered nonhazardous waste.

and Keller Canyon facilities have substantial remaining capacity, according to the most recent estimates (65.4 million cubic yards and 63.4 million cubic yards, respectively) (CalRecycle 2023a, 2023b).

3.16.2 Regulatory Setting

There are no federal plans, policies, regulations, or laws related to utilities and service systems that would apply to the proposed Project. State, regional, and local regulations and policies pertaining to the proposed Project are described in the following sections. Regulations and policies pertaining to hazardous waste management are described in Section 3.8. Regulations and policies pertaining to stormwater discharge and industrial stormwater management are described in Section 3.9.

State

Municipal Storm Water Program

Stormwater discharges from MS4s are regulated through the Municipal Storm Water Program. Municipalities with populations of 100,000 or more are covered by the Phase I Permit Program; municipalities with populations less than 100,000 and nontraditional municipalities designated by the state are covered by the Phase II Permit Program. The SWRCB and the individual RWQCBs implement and enforce the Municipal Storm Water Program. The Port's Phase II Small MS4 Program permit and SFBRWQCB's Municipal Regional Stormwater NPDES permit apply to the Project site and MSC parcel.

Regional and Local

City of Oakland General Plan

The City of Oakland General Plan Open Space, Conservation and Recreation Element (City of Oakland 1996) contains the following goals relevant to utilities and services systems:

- **Policy CO-4.1:** Emphasize water conservation and recycling strategies in efforts to meet future demand.
- **Policy CO-13.3:** Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.

3.16.3 Impact Analysis

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact

During operations, the proposed Project fuel station would result in minimal demand on electrical power required for the lighting, dispensers, sanitary sewer lift station, and ancillary equipment (e.g., card reader). Power would be provided via buried connections to existing onsite electrical infrastructure, and there is potential for one existing auxiliary electrical line to be relocated. The Project includes a diesel-powered generator to provide emergency backup power. The Project would result in no new or increased demand on water, natural gas, or telecommunications facilities, except for potential negligible increases in water

use for the proposed landscape tree during tree establishment and subsequent summer months. The Project includes installing a trench drain around the proposed fuel station perimeter; the drain would convey runoff to an oil/water separator before discharging to the sanitary sewer system via a new sanitary sewer force main connection to an existing junction box approximately 230 feet northeast of the Project site. A storm drainpipe and inlet that encroach into the concrete pad at the northern corner would be relocated to accommodate the Project and prevent fuel station runoff from entering the storm drain system. The Project would not increase stormwater runoff, create new impervious surfaces, or result in more than negligible changes to drainage patterns from installing the fuel station, relocating the storm drain, and installing and operating the sanitary sewer system improvements. No new facilities would be needed to serve the Project's utility demands. Therefore, there would be **no impact** related to new utility facilities.

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

No Impact

As described in Chapter 2, operation and maintenance activities required for the new fuel station are anticipated to be similar to operations at the existing fuel station planned for removal, with minor deviations that are not expected to affect water demand. Maintenance activities such as cleaning are anticipated to be similar to present conditions and provided through existing service providers. Increased demand on water would be limited to irrigation for the proposed single landscape tree during establishment and subsequent summer months. Tree irrigation would be provided by City staff as part of overall MSC landscape maintenance. It is anticipated that existing water supplies would be sufficient for operation of the proposed Project, during both normal and dry years. No new water service, water lines, or expanded entitlements to the water supply are needed. Construction would last for a period of 3 to 6 months (9 to 14 weeks active construction), which is unlikely to require more than nominal amounts of water. Because the excavation and structural backfill would be limited, dust control during construction is expected to be minimal. Additional onsite water use during construction would be limited to equipment washing and moisture conditioning for compacting structural backfill. Therefore, the proposed Project would result in **no impact** related to water supply.

c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

No Impact

The proposed Project would not result in new or increased wastewater discharges. Wastewater would continue to be collected and conveyed in the MSC's existing system, including through Project improvements consisting of a trench drain around the proposed fuel station perimeter, oil/water separator, sanitary sewer lift station, and sanitary sewer force main line connecting to a junction box approximately 230 feet northeast. There would be no increase in the number of vehicles fueled compared to existing conditions, and fueling activities are anticipated to decrease over time as the City replaces its vehicle fleet and achieves state and local regulatory targets to reduce the use of petroleum fuels. The

Project would not construct any new impermeable surfaces that would increase runoff to the existing wastewater system, and the proposed Project would have negligible effects on drainage patterns that would not increase demand or otherwise adversely affect wastewater treatment. Therefore, the Project would have **no impact** related to wastewater treatment demand.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? and e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact

The proposed Project construction would require approximately 669 cubic yards of excavation, consisting of asphalt pavement and underlying fill. If contaminated soils are generated during ground disturbance, they would be managed in accordance with applicable state and federal laws, including consistency with California Stormwater BMP Handbook measure WM-3 for stockpile management and WM-7 for contaminated soil management, as described in Section 2.6.2. This would generally include properly storing excavated materials (e.g., placed on and covered by heavy-duty polyethylene plastic sheeting to mitigate dust generation and rain runoff; and labeled and secured to prevent accidental removal, disposal, or use); minimizing onsite storage of contaminated soils; testing and sampling materials for COCs; and proper soil disposal once profiling analytical results have been received. If the excavated material is designated state or federal hazardous waste, the material will be profiled for offsite disposal at a facility permitted to receive such waste. Both the Altamont Landfill and Resource Facility and Keller Canyon Landfill accept construction/demolition waste and have sufficient capacity to accommodate the Project; and Altamont Landfill and Resource Facility is authorized to accept contaminated soils. Proposed Project operation and maintenance activities required for the new fuel station are anticipated to be similar to operations at the existing fuel station planned for removal and would not generate solid waste or increase existing solid waste generation at the facility. Municipal solid waste from the MSC facility would continue to be collected by Waste Management of Alameda County and transported to area landfills that currently have sufficient operating capacity. Therefore, the Project would result in **no impact** related to solid waste or solid waste regulations.

3.16.4 Mitigation Summary

No mitigation measures would be necessary.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

Question	CEQA Determination
a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	No Impact
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	No Impact
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No Impact

The following section describes the impact analysis supporting the CEQA determinations in the table above.

3.17.1 Impact Analysis

a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact

As supported by the impact analyses of this Draft IS/ND, the proposed Project would result in no impact on the quality of the environment, would not be cumulatively considerable, and would not cause substantial adverse effects on human beings, either directly or indirectly. Therefore, there would be **no impact** related to mandatory findings of significance.

4 LIST OF PREPARERS

The Port's Environmental Programs and Planning Department staff, with the assistance of AECOM, Inc., prepared this Draft IS/ND. The analysis in the Draft IS/ND is based on information identified, acquired, reviewed, and synthesized based on the Port's guidance and recommendations. The primary people responsible for contributing to, preparing, and reviewing this report are listed in Table 4-1.

Table 4-1 List of Preparers and Reviewers

Organization	Name	Role
Port of Oakland	Khamly Chuop	Port Associate Environmental Planner/Scientist
AECOM	Nick Duffort	Project Manager
AECOM	Alexandra Haisley	Air Quality and Greenhouse Gas Emissions Specialist
AECOM	Suzanne McFerran	Environmental Planner
AECOM	Issa Mahmodi	Noise and Traffic Analyst
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6 REFERENCES

Chapter 1

Alameda County. 2010. Oakland International Airport Airport Land Use Compatibility Plan. December 2010. Available online at: https://www.acgov.org/cda/planning/generalplans/documents/Cover_OAK_ALUC2010.pdf. Accessed September 26, 2024.

CARB (California Air Resources Board). 2013. *California Almanac of Emissions and Air Quality*. Available online at: https://ww2.arb.ca.gov/our-work/programs/resource-center/technical-assistance/air-quality-and-emissions-data/almanac. Accessed March 21, 2024.

CAL FIRE (California Department of Forestry and Fire Protection). 2024. State Responsibility Area Viewer Web Application. Available online at: https://calfire-forestry-maps.arcgis.com/apps/webappviewer/. Accessed September 23, 2024.

CDOC (California Department of Conservation). 1996. Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region.

CDOC (California Department of Conservation). 2024a. Alameda County Important Farmland Map. February 2024.

CDOC (California Department of Conservation). 2024b. California Williamson Act Enrollment Finder Web Application. Available online at: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/. Accessed September 23, 2024.

CASQA (California Stormwater Quality Association). 2023. Construction BMP Handbook.

City of Oakland. 2015a. General Plan Designations. Planning and Building Department. May 19.

City of Oakland. 2020. Oakland 2030 Equitable Climate Action Plan. July 2020. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-ECAP-07-24.pdf. Accessed September 26, 2024.

City of Oakland. 2023b. Zero Emission Vehicle Action Plan. January 2023. Available online at: ZEV AP In Progress.pdf (cao-94612.s3.us-west-2.amazonaws.com). Accessed September 26, 2024.

Partner Engineering and Science, Inc. 2023. Geotechnical Report. City of Oakland Fuel Island Project. November 16, 2023.

SWRCB (State Water Resources Control Board). 2024. GeoTracker Database Entry for City of Oakland Municipal Service Center (T0600100375). Available online at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600100375. Accessed September 26, 2024.

Effects Found Not to Be Significant

City of Oakland. 2015a. General Plan Designations. Planning and Building Department. May 19.

Chapter 2

Port (Port of Oakland). No date. Port of Oakland Emergency Plan of Action for Discoveries of Unknown Historic or Archaeological Resources.

Air Quality

CARB (California Air Resources Board). 2013. *California Almanac of Emissions and Air Quality*. Available online at: https://ww2.arb.ca.gov/our-work/programs/resource-center/technical-assistance/air-quality-and-emissions-data/almanac. Accessed September 27, 2024.

CARB (California Air Resources Board). 2022a. *2022 State SIP Strategy*. Available online at: https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy. Accessed September 27, 2024.

BAAQMD (Bay Area Air Quality Management District). 2022. *California Environmental Quality Act Air Quality Guidelines*. San Francisco, California. April 20. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed September 27, 2024.

OEHHA (Office of Environmental Health Hazard Assessment. 2015. *Air Toxics Hot Spots Program: Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments*. February. Available online at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed September 27, 2024.

Port (Port of Oakland). 2019b. *Seaport Air Quality 2020 and Beyond Plan*. June. Available online at: https://www.portofoakland.com/files/PDF/2020%20and%20Beyond%20Plan%20Vol%20I.pdf. Accessed September 27, 2024.

WHO (World Health Organization). 2021. *What are the WHO Air quality guidelines?*. Available online at: https://www.who.int/news-room/feature-stories/detail/what-are-the-who-air-quality-guidelines. Accessed September 27, 2024.

Zhu, Yifang; William C. Hinds, Seongheon Kim, and Constantinos Sioutas. 2002. *Concentration and Size Distribution of Ultrafine Particles Near a Major Highway*. Journal of the Air and Waste Management Association, 52:9, 1032-1042, DOI: 10.1080/10473289.2002.10470842. Available online at: http://dx.doi.org/10.1080/10473289.2002.10470842. Accessed September 27, 2024.

Aesthetics

City of Oakland. 1996. City of Oakland Open Space Conservation and Recreation (OSCAR) Element, An Element of the Oakland General Plan. Adopted by the Oakland City Council, June 1996. Available online at: https://www.oaklandca.gov. Accessed March 1, 2024.

Biological Resources

CDFW (California Department of Fish and Wildlife). 2024. California Natural Diversity Database Search within 1-mile radius of City of Oakland Municipal Service Center.

CNPS (California Native Plant Society). 2024. California Native Plant Society Rare Plant Inventory quadrangle search for the United States Geological Survey (USGS) San Leandro quad.

National Audubon Society. 2024. California Important Bird Areas (IBA) Interactive Site Map. Available online at: https://ca.audubon.org/conservation/california-iba-interactive-site-map. Accessed October 21, 2023.

NRCS. (National Resource Conservation Service). 2024. Web Soil Survey Data for the Project Site.

USFWS (United States Fish and Wildlife Service). 2024a. Information for Planning and Consultation Resource List for the Project Site. Available online at: IPaC: Home (fws.gov). Accessed September 27, 2024.

USFWS (United States Fish and Wildlife Service). 2024b. Critical Habitat for Threatened and Endangered Species. Available Critical Habitat for Threatened and Endangered Species [USFWS]. Available online at: arcgis.com. Accessed March 18, 2024.

USFWS (United States Fish and Wildlife Service). 2024c. National Wetland Inventory Wetlands Mapper. Available online at: Wetlands Mapper | U.S. Fish & Wildlife Service (fws.gov). Accessed March 18, 2024.

Cultural Resources

AECOM. 2024. California Historical Resources Information System, Sonoma State University, Info Center and In-House Records Search for the Port of Oakland Edgewater Project Location. June 25, 2024.

California Department of Parks and Recreation. 1976. California Inventory of Historic Resources. Available online at: http://ohp.parks.ca.gov/listedresources/.

Levy, Richard. 1978. Handbook of the North American Indians: Costanoan. In *Handbook of North American Indians*, Volume 8: California. Heizer, Robert F., ed. Smithsonian Institution, Washington, DC.

NPS (National Park Service). 2024. National Register of Historic Places Database, Alameda County. Available online at: https://www.nps.gov/subjects/nationalregister/database-research.htm.

OHP (California Office of Historic Preservation). 1988. Five Views: An Ethnic Historic Site Survey for California. Available online at: http://www.nps.gov/parkhistory/online_books/5views/5views.htm.

OHP (California Office of Historic Preservation). 1992. California Points of Historical Interest. Available online at: https://ohp.parks.ca.gov/?page_id=21750.

OHP (California Office of Historic Preservation). 2024a. California Historical Resources, Alameda County. Available online at: https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=1.

OHP (California Office of Historic Preservation). 2024b. California State Historical Landmarks. Available online at: http://ohp.parks.ca.gov/default.asp?page_id=21387.

OHP (California Office of Historic Preservation). 2024c. Built Environment Resources Directory, Alameda County. Available online at: https://ohp.parks.ca.gov/?page_id=30338.

USGS (United States Geological Survey). 1897. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1900. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1905. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1907. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1910. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1913. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1915. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1923. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1932. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1939. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1942. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1947. 1:62,500 Concord, California Topographic Map.

USGS (United States Geological Survey). 1949. 1:24,000 Oakland East, California Topographic Map.

USGS (United States Geological Survey). 1958. 1:24,000 Oakland East, California Topographic Map.

Energy

CARB (California Air Resources Board). 2022b. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. Available online at: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf. Accessed April 8, 2024.

City of Oakland. 2020. Oakland 2030 Equitable Climate Action Plan. July 2020. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-ECAP-07-24.pdf. Accessed September 26, 2024.

CEC (California Energy Commission). 2022a. Electricity Consumption by Entity, PG&E. Available online at: http://www.ecdms.energy.ca.gov/elecbyutil.aspx. Accessed September 27, 2024.

CEC (California Energy Commission). 2022b. Gas Consumption by Planning Area, PG&E Provider. Available online at: http://www.ecdms.energy.ca.gov/gasbyplan.aspx. Accessed October 30, 2023.

CEC (California Energy Commission). 2023c. Gas Consumption by County, Alameda County. Available online at: http://www.ecdms.energy.ca.gov/gasbycounty.aspx. Accessed October 30, 2023.

PG&E (Pacific Gas and Electric Company). 2022. PG&E Integrated Resource Plan. November. Available online at: pge.com/assets/pge/docs/about/doing-business-with-pge/2022-PGE-Integrated-Resource-Plan.pdf. Accessed October 1, 2024.

PG&E (Pacific Gas and Electric Company). 2024. Company information. PG&E's profile, policies, goals, and values. Available online at: https://www.pge.com/en_US/about-pge/company-information/profile/profile.page.

United States Energy Information Administration. 2023. California Profile Overview. Available online at: https://www.eia.gov/state/?sid=CA#tabs-2. Accessed October 1, 2024.

Geology and Soils

City of Oakland. 2023c. General Plan Safety Element. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Safety-Element_Adopted-9.26.23_89907-C.M.S-1.pdf. Accessed on September 11, 2024

Partner Engineering and Science, Inc. 2023. Geotechnical Report. City of Oakland Fuel Island Project. November 16, 2023.

USGS (United States Geological Survey). 2008. Forecasting California's Earthquakes – What Can We Expect in the Next 30 Years? Available online at: https://pubs.usgs.gov/fs/2008/3027/fs2008-3027.pdf. Accessed September 11, 2023.

USGS (United States Geological Survey). 2023. Can you predict earthquakes. Available online at: https://www.usgs.gov/faqs/can-you-predict-earthquakes#:~:text=No.,time%20in%20the%20foreseeable%20future. Accessed on September 11, 2024.

Terraphase Engineering (Terraphase). 2022. Current Conditions Report and Low Threat Closure Request City of Oakland Municipal Service Center 7101 Edgewater Drive, Oakland, California. May 6, 2022.

GHG

CARB (California Air Resources Board). 2023. *California Greenhouse Gas 2000-2021 Emissions Trends and Indicators Report*. Available online at: https://ww2.arb.ca.gov/sites/default/files/2023-12/2000_2021_ghg_inventory_trends.pdf. Accessed September 27, 2024.

BAAQMD (Bay Area Air Quality Management District). 2023a *California Environmental Quality Act Air Quality Guidelines*. San Francisco, California. April 20. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed September 27, 2024.

BAAQMD (Bay Area Air Quality Management District). 2023b. Air Quality Guidelines Appendix B: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. April. Available online at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-b-thresholds-for-evaluating-significance-of-climate-impacts_final-pdf.pdf?sc_lang=en. Accessed September 27, 2024.

City of Oakland. 2023b. Zero Emission Vehicle Action Plan. Available online at: https://cao-94612.s3.amazonaws.com/documents/ZEV-AP-11.17.23_Final_1.01.pdf. Accessed September 27, 2024.

EPA (United States Environmental Protection Agency). 2024d. *Draft Inventory of Greenhouse Gas Emissions and Sinks: 1990–2022.* EPA 430-D-24-001. Washington, DC. Available online at: https://www.epa.gov/system/files/documents/2024-02/us-ghg-inventory-2024-main-text.pdf. Accessed September 27, 2024.

IPCC (Intergovernmental Panel on Climate Change). 2021. *AR6 Climate Change 2021: The Physical Science Basis*. Available online at: https://www.ipcc.ch/report/ar6/wg1/. Accessed September 27, 2024.

NHTSA (National Highway Traffic Safety Administration). 2022. *USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026*. Available online at: https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026. Accessed March 21, 2024.

Port (Port of Oakland). 2019b. *Seaport Air Quality 2020 and Beyond Plan*. June. Available online at: https://www.portofoakland.com/files/PDF/2020%20and%20Beyond%20Plan%20Vol%20I.pdf. Accessed September 27, 2024.

Hazards and Hazardous Materials

ACEHD (Alameda County Environmental Health Department). 2022. Current Conditions Report and Low Threat Closure Request Response. October 12.

ACEHD (Alameda County Environmental Health Department). 2024. Document Review and Request for Submittals. October 12.

Alameda County. 2010. Oakland International Airport Airport Land Use Compatibility Plan. December.

ARCADIS (ARCADIS U.S., Inc.). 2011. Human Health Risk Assessment and Ecological Screen for the City of Oakland Municipal Service Center, 7101 Edgewater Drive, Oakland, California. March 1. Available online at: https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/4131452202/T0600100375.PDF. Accessed December 11, 2024.

EBMUD (East Bay Municipal Utility District). 2012. Water Supply Management Program 2040 Plan. April. Available online at: https://www.ebmud.com/download_file/force/614/736?wsmp-2040-revised-final-plan.pdf. Accessed November 1, 2024.

Northgate (Northgate Environmental Management). 2022. Third-Party Review Current Conditions Report and Low-Threat Closure Request City of Oakland Municipal Service Center Project No. 1456.01. December 23, 2022.

Port (Port of Oakland). 2022. Preliminary Third-Party Review Summary City of Oakland Municipal Service Center 7101 Edgewater Drive, Oakland, California (Leaking Underground Storage Tank Cleanup Case No. RO0000293). November 23.

SWRCB (State Water Resources Control Board). 2024. GeoTracker Database Entry for City of Oakland Municipal Service Center (T0600100375). Available online at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600100375. Accessed September 26, 2024.

Terraphase (Terraphase Engineering). 2022. Current Conditions Report and Low Threat Closure Request City of Oakland Municipal Service Center 7101 Edgewater Drive, Oakland, California. May 6.

Terraphase (Terraphase Engineering). 2023. Sea Level Rise Vulnerability Assessment, ACDEH Case RO0000293, City of Oakland Municipal Service Center 7101 Edgewater Drive, Oakland California. March 2.

Hydrology and Water Quality

ACFCD (Alameda County Flood Control District). 2024. Elmhurst Creek Watershed. Available online at: https://acfloodcontrol.org/the-work-we-do/resources/elmhurst-creek-watershed/. Accessed September 10, 2024.

CDOC (California Department of Conservation). 2024c. Alameda County Tsunami Hazard Areas. Available online at: https://www.conservation.ca.gov/cgs/tsunami/maps/alameda. Accessed September 10, 2024.

DWR (California Department of Water Resources). 2024. Dam Breach Inundation Maps. Available online at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed September 10, 2024.

DWR (California Department of Water Resources). 2019. Groundwater Basin Boundary Assessment Tool. Available online at: https://gis.water.ca.gov/app/bbat/. Accessed September 10, 2024.

Caltrans (California Department of Transportation). 2023. Water Quality Planning Tool. Available online at: https://svctenvims.dot.ca.gov/wqpt/wqpt.aspx. Accessed September 10, 2024.

City of Oakland. 2021. Local Hazard Mitigation Plan. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/2021-07-01_OaklandHMP_AdoptedFinal_2024-06-12-182319_rvag.pdf. Accessed September 10, 2024.

EBMUD (East Bay Municipal Utility District). 2024a. Water Supply Update. April 9. Available online at: https://www.ebmud.com/about-us/who-we-are/service-area. Accessed December 14, 2024.

EBMUD (East Bay Municipal Utility District) and City of Hayward. 2022. East Bay Plain Subbasin Groundwater Sustainability Plan. January. Available online at: https://www.ebmud.com/water/about-your-water/water-supply/groundwater-sustainability-agencies/east-bay-plain-subbasin-gsp-documents. Accessed December 14, 2024.

FEMA (Federal Emergency Management Agency). 2024. National Flood Hazard Layer (NFHL) Viewer. Available online at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed September 10, 2024.

Partner Engineering and Science, Inc. 2023. Geotechnical Report. City of Oakland Fuel Island Project. November 16, 2023.

SFBRWQCB (San Francisco Bay Regional Water Quality Control Board). Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin. Amended through July 22, 2024. Available online at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed December 14, 2024.

SWRCB (State Water Resources Control Board). 2024. Geotracker. Available Online at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600100375. Accessed September 10, 2024

Terraphase (Terraphase Engineering). 2022. Current Conditions Report and Low Threat Closure Request City of Oakland Municipal Service Center 7101 Edgewater Drive, Oakland, California. May 6.

Land Use and Planning

City of Oakland. 2024. Planning and Zoning Map. Available online at: https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=3676148ea4924fc7b75e7350903c7224.

City of Oakland. 2023d. Land Use and Transportation Element. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-LUTE_Chapter-3-Amendments_2023Update.pdf.

Noise

Alameda County. 2010. Oakland International Airport Airport Land Use Compatibility Plan. December 2010.

Caltrans (California Department of Transportation). 2020. *Transportation and Construction Vibration Guidance Manual*. Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office, Sacramento, California. April.

City of Oakland. 2005a. City of Oakland General Plan Noise Element. June. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak070995.pdf. Accessed October 16, 2024.

City of Oakland. 2005b. Update of the Noise Element of the Oakland General Plan Initial Study/Negative Declaration. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/oak035230.doc. Accessed October 16, 2024.

FHWA (Federal Highway Administration). 2006. *Roadway Construction Noise Model User's Guide*. FHWA-HEP-05-054. Washington, DC. January. Available online at: https://planning.lacity.gov/eir/8150Sunset/References/4.G.%20Noise/N.07_FHWA%20User%20Guide_2006.pdf. Accessed October 16, 2024.

FTA (Federal Transit Administration). 2018. *Transit Noise and Vibration Impact Assessment*. FTA Report No. 0123. Washington, DC: Office of Planning and Environment. September. Available at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed October 16, 2024.

State of California Governor's Office of Planning and Research. 2003. General Plan Guidelines, 2003. October. Available online at: https://www.placer.ca.gov/DocumentCenter/View/8275/OPR-2003-General-Plan-Guidelines-PDF. Accessed October 16, 2024.

Public Services

City of Oakland. 2023a. City of Oakland Quarterly Police Staffing Report (4th Quarter). Dated February 28, 2023. Available Online: https://cao-94612.s3.amazonaws.com/documents/2022_Q4_OPD_Qtrly StaffingMemo_2023-03-01-051307_wewh.pdf. Accessed on September 11, 2024.

City of Oakland. 2023b. Oakland Fire Department 2023 Annual Report. Available Online: https://cao-94612.s3.us-west-2.amazonaws.com/documents/2023-Annual-Report-FINAL-MheretWilliams.pdf. Accessed on September 11, 2024.

City of Oakland. 2023c. General Plan Safety Element. Available online at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Safety-Element_Adopted-9.26.23_89907-C.M.S-1.pdf.

Oakland Unified School District. 2024. 2024-25 Oakland Public Schools & Boundaries: Interactive Web Map. Available online at: Maps –https://www.ousddata.org/maps.html, Accessed September 11, 2024.

Recreation

EBRPD (East Bay Regional Parks District). 2024. MLK Shoreline Map. Available online at: https://www.ebparks.org/sites/default/files/mlk_map.pdf.

Transportation

City of Oakland. 1998. Envision Oakland – City of Oakland General Plan Land Use and Transportation Element, Chapter 2. March. Available online at: https://oaklandca.s3.us-west-1.amazonaws.com/oakca1/groups/ceda/documents/webcontent/oak035264.pdf. Accessed September 27, 2024.

Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. April 2018.

Tribal Cultural Resources

(No References)

Utilities and Service Systems

CalRecycle. 2023a. Altamont Landfill and Resource Recovery SWIS Facility/Site Activity Details. Available online at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7. Accessed December 14, 2024.

CalRecycle. 2023b. Keller Canyon Landfill SWIS Facility/Site Activity Details. Available online at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7. Accessed December 14, 2024.

City of Oakland. 2015b. Coliseum Area Specific Plan – Final Environmental Impact Report. Available online at: https://www.oaklandca.gov/topics/coliseum-area-specific-plan-environmental-impact-report. Accessed December 14, 2024.

EBMUD (East Bay Municipal Utility District). 2024b. East Bay Municipal Utility District Service Area Map. Available online at: https://www.ebmud.com/about-us/who-we-are/service-area. Accessed December 14, 2024.

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APPENDIX A – EMISSIONS CALCULATIONS

Port of Oakland AST Emissions Summary

Total and Average Daily Construction Emissions

	TOG	ROG	NOx	CO	SO_2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T
	tons										
2025	0.0118	0.0097	0.0741	0.1147	0.0003	0.0026	0.0058	0.0084	0.0024	0.0014	0.0039
	pounds per day										
Average Daily	0.33	0.27	2.09	3.23	0.01	0.07	0.16	0.24	0.07	0.04	0.11

1. Average daily emissions based on the total active construction duration (71 days).

Maximum Annual and Average Daily Operational Emissions

	TOG	ROG	NOx	CO	SO_2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T
Annual	tons										
Backup Generator	0.0005	0.0005	0.0024	0.0335	4E-05	9E-05	0	9E-05	9E-05	0	9E-05
Maintenance Trips	0.0006	0.0002	0.0091	0.004	6E-05	0.0001	0.0016	0.0017	0.0001	0.0004	0.0005
Tank Fugitives	-	-395.6	-	-	-	-	-	-	-	-	-
Total Annual	0.001	-395.57	0.0114	0.0375	0.0001	0.0002	0.0016	0.002	0.0002	0.0004	0.0006
Average Daily	pounds per day										
Backup Generator	0.002	0.002	0.013	0.184	0.000	0.000	0.000	0.0005	0.000	0.000	0.0005
Maintenance Trips	0.00	0.001	0.05	0.02	0.00	0.00	0.01	0.01	0.00	0.00	0.003
Tank Fugitives	-	-1.08	-	-	-	-	-	-	-	-	-
Total Average Daily	0.006	-1.080	0.063	0.206	0.001	0.001	0.009	0.010	0.001	0.002	0.003

1. Average daily emissions based on annual operation of 365 days per year.

1 ton = 2000 lbs

Port of Oakland AST - Tank Emissions Summary

Net Change in Tank Emissions

	New Tanks	Existing Tank	Net Change
Annual Emissions (lb/yr)	2632.774948	3028.34	-395.57
Average Daily Emissions (lb/d	7.213082048	8.30	-1.08

New Tanks - TankESP Outputs

Fuel Type	Annual VOC (lb/yr)	Average Daily VOC (lb/day)
Diesel	8.8183475	0.024159856
Gasoline	2623.9566	7.188922192
Total VOC	2632.774948	7.213082048

Source: TanksESP

Existing Diesel Tank - Tanks ESP Outputs

	Annual VOC (lb/yr)	Average Daily VOC (lb/day)
Diesel	7.1444939	0.019573956

Source: TanksESP

1. Tank input parameters

Capacity	20,000 gallons
Length	34 feet
Height	119.5 inches
Tank Type	Underground Horizontal
Throughput	364,000 gallons per year
Insulated	Fully

Existing Gasoline Tank - AP-42 Tank Emission Calculations

Emission Source		Factor	Throughput	VOC Emissions	
		lb/10^3 gal	10^3 gal/year	lbs/year	lbs/day
Filling	Submerged Fill	7.3	364	2657.20	7.28
Breathing	--	1	364	364.00	1.00
Vehicle Refueling	Controlled		364	0.00	0.00
	Spillage		364	0.00	0.00
Total				3021.20	8.28

Source: AP-42 Table 5.2-7

Notes:

1. Assume submerged filling (lower factor so more conservative for baseline)
2. Assume controlled displacement losses
3. Annual throughput calculated based on 7,000 gallons per week over 52 weeks per year

Port of Oakland AST - CalEEMod Inputs

Project Characteristics	Input	Notes
Project Name	City of Oakland Fuel Station	
Project Location	Alameda County	Zip Code: 94607
Climate Zone	1	
Land Use Setting	Urban	
Construction Start Date	1/1/2025	
Operational Year	2026	
Utility	PG&E	

acre	sq ft
1	43560

Land Use

Project Component	CalEEMod Land Use Type	CalEEMod Land Use Subtype	Unit	Size	Acreage	Building Square Footage	Landscaped Area (sq ft)
Fueling Facility	Retail	Gasoline/Service Station	Pump[1]	3	0.11	0.00	20

1. One pump includes 2 fueling stations. There are 6 fueling stations included in the proposed project.
2. 4,877 sq ft permanent disturbance from PD. Assume 5 foot radius for tree planted (~20 square feet) for landscaped area.

Construction Phases and Equipment	Start Date	End Date
14 weeks	1/1/2025	4/9/2025
Construction Work Days	5 days/week	

Construction Equipment

Project Activity	CalEEMod Phase Name	CalEEMod Phase Type	Duration (days)	Construction Start Date	Construction End Date	Equipment[1]	CalEEMod Equipment Category	Quantity	Hours per Day	HP
Asphalt Sub-Grade Removal	Asphalt Removal	Demolition	2	1/1/2025	1/2/2025	Skid Steer	Skid Steer Loader	1	8	70
						Backhoe	Tractor/Loader/Backhoe	1	8	76
Compaction/Grading and Forming Tank Footings	Compaction/Grading	Grading	10	1/3/2025	1/16/2025	Skid Steer	Grader	1	2	Default
						Backhoe	Tractor/Loader/Backhoe	1	2	76
Concrete Pour	Concrete Pour	Building Construction	3	1/17/2025	1/21/2025	Vendor-dependent/direct pour	Off-Highway Trucks	9	6	Default
Tank Set	Tank Set	Building Construction	1	1/22/2025	1/22/2025	70 ton crane	Cranes	1	5	450
Canopy Install	Canopy Install	Building Construction	25	1/23/2025	2/26/2025	Grade All	Excavator	1	8	119
Tank Trim Install and Piping	Trim Install	Building Construction	10	2/27/2025	3/12/2025	Grade All	Excavator	1	8	119
Cleanup/Startup	Cleanup/Startup	Building Construction	10	3/13/2025	3/26/2025	Skid Steer	Skid Steer Loader	1	8	70
Utility Installation	Utility Installation	Building Construction	10	3/27/2025	4/9/2025	Saw	Concrete/Industrial Saw	1	1	Default
						Backhoe	Tractor/Loader/Backhoe	1	6	76

Notes:
1. Equipment list provided by applicant.

Total workdays = 71
Total weeks: 14.2

1. All diesel equipment
2. Equipment HP based on anticipated equipment type provided by the City.
3. Assume canopy install (which includes concrete pouring) occurs over 1 working week.
4. Conservatively assume skid steer used during Grading phase is a grader to account for acreage graded.

CalEEMod Material Import/Export

Project Activity	CalEEMod Phase	Import (cy)	Export (cy)	Notes
Asphalt Sub-Grade Removal	Asphalt Removal	0	401	structural pad w/overex
Compaction/Grading and Forming Tank Footings	Compaction/Grading	177	100	Import: Class II AB and AC. Export: concrete pad + replacement, canopy columns, oil water separator
Concrete Pour	Concrete Pour	86	0	Concrete pour import material not included because concrete is not source of fugitive dust.
Tank Set	Tank Set	0	0	
Canopy Install	Canopy Install	0	0	
Tank Trim Install and Piping	Tank Trim Install and Piping	0	0	
Cleanup/Startup	Cleanup/Startup	11	11	Tree
Utility Installation	Utility Installation	163	157	Util trenching, SS lift station, generator pad
			668	

Construction Trips and VMT

		Worker Trips	Vendor Truck Trips		
Project Component	CalEEMod Phase	Trips/day	Total Truck Round Trips	Truck Trips/Day	One-Way Distance (miles)
Asphalt Sub-Grade Removal	Asphalt Removal	16	3	3	23
Compaction/Grading and Forming Tank	Compaction/Grading	16	3	1	23
Concrete Pour	Concrete Pour	16	27	18	23
Tank Set	Tank Set	10	3	6	35
Canopy Install	Canopy Install	6	2	1	53
Tank Trim Install and Piping	Trim Install	10	3	1	35
Cleanup/Startup	Cleanup/Startup	10	3	1	35
Utility Installation	Utility Installation	8	2	1	10

Notes:
1. Trips per day are one way trips.
2. Vendor truck trips per day are based on total round trips * 2 one way trips per round trip, divided over the number of days in the phase. Trips per day are conservatively rounded up to nearest whole number.
3. One-way distance for vendor trips based on distance to anticipated delivery origin location.
4. Concrete pour trucks trips per day based on the number of provided direct pour trucks from equipment table (9) and 2 trips per day.
5. Canopy Install trip length represents distance with air district that vendor delivery trucks would travel (origination location Utah).
6. Haul truck trips calculated in CalEEMod based on material movement quantities and truck capacity defaults.

Operations Vehicle Data

Project Component	Trips/Day	VMT/day	Vehicle Type
Tree Watering	1	10	HHDT

1. Assume 1 maintenance trip per day for tree watering and 10 miles from Oakland.

Backup Generator Inputs

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours per Day	HP
Generator Sets	Diesel	Tier 4 Final	1	0.4	Default

1. Hours per day based on assumed annual operation of 150 hours per BAAQMD CEQA Guidelines.

Additional Operational Assumptions

Changes in operational electricity consumption would be minimal.
Assume no indoor water use for Fuel Station.
Assume no change in solid waste generation for Fuel Station.

Necessary Increase in Operational Tank Refilling Trips for Emissions to Hit Thresholds

HHDT Emission Factors and Daily Emissions

	ROG RUNEX	ROG IDLEX	NOX RUNEX	NOX IDLEX	NOX STREX	PM2.5 RUNEX	PM2.5 IDLEX	PM2.5 PMTW	PM2.5 PMBW	PM10 RUNEX	PM10 IDLEX	PM10 PMTW	PM10 PMBW
	g/mi	g/trip	g/mi	g/trip	g/trip	g/mi	g/trip	g/mi	g/mi	g/mi	g/trip	g/mi	g/mi
Emission Factor	0.015	0.298	1.602	3.814	2.759	0.025	0.002	0.009	0.028	0.026	0.002	0.036	0.079
Pounds per day (lb/day)	0.44	0.29	47.15	3.74	2.71	0.74	0.00	0.26	0.82	0.77	0.00	1.06	2.33

Source: EMFAC2021

1 lb = 453.592 grams

Potential Operational Emissions Conservatively Assuming Increased Refilling Frequency

	ROG	NOX	PM10	PM2.5
Daily Emissions (lbs/day)	0.74	53.7	4.16	1.83
Threshold	54	54	82	54
Annual Emissions (tons/year)	0.13	9.79	0.76	0.33
Threshold	10	10	15	10

Miles per one-way trip = 30
Trips per day = 445
Number of trucks per day increase necessary to trip thresholds 222.5

Port of Oakland AST - Energy Consumption

Construction Energy Consumption

Phase	Vehicle Type	Fuel	MT CO2	CO2 Factor (lb CO2/MMBTU)	CO2 Factor (lb CO2/gal)	MMBTU/year	Gallons/year
Asphalt Removal	Off-Road	Diesel	0.457	163.45	22.45	6.2	44.9
Asphalt Removal	Worker	Gasoline	0.117	148.57	17.86	1.7	14.5
Asphalt Removal	Vendor	Diesel	0.193	163.45	22.45	2.6	19.0
Asphalt Removal	Haul	Diesel	1.623	163.45	22.45	21.9	159.4
Compaction/Grading	Off-Road	Diesel	0.943	163.45	22.45	12.7	92.6
Compaction/Grading	Worker	Gasoline	0.587	148.57	17.86	8.7	72.4
Compaction/Grading	Vendor	Diesel	0.322	163.45	22.45	4.3	31.7
Compaction/Grading	Haul	Diesel	1.114	163.45	22.45	15.0	109.4
Concrete Pour	Off-Road	Diesel	12.235	163.45	22.45	165.0	1201.5
Concrete Pour	Worker	Gasoline	0.176	148.57	17.86	2.6	21.7
Concrete Pour	Vendor	Diesel	1.741	163.45	22.45	23.5	171.0
Tank Set	Off-Road	Diesel	0.344	163.45	22.45	4.6	33.8
Tank Set	Worker	Gasoline	0.037	148.57	17.86	0.5	4.5
Tank Set	Vendor	Diesel	0.293	163.45	22.45	4.0	28.8
Canopy Install	Off-Road	Diesel	4.776	163.45	22.45	64.4	469.0
Canopy Install	Worker	Gasoline	0.550	148.57	17.86	8.2	67.9
Canopy Install	Vendor	Diesel	1.842	163.45	22.45	24.8	180.9
Trim Install	Off-Road	Diesel	1.910	163.45	22.45	25.8	187.6
Trim Install	Worker	Gasoline	0.367	148.57	17.86	5.4	45.3
Trim Install	Vendor	Diesel	0.488	163.45	22.45	6.6	47.9
Cleanup/Startup	Off-Road	Diesel	1.095	163.45	22.45	14.8	107.5
Cleanup/Startup	Worker	Gasoline	0.367	148.57	17.86	5.4	45.3
Cleanup/Startup	Vendor	Diesel	0.488	163.45	22.45	6.6	47.9
Cleanup/Startup	Haul	Diesel	0.095	163.45	22.45	1.3	9.4
Utility Installation	Off-Road	Diesel	1.033	163.45	22.45	13.9	101.4
Utility Installation	Worker	Gasoline	0.293	148.57	17.86	4.4	36.2
Utility Installation	Vendor	Diesel	0.143	163.45	22.45	1.9	14.0
Utility Installation	Haul	Diesel	1.273	163.45	22.45	17.2	125.0

	MMBTU/year	Gallons/year
Diesel	437.13	3182.60
Gasoline	37.01	307.91
Total	474.15	3490.50

1 MT = 2204.62 lb

	lb CO2/MMBtu	lb CO2/gallon
Diesel	163.45	22.45
Gasoline	148.57	17.86

U.S. Energy Information Administration released September 7, 2023 (https://www.eia.gov/environment/emissions/co2_vol_mass.php)
Diesel = Diesel and Home Heating Fuel
Gasoline = Finished Motor Gasoline

Operational Energy Consumption

Source			Annual CO2	CO2 Factor (lb CO2/MMBTU)	CO2 Factor (lb CO2/gal)	MMBTU/year	Gallons/year
Backup power generator	Off-Road	Diesel	4.28	163.45	22.45	57.8	420.7
Maintenance Vehicle	Vendor	Diesel	5.84	163.45	22.45	78.7	573.3

TankSummaries for 2025 Annual
Site: Port of Oakland AST Project,
Equations for this site: After 2019 AP-42 revisions H/D ratio: Default 0.5

Tank ID	Diameter (ft)	Fixed Roof Type	Inside Shell Condition	Shell Condition (post-19)	Shell Finish	Roof Condition (post-19)	Roof Finish	Is Insulated	Product	RVP	Throughput (gal)
NewDieselTank	9.75	D	L	Av	K	Av	K	N	Diesel		364000.0014
NewGasolineTank	9.75	D	L	Av	K	Av	K	N	Gasoline RVP_X	7	364000.0014
OldDieselTank	9.9583	D	L	Av	K	Av	K	Y	Diesel		364000.0014

Bulk Liquid Temperature (degF)	Avg. Liquid Surface Temp. (degF)	Avg. TVP (psia)	Estimated standing losses (lbs)	Estimated working losses (lbs)	Total estimated emissions (lbs)
59.144966	60.545128	0.006599491	1.3724651	7.4458824	8.8183475
59.144966	60.545128	3.5235356	606.95529	2017.0013	2623.9566
59.144966	59.144966	0.006301482	0	7.1444939	7.1444939

APPENDIX B – TRIBAL OUTREACH

Duffort, Nick

From: Duffort, Nick
Sent: Wednesday, September 18, 2024 8:39 AM
To: andrew galvan
Cc: Khamly Chuop; Hale, Mark
Subject: RE: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Thanks, Andy. The undeliverable notice said that Vincent's mailbox was full, in case you want to share that with him.

Nick Duffort

AECOM
150 California Street, Suite 200
San Francisco, CA 94111, USA
Direct: 831-234-6686

nick.duffort@aecom.com

From: andrew galvan <chochenyo@aol.com>
Sent: Tuesday, September 17, 2024 6:41 PM
To: Duffort, Nick <Nick.Duffort@aecom.com>
Cc: Khamly Chuop <kchuop@portoakland.com>; Hale, Mark <mark.hale@aecom.com>
Subject: Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Hi there,

I will update Vincent.

Is this the same Mark Hale who I worked with in the general vicinity in the 1990's?

Andrew "Andy" Galvan
An Ohlone Man
The Ohlone Tribe

On Tuesday, September 17, 2024, 03:11:17 PM PDT, Duffort, Nick <nick.duffort@aecom.com> wrote:

> Hi there,

The notification below was also sent to Ohlone Indian Tribe representative Vincent Medina, but we received an "undeliverable" notification (sent to: vincent.d.medina@gmail.com). If you're able to pass on the attached PDF to Vincent, that would be appreciated. Note that hardcopies will also be distributed, including to Vincent. Thank you.

Nick Duffort

AECOM
150 California Street, Suite 200
San Francisco, CA 94111, USA
Direct: 831-234-6686

nick.duffort@aecom.com

From: Duffort, Nick
Sent: Tuesday, September 17, 2024 3:02 PM
To: chochenyo@AOL.com
Cc: Khamly Chuop <kchuop@portoakland.com>; Hale, Mark <mark.hale@aecom.com>
Subject: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Dear Mr. Galvan,

The Port of Oakland (CEQA Lead Agency) has retained AECOM to assist with Assembly Bill 52 outreach in support of the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (the project). Please find attached the AB 52 consultation letter for the project, which includes a project description and accompanying figure depicting the project location. A hardcopy letter is being mailed concurrent with this electronic notification.

As part of the review process, we request information that identifies any resources that may hold traditional religious or cultural significance to your Tribe that could be affected by the proposed work, and, if applicable, assist in developing alternatives that would avoid, minimize, or mitigate any adverse effects.

To meet Project timeframes, if you would like to participate or provide information regarding this project, we respectfully request that you notify us within 30 days. Comments can be provided in response to this email (please reply all), or via hardcopy to Khamly Chuop at the Port of Oakland (530 Water Street, Oakland, CA 94607).

Thank you for your time and attention.

Nick Duffort
Senior Planner and Project Manager
D 1-831-234-6686
Nick.Duffort@AECOM.com

AECOM

300 California Street, Suite 500

San Francisco, CA 94104, USA
T 1-415-796-8100

aecom.com

Delivering a better world

Duffort, Nick

From: Duffort, Nick
Sent: Wednesday, September 18, 2024 4:07 PM
To: Amah Mutsun
Subject: RE: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Thank you, Lorelei. We'll review the documents and recommendations and will keep you apprised of the CEQA process.

Nick Duffort

AECOM
150 California Street, Suite 200
San Francisco, CA 94111, USA
Direct: 831-234-6686

nick.duffort@aecom.com

From: Amah Mutsun <amahmutsuntribal@gmail.com>
Sent: Wednesday, September 18, 2024 3:36 PM
To: Duffort, Nick <Nick.Duffort@aecom.com>
Subject: Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Hello Nick,

Please see the attached documents with our recommendations. If you have any questions, please give us a call at 650-851-7489 or email us at amtbinc21@gmail.com.

Thank you,

Lorelei Alli

AMTB Inc.

On Tue, Sep 17, 2024 at 3:01 PM Duffort, Nick <Nick.Duffort@aecom.com> wrote:

> Dear Ms. Zwirlein,
>
> The Port of Oakland (CEQA Lead Agency) has retained AECOM to assist with Assembly Bill 52 outreach in support of the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (the project). Please find attached the AB 52 consultation letter for the project, which includes a project description and

accompanying figure depicting the project location. A hardcopy letter is being mailed concurrent with this electronic notification.

As part of the review process, we request information that identifies any resources that may hold traditional religious or cultural significance to your Tribe that could be affected by the proposed work, and, if applicable, assist in developing alternatives that would avoid, minimize, or mitigate any adverse effects.

To meet Project timeframes, if you would like to participate or provide information regarding this project, we respectfully request that you notify us within 30 days. Comments can be provided in response to this email (please reply all), or via hardcopy to Khamly Chuop at the Port of Oakland (530 Water Street, Oakland, CA 94607).

Thank you for your time and attention.

Nick Duffort
Senior Planner and Project Manager
D 1-831-234-6686
Nick.Duffort@AECOM.com

AECOM

300 California Street, Suite 500

San Francisco, CA 94104, USA
T 1-415-796-8100

aecom.com

Delivering a better world

The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7447

Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

$275.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of $412. ($333. lodging, $79 M&IE).

M&IE Breakdown FY 2023

M&IE Total[1]	Continental Breakfast/ Breakfast[2]	Lunch[2]	Dinner[2]	Incidental Expenses	First & Last Day of Travel[3]
$79.00	$18.00	$20.00	$36.00	$5.00	$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	PHONE (A/C, No, Ext): (650) 328-1000	FAX (A/C, No): (650) 324-1142
	E-MAIL ADDRESS: BusinessVIP@alliedbrokers.com	

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Scottsdale Insurance Company	41297
INSURER B :	United States Liability Insurance Company	25895
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED
Amah Mutsun Tribal Band Consulting & Monitoring, LLC
330 Soda Bay Rd
Lakeport CA 95453

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER

FOR YOUR INFORMATION

CANCELLATION

SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mimi Watson

Amah Mutsun Tribal Band of Mission San Juan Bautista

I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

1. Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.
2. I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all

3030 Soda Bay Road Lakeport, CA 95453
amtbinc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489

of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

3. The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.
4. It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.
5. As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our

aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site , I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

3030 Soda Bay Road Lakeport, CA 95453
amtbinc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489

Amah Mutsun Tribal Band of Mission San Juan Bautista

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

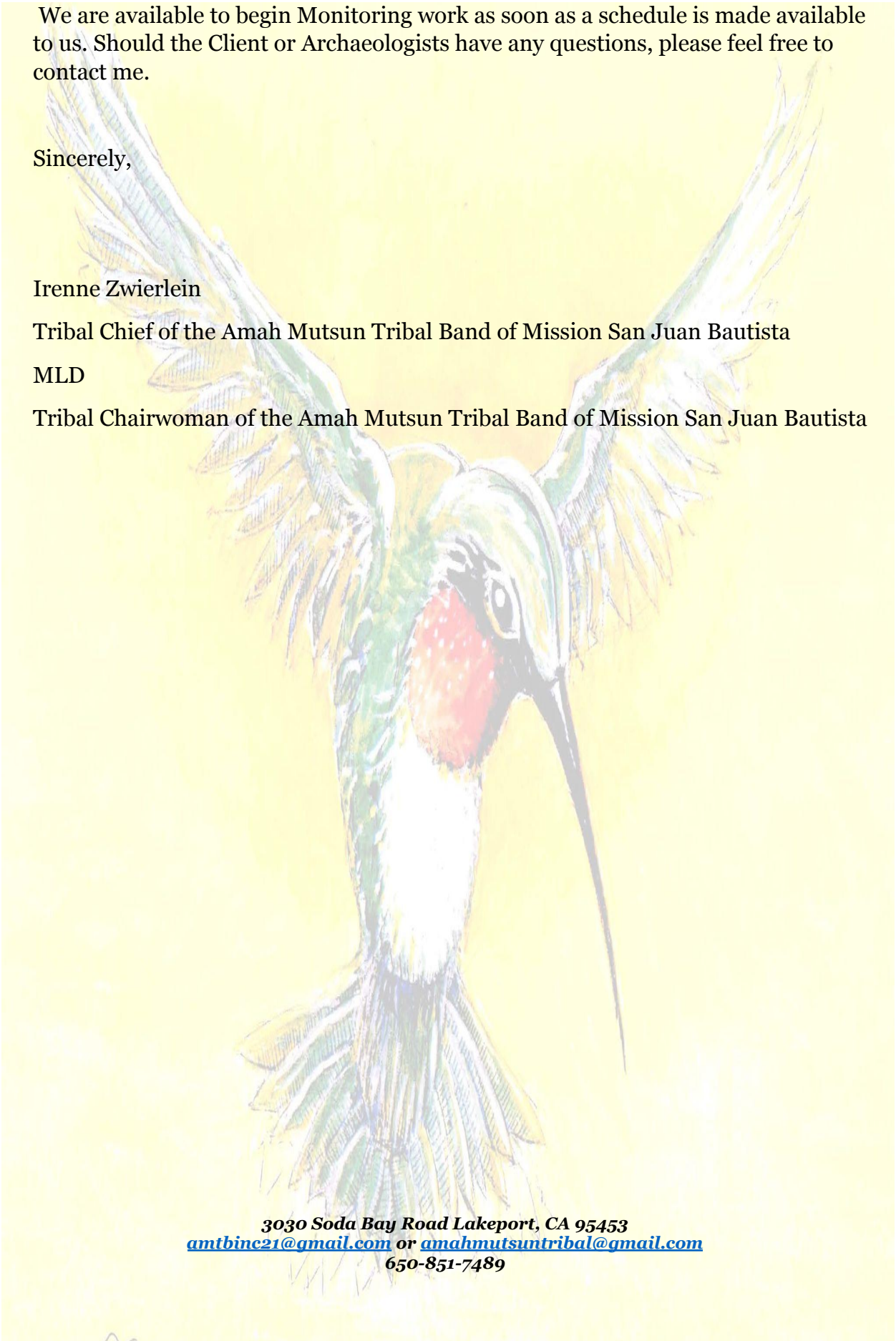
Sincerely,

Irenne Zwierlein

Tribal Chief of the Amah Mutsun Tribal Band of Mission San Juan Bautista

MLD

Tribal Chairwoman of the Amah Mutsun Tribal Band of Mission San Juan Bautista



3030 Soda Bay Road Lakeport, CA 95453
amtbinc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489

Duffort, Nick

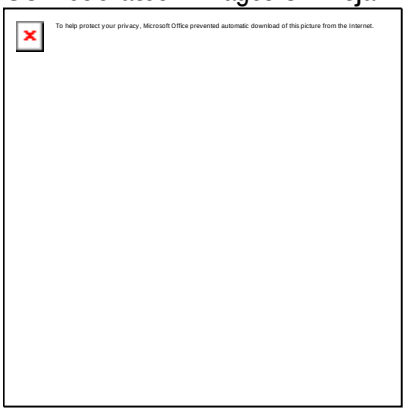
From:	Lisjan Nation <cvltribe@gmail.com>
Sent:	Tuesday, November 26, 2024 12:02 PM
To:	Duffort, Nick
Cc:	Khamly Chuop; Hale, Mark; Eric Englehart
Subject:	Re: Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Nick,

Thank you very much for sharing this document. Does the revised timeline mean that the dates described in the document for the public comment period will change, in case the Tribe has additional comments to provide at that point?

'Uni (Respectfully),

Lucy Gill, Cultural Resource Manager II
Confederated Villages of Lisjan Nation



On Tue, Nov 26, 2024 at 8:50 AM Duffort, Nick <Nick.Duffort@aecom.com> wrote:

> Hi Lucy,
>
> Please find attached the Administrative Draft Initial Study/Negative Declaration (ISND), including the project description, avoidance measures, and cultural and tribal analysis sections.

Note that this is a draft document undergoing revisions. The revised Public Draft ISND will likely be circulated starting in December. Substantive changes to the sections shared here will include capturing the Tribal consultations and feedback that has occurred since this Admin Draft was prepared. There will not be any substantive changes to the project description.

Nick Duffort

AECOM
150 California Street, Suite 200
San Francisco, CA 94111, USA
Direct: 831-234-6686

nick.duffort@aecom.com

From: Lisjan Nation <cvltribe@gmail.com>
Sent: Monday, November 25, 2024 3:02 PM
To: Khamly Chuop <kchuop@portoakland.com>
Cc: Duffort, Nick <Nick.Duffort@aecom.com>; Hale, Mark <mark.hale@aecom.com>; Eric Englehart <eenglehart@portoakland.com>
Subject: Re: Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

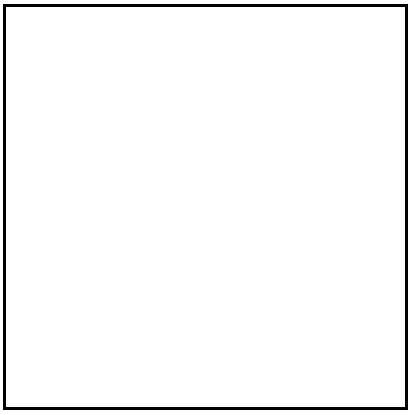
Khamly,

We look forward to meeting with you this Wednesday. Would you please send us the IS/ND document beforehand so that we can review it? Thank you.

'Uni (Respectfully),

Lucy Gill, Cultural Resource Manager II

Confederated Villages of Lisjan Nation



On Mon, Oct 21, 2024 at 4:50 PM Khamly Chuop <kchuop@portoakland.com> wrote:

> Good evening Cheyenne,
>
> I have booked the Wed, 10/27 date starting at 10am for my coworker Eric Englehart and our cultural resources consultant Mark Hale with AECOM to consult with your Tribe. The Port looks forward to the discussion. Thank you!
>
> Khamly Chuop
>
> Port Associate Environmental Planner/Scientist
>
> Port of Oakland – Everyone's Port
>
> Direct Office: (510) 627-1758
>
> Cell: (510) 999-0647
>
> www.portofoakland.com
>
> Want to meet with me? Book time with Khamly Chuop
>
> PORT OF OAKLAND
> Seaport. Airport. Everyone's Port.

From: Lisjan Nation <cvltribe@gmail.com>
Sent: Monday, October 21, 2024 12:20 PM
To: Duffort, Nick <Nick.Duffort@aecom.com>
Cc: Khamly Chuop <kchuop@portoakland.com>; Hale, Mark <mark.hale@aecom.com>
Subject: [EXTERNAL] Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Thank you for your email. The Tribe would like to consult on this project. Please click our Calendly link below to schedule a consultation at your earliest convenience. Please make sure to include the project name in the notes section when scheduling the consultation to help us prepare for our meeting.

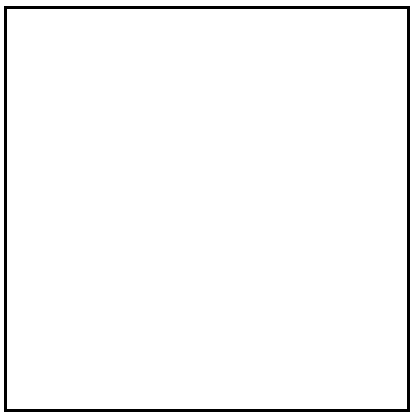
Access our Calendly here:

https://calendly.com/cvltribe/consultation

'Uni (Respectfully),

Cheyenne Zepeda, Cultural Resource Manager I

Confederated Villages of Lisjan Nation



On Mon, Oct 7, 2024 at 8:18 AM Duffort, Nick <Nick.Duffort@aecom.com> wrote:

> Hi Ms. Gill,
>
> Thanks for your email, and excuse the delayed reply. Please find attached the Sacred Lands File Review and NWIC search results.
>
> An archaeological survey was not performed as the entire project site is developed with no visit ground surface. The project parcel was reclaimed from the Bay following World War 2, and disturbance of native soils below fill is not anticipated, hence a geoarchaeological investigation was not performed.
>
> Your request for consultation has been received by the Port of Oakland. We'll continue to keep you apprised of the project, including providing the Public Draft Initial Study/Negative Declaration when available (anticipated for late October).
>
> **Nick Duffort**
>
> **AECOM**
> 150 California Street, Suite 200
> San Francisco, CA 94111, USA
> Direct: 831-234-6686
>
> nick.duffort@aecom.com

From: Lisjan Nation <cvltribe@gmail.com>
Sent: Tuesday, September 24, 2024 6:28 PM
To: Duffort, Nick <Nick.Duffort@aecom.com>
Cc: Khamly Chuop <kchuop@portoakland.com>; Hale, Mark <mark.hale@aecom.com>
Subject: Re: Tribal Notification Letter for the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (Port of Oakland CEQA Lead Agency)

Nick,

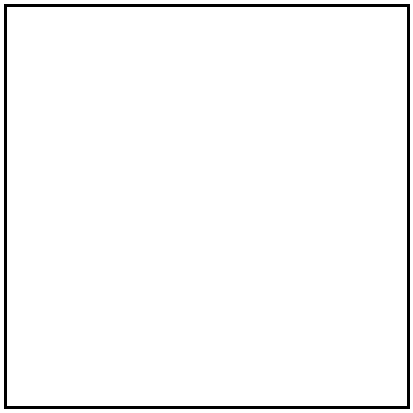
Thank you for your email. The Tribe would like to request consultation on this project.

Can you please send along the Cultural Resources Study, as well as results of the SLF request from the NAHC, any information you have received from CHRIS, and any other archaeological reports you may have? We would also appreciate any specific information about ground disturbance of this project.

'Uni (Respectfully),

Lucy Gill, Cultural Resource Manager II

Confederated Villages of Lisjan Nation



On Tue, Sep 17, 2024 at 3:03 PM Duffort, Nick <Nick.Duffort@aecom.com> wrote:

Dear Corrina, Deja, and Cheyenne Gould,

The Port of Oakland (CEQA Lead Agency) has retained AECOM to assist with Assembly Bill 52 outreach in support of the City of Oakland Fuel Station at 7101 Edgewater Drive, Oakland, CA (the project). Please find attached the AB 52 consultation letter for the project, which includes a project description and accompanying figure depicting the project location. A hardcopy letter is being mailed concurrent with this electronic notification.

As part of the review process, we request information that identifies any resources that may hold traditional religious or cultural significance to your Tribe that could be affected by the proposed work, and, if applicable, assist in developing alternatives that would avoid, minimize, or mitigate any adverse effects.

To meet Project timeframes, if you would like to participate or provide information regarding this project, we respectfully request that you notify us within 30 days. Comments can be provided in response to this email (please reply all), or via hardcopy to Khamly Chuop at the Port of Oakland (530 Water Street, Oakland, CA 94607).

Thank you for your time and attention.

Nick Duffort
Senior Planner and Project Manager
D 1-831-234-6686
Nick.Duffort@AECOM.com

AECOM

300 California Street, Suite 500

San Francisco, CA 94104, USA
T 1-415-796-8100

aecom.com

Delivering a better world

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

July 22, 2024

Mark Hale
AECOM

Via Email to: mark.hale@aecom.com

Re: City of Oakland's Fuel Station, Port of Oakland, Project, Alameda County

To Whom It May Concern:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Northern Valley Yokut / Ohlone Tribe on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

INFO CENTER & IN-HOUSE RECORDS SEARCH

Project Name: Port of Oakland - Edgewater (Project #60732176, Task #2)
IC File No. 23 - 1808 (6/25/2024 by AECOM archaeologist Karin G. Beck) Compliance: (CEQA / Section 106)

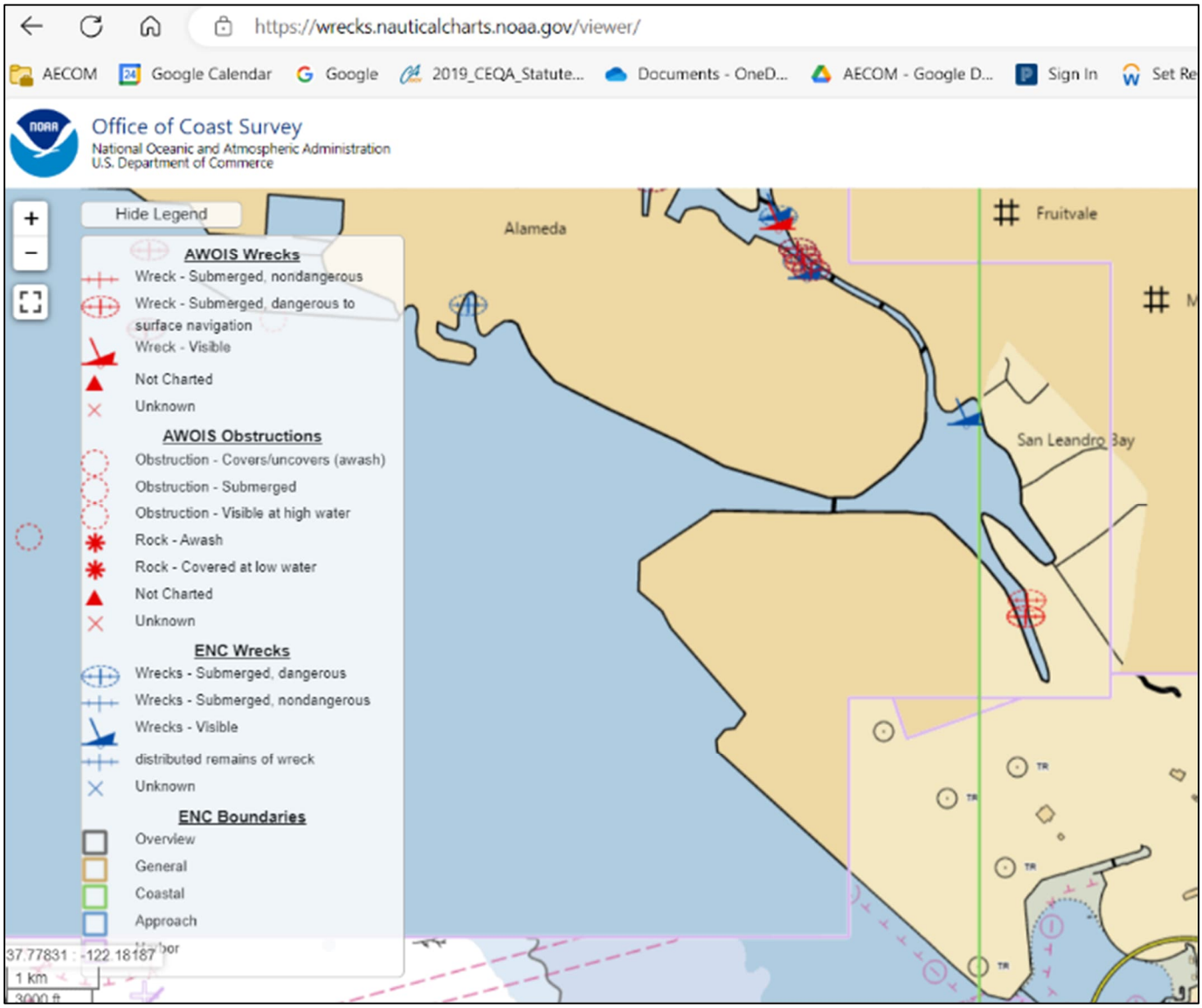
Address/Location: 7101 Edgewater Dr., Oakland
USGS Quad(s): *San Leandro & Oakland East, Calif.* (Alameda County) Search Method: Digital

Cultural Resources in/immediately adjacent to footprint [0 resources; 0 precontact, 0 built environment]	None
Cultural Resources in 0.5-mile buffer [2 resources; 0 precontact, 2 built environment] National Register of Historical Places [NRHP] Status Code: ▪ 6Z – Found ineligible for National Register, California Register or local designation through survey evaluation	P-01-011449 (ATT CN4813/Oakland Coliseum DA S) – NRHP Status Code: 6Z P-01-012184 (T-Mobile West, LLC Candidate BA02142A [PL 142 PG&E])
Studies in/immediately adjacent to footprint [0 studies]	None
Studies in 0.5-mile buffer [13 studies]	S-779, S-1786, S-21021, S-22995, S-30894, S-33020 S-42548, S-42891, S-46399, S-46599, S-50662, S-51110, S-52913
OHP Built Environment Resources Directory (BERD) https://ohp.parks.ca.gov/?page_id=30338	[6/26/24] None
National Register of Historic Places Database https://www.nps.gov/subjects/nationalregister/database-research.htm	[6/26/24; Edgewater Drive, Oakland, Alameda County] None
Caltrans Bridge Survey	[6/26/24] None
State Lands Commission Shipwreck Database National Oceanic and Atmospheric Administration – Wrecks & Obstructions	[6/26/24] None – NOAA (see page 2)
CA Inventory of Historical Resources (1976) http://ohp.parks.ca.gov/listedresources/	[6/26/24] None
CA Historical Landmarks https://ohp.parks.ca.gov/?page_id=21387	[6/26/24] None
Five Views – An Ethnic Historic Site Survey for CA http://www.nps.gov/parkhistory/online_books/5views/5views.htm	[6/26/24] None
GLO (Unsectioned lands of NAME land grant) http://www.glorecords.blm.gov/search/default.aspx	DID NOT REVIEW
Historical Maps/Aerial Photographs NETR: https://www.historicaerials.com/viewer TopoView: https://ngmdb.usgs.gov/topoview/viewer/#6/37.431/-119.323 UCSB: http://mil.library.ucsb.edu/ap_indexes/FrameFinder/ USGS: http://historicalmaps.arcgis.com/usgs/ Rare Maps: https://www.raremaps.com/	USGS *Hayward, Calif.* (1899), 1:62500 scale – all marshland USGS *Hayward, Calif.* (1942), 1:62500 scale – levees with marshland USGS *San Leandro, Calif.* (1947), 1:24k scale – levees with land (reclaimed); Hwy 17 (now I-880) present; no buildings present (see pages 3 through 6) USGS *San Leandro, Calif.* (1959), 1:24k scale – levee with streets and several buildings within footprint
Volume 8 – California	Costanoan - Chochenyo (Levy, pp. 485-495)
Historical Atlas of CA (Beck & Haase 1974)	Pp. 30 - Luis Maria Peralta Rancho (18,849 acres) – northern tip of footprint, and majority is A.M. Peralto Rancho (15,207 acres)

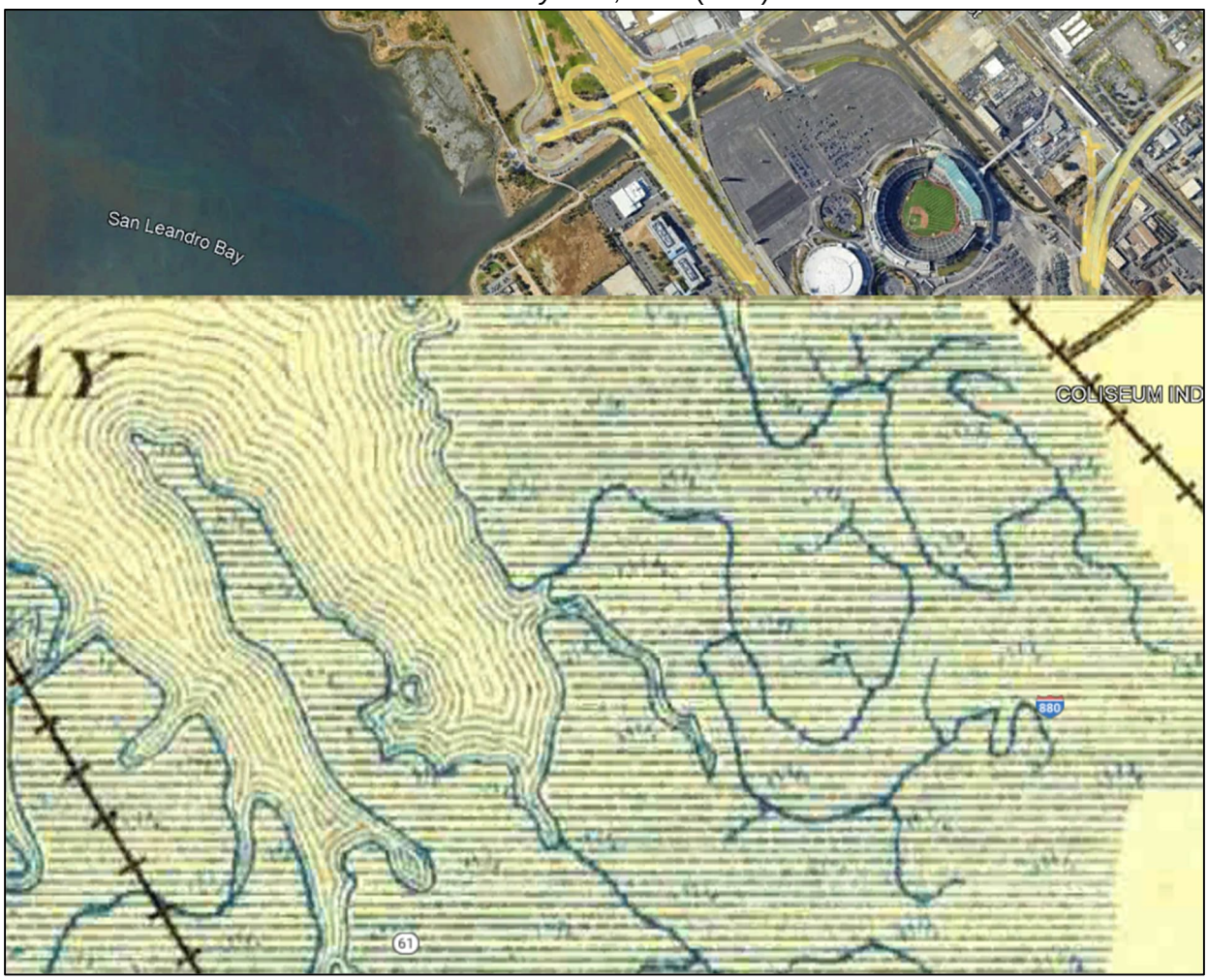
INFO CENTER & IN-HOUSE RECORDS SEARCH

Historic Spots in CA (Kyle et al. 2002)	Pp. 9-11 (rancho info) Pp. 19-22 (Oakland info)
CA Place Names (Gudde 1998)	DID NOT REVIEW
Geology:	DID NOT REVIEW
Soils	DID NOT REVIEW

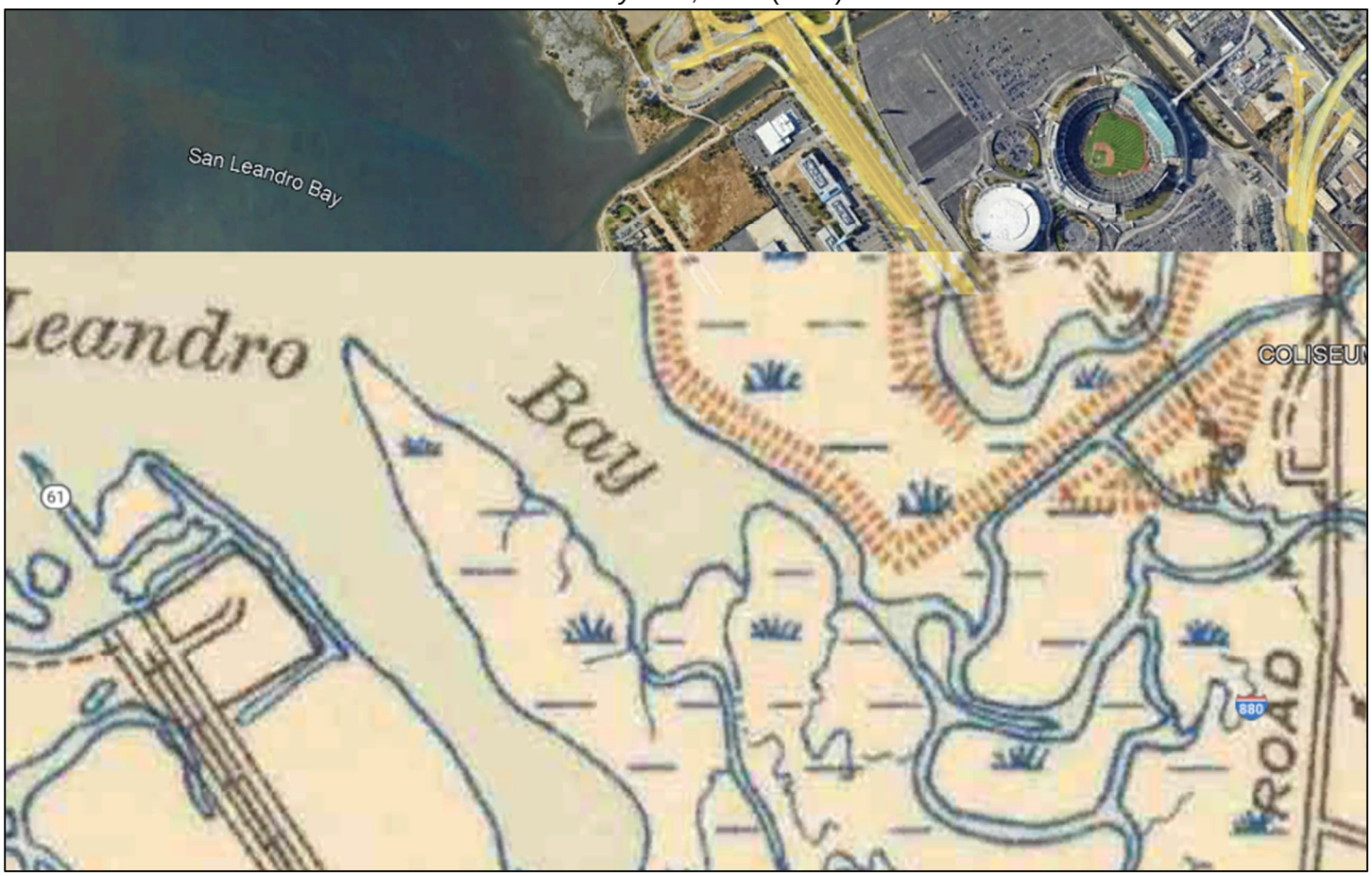
National Oceanic and Atmospheric Administration – Wrecks & Obstructions Search



USGS *Hayward, Calif.* (1899)



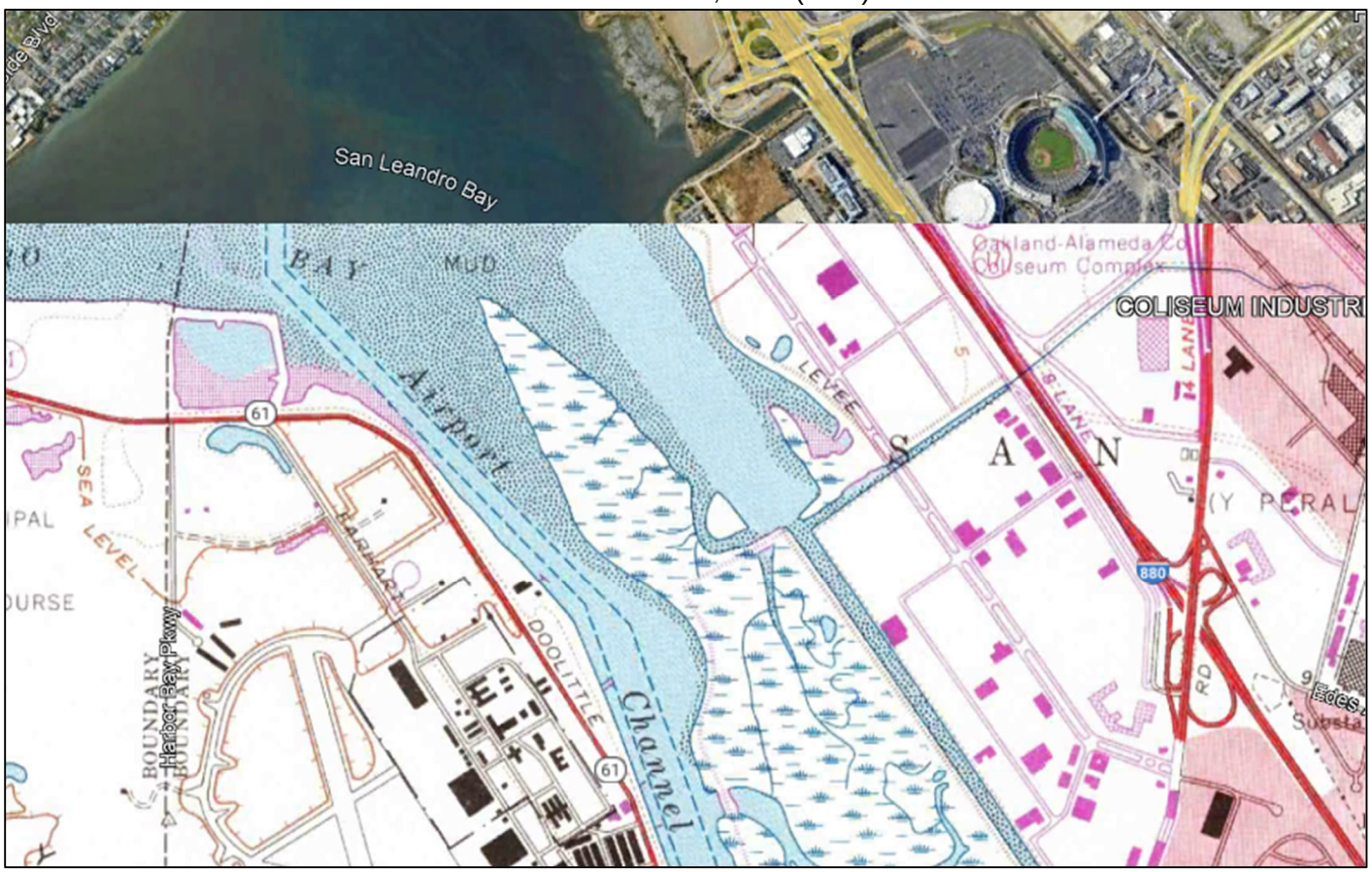
USGS *Hayward, Calif.* (1942)



INFO CENTER & IN-HOUSE RECORDS SEARCH

USGS *San Leandro, Calif.* (1947)

USGS *San Leandro, Calif.* (1959)

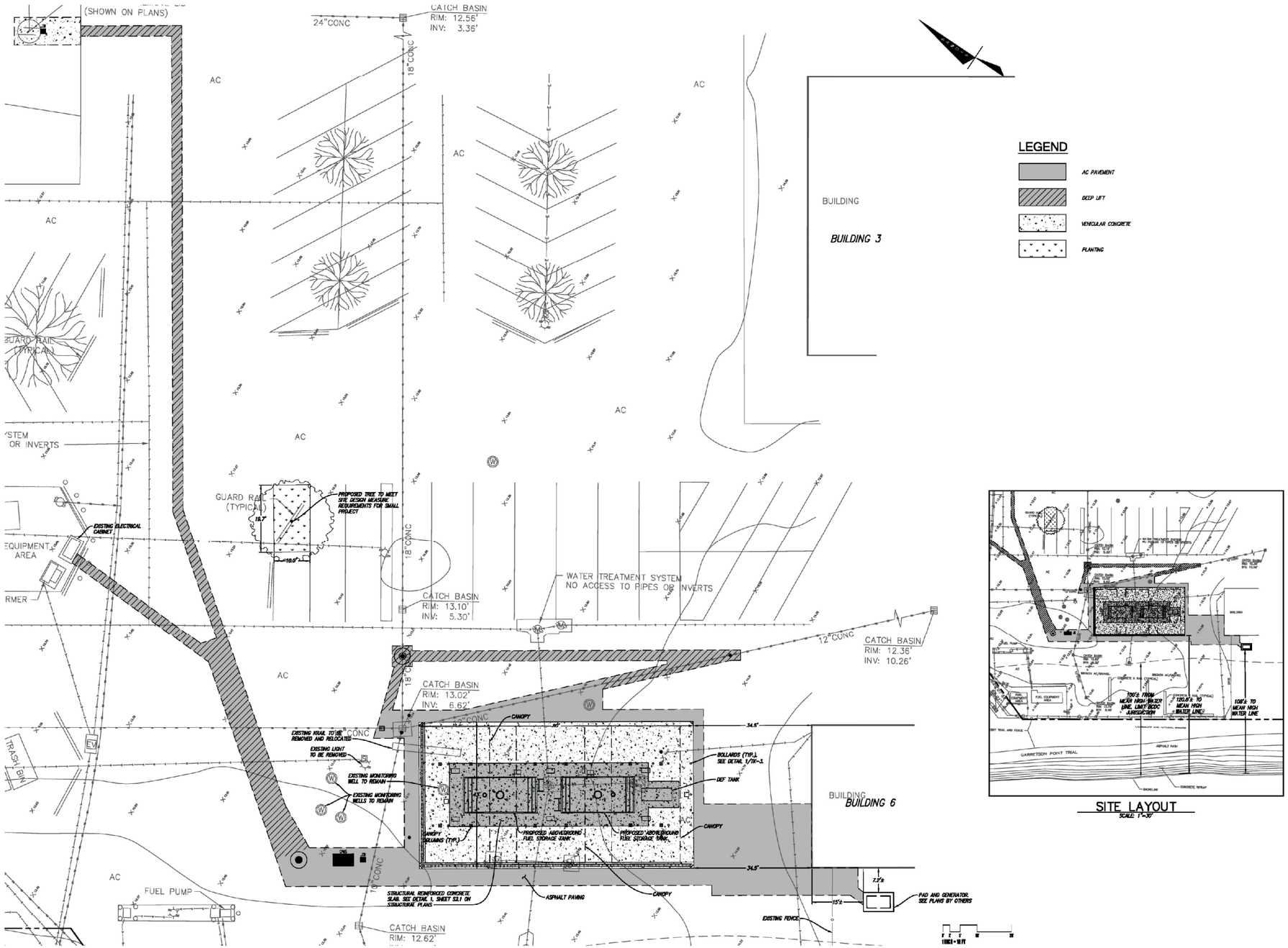


Standard Mitigation Measures for the Confederated Villages of Lisjan Nation

Mitigation Measure CUL-1: Native American Monitoring. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find evaluated for listing in th CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill. Or negative findings during the first 50 percent of the entire area of ground disturbance. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Mitigation Measure CUL-2: Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicants expense, to prepare mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, or protecting the confidentiality of the resources, or heritage recovery.

Mitigation Measure CUL-3: Halt work/Coroners Evaluation/Impact to previously undiscovered human remains. If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and ant associated funerary objects. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archeologist's assessment, a report should be prepared documenting, methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeologist materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location mitigated between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.



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Barghausen Consulting Engineers, Inc., 2024; AECOM, 2024

AECOM

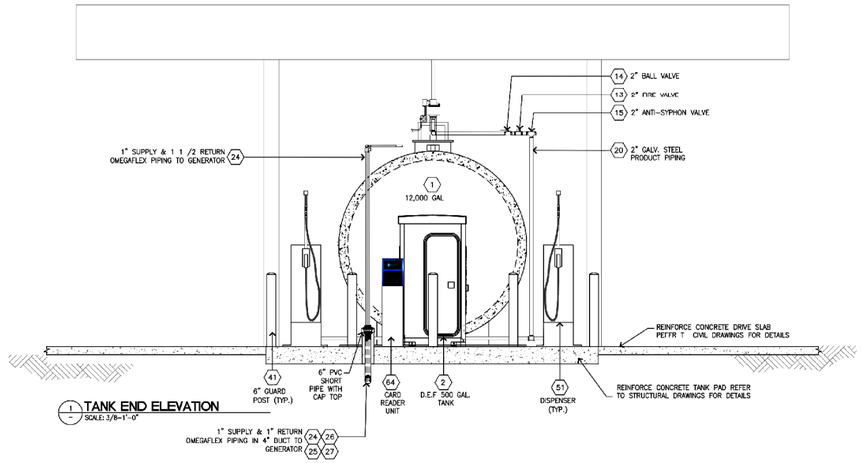
Port of Oakland

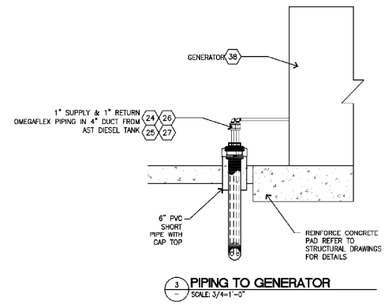
City of Oakland Municipal Service Center Fuel Station

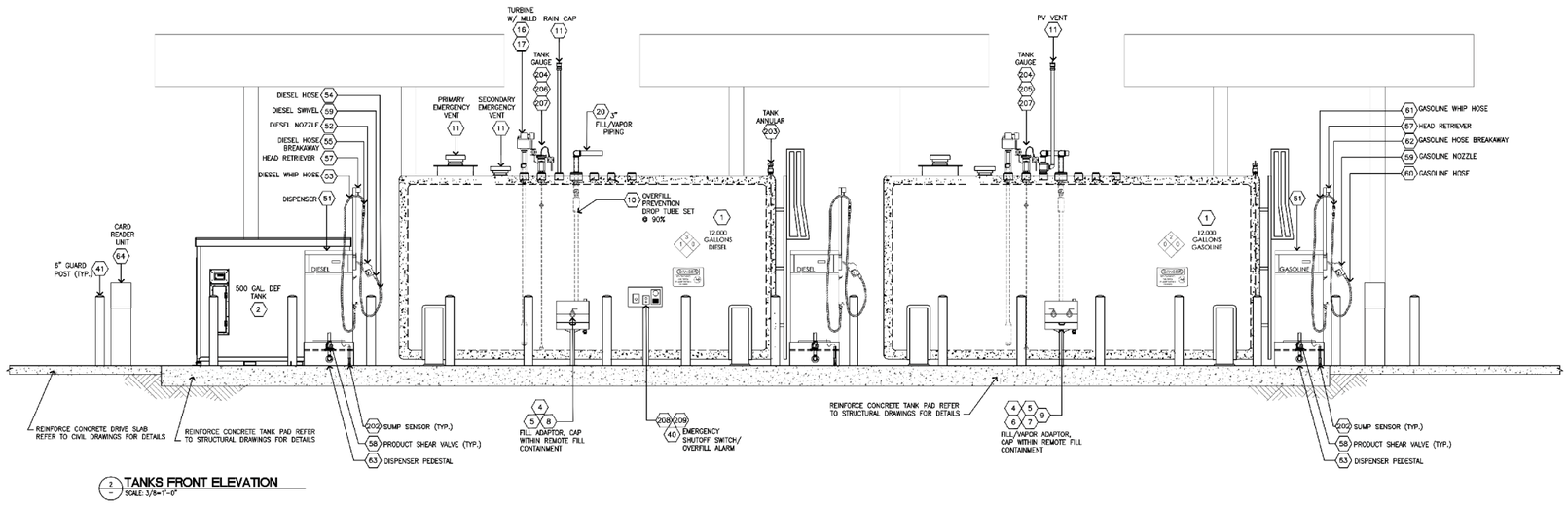
7101 Edgewater Drive, Oakland, CA

FIGURE 2-3

Site Plan







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Barghausen Consulting Engineers, Inc., 2024; AECOM, 2024

AECOM

Port of Oakland

City of Oakland Municipal Service Center Fuel Station

7101 Edgewater Drive, Oakland, CA

FIGURE 2-4

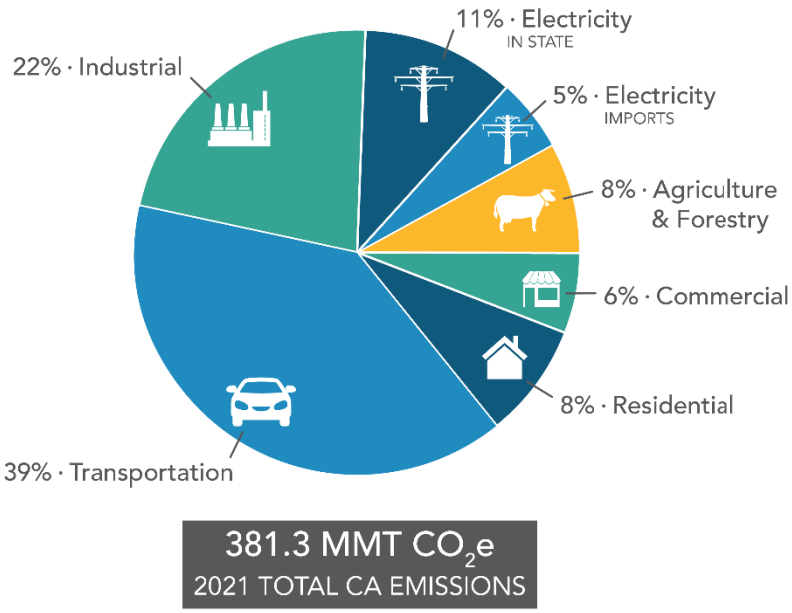
Fuel Station Cross Sections

Greenhouse Gas Emissions Inventory and Trends

EPA prepares an annual report that tracks nationwide GHG emissions and sinks by source, economic sector, and GHG, from 1990 to the present. The annual report provides a comprehensive accounting of total GHG emissions from all anthropogenic sources in the United States. In 2022, GHG emissions in the United States totaled 6,341.2 million MT CO_2e, and emissions increased by 1 percent compared to 2021; this increase was largely driven by an increase in CO_2 emissions from fossil fuel combustion (EPA 2024d). Fossil fuel combustion is the largest source of GHG emissions in the United States, at 75 percent of all CO_2e emissions (EPA 2024d). Transportation, electricity generation, and industrial are the top contributing sectors to GHG emissions from fossil fuel combustion (EPA 2024d).

CARB prepares an annual inventory of statewide GHG emissions. As shown on Figure 3-1, which presents statewide GHG emissions by sector (or type of activity), 381.3 million MT CO_2e were generated in 2021. Combustion of fossil fuel in the transportation sector was the largest contributing sector to California's GHG emissions in 2021, accounting for 39 percent of total GHG emissions. Transportation was followed by industry, which accounted for 22 percent; and then the electric power sector (including in-state and out-of-state sources), which accounted for 16 percent of total GHG emissions (CARB 2023).

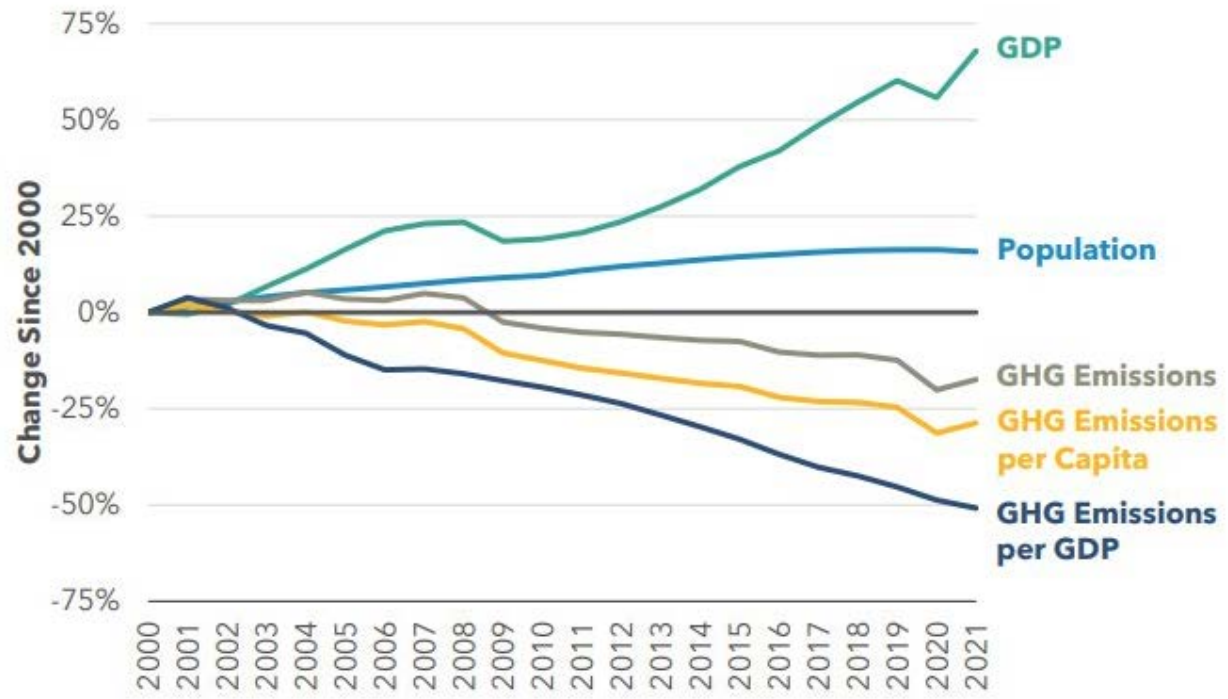
Figure 3-1 2021 California Greenhouse Gas Emissions Inventory by Sector



Source: CARB 2023

California has implemented several programs and regulatory measures to reduce GHG emissions. Figure 3-2 demonstrates California's progress in reducing statewide GHG emissions. Since 2007, California's GHG emissions have been declining, even as population and gross domestic product have increased. Per capita GHG emissions in 2021 were 30 percent lower than the peak per capita GHG emissions recorded in 2001. Similarly, GHG emissions per million dollars of gross domestic product have decreased by 51 percent since the peak in 2001.

Figure 3-2 Trends in California Greenhouse Gas Emissions (Years 2000 to 2020)



Source: CARB 2023

3.7.2 Regulatory Setting

Although many federal, state, regional, and local GHG-related plans, policies, and regulations do not directly apply to the implementation of the Project, the regulatory framework is helpful for understanding the overall context for GHG emissions impacts and strategies to reduce GHG emissions.

Federal

Clean Air Act

EPA is the federal agency responsible for implementing the federal CAA. The United States Supreme Court ruled on April 2, 2007, that CO_2 is an air pollutant as defined in the CAA, and that EPA has the authority to regulate emissions of GHGs. In *Massachusetts v. Environmental Protection Agency et al.,* 12 states and cities (including California), along with several environmental organizations, sued to require EPA to regulate GHGs as pollutants under the CAA (127 S. Ct. 1438 [2007]). The Supreme Court ruled that GHGs fit in the CAA's definition of a pollutant and that EPA had the authority to regulate GHGs. The Inflation Reduction Act, signed on August 16, 2022, affirms EPA's authority to regulate GHG emissions under the CAA.

The Energy Independence and Security Act (EISA) of 2007 amended the Energy Policy and Conservation Act to further reduce fuel consumption and expand production of renewable fuels. The EISA's amendment statutorily mandated that the National Highway Traffic Safety Administration (NHTSA) set average fuel economy standards for light duty cars and trucks for each model year. The first phase targeted vehicle model years 2012 through 2016; the second phase of the standards includes GHG and fuel economy standards for model years 2017 through 2025. On May 2, 2022, finalized standards for 2024 through 2026

AECOM

Port of Oakland

City of Oakland Municipal Service Center Fuel Station
7101 Edgewater Drive, Oakland, CA

FIGURE 3-3

Existing Ambient Noise Monitoring Locations

The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Road, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7447

Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

$275.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of $412. ($333. lodging, $79 M&IE).

M&IE Breakdown FY 2023

M&IE Total[1]	Continental Breakfast/ Breakfast[2]	Lunch[2]	Dinner[2]	Incidental Expenses	First & Last Day of Travel[3]
$79.00	$18.00	$20.00	$36.00	$5.00	$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	PHONE (A/C, No, Ext): (650) 328-1000	FAX (A/C, No): (650) 324-1142
	E-MAIL ADDRESS: BusinessVIP@alliedbrokers.com	

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Scottsdale Insurance Company	41297
INSURER B :	United States Liability Insurance Company	25895
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED
Amah Mutsun Tribal Band Consulting & Monitoring, LLC
330 Soda Bay Rd
Lakeport CA 95453

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER

FOR YOUR INFORMATION

CANCELLATION

SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mimi Watson

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

July 22, 2024

Mark Hale
AECOM

Via Email to: mark.hale@aecom.com

Re: City of Oakland's Fuel Station, Port of Oakland, Project, Alameda County

To Whom It May Concern:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Northern Valley Yokut / Ohlone Tribe on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment