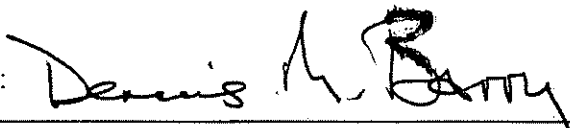


CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
APPROVED PERMIT

APPLICANT:	Unocal Corporation 1380 San Pablo Ave Rodeo, CA 94572	APPLICATION NO.	LP932038
OWNER:	Same	ASSESSOR'S PARCEL NO.	357-010-001
		APPROVED ZONING:	H-1
		EFFECTIVE DATE:	December 30, 1994
		APPROVAL DATE:	December 20, 1994

This is to notify you that the Board of Supervisors has granted your request for a Land Use Permit, subject to the attached conditions.

HARVEY E. BRAGDON, Director
Community Development Department

By: 
Dennis Barry - Deputy Director

PLEASE NOTE THE EFFECTIVE DATE, and be aware of the renewing requirements as no further notification will be sent by this office.

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the use allowed by this permit is not established within that time.

CONDITIONS OF APPROVAL FOR LAND USE PERMIT #2038-93 (UNOCAL CORPORATION REFORMULATED GASOLINE PROJECT)

GENERAL CONDITIONS

1. Development shall be based on the following documents except as modified by the conditions herein:
 - A. "Land Use Permit Application" dated received by the County Community Development Department on June 9, 1993.
 - B. Submittals completing and/or clarifying the land use permit application dated September 14, 1993, October 29, 1993, and December 20, 1993.
 - C. Project development and operation as further described in the Final EIR.
2. Prior to the commencement of grading or construction, the applicant shall submit to the Zoning Administrator for review and approval a Site Development Plan. The Plan shall:
 - A. Identify the phasing of the project construction on a quarterly basis. The purpose of this condition is to provide an updated construction schedule which identifies for each major project component, the expected start and completion dates for site preparation and for construction.
 - B. Identify the schedule for submitting the Hazard and Operability Studies.
 - C. Identify the new location for Tank 109 which shall be adjacent to Tank 112.
 - D. Eliminate the Steam Boiler Plant which is not approved.
3. An updated copy of the approved Site Development Plan (refer to Condition 2 A/B) shall be submitted to the Zoning Administrator every six months during the duration of the construction period.
4. The applicant shall submit to the Zoning Administrator for review and approval, an annual report detailing the facility's compliance with the conditions of approval and the Mitigation Monitoring Program. The report shall include supporting information from other regulatory agencies as applicable. For each mitigation measure, the report shall identify the compliance with the measure, the procedures or standards used to judge the compliance as applicable, times and dates of the monitoring and whether further action is required. A copy of the report shall be submitted to the Crockett Improvement Association, the Rodeo Municipal Advisory Council, the Facility Community Advisory Panel and the Rodeo-Hercules Fire Protection District for their review and comment prior to submittal to the Zoning Administrator.

NOTE: "MM" refers to the Mitigation Measure in the Final EIR.

5. The Zoning Administrator shall hold a public hearing at a frequency of once each year during the first three years and every three years thereafter to review the applicant's compliance with the land use permit conditions herein. The applicant shall submit a letter to the Zoning Administrator requesting that a hearing be held, and shall pay a fee to cover the hearing costs.

GEOLOGY: SLOPE STABILITY AND EROSION CONTROL:

6. At least twenty days prior to the issuance of grading permits or the commencement of construction (including excavation) on any site which involves cut/fill slopes, the applicant shall submit to the Zoning Administrator for review and approval a soils and slope stability report. The report shall be prepared by a California Certified Engineering Geologist or a Geotechnical Engineer. The report shall analyze the slope stability for specific sites and shall formulate design criteria and recommendations for cut and fill slopes.

The report shall:

- A. Provide detailed plans showing elevations, locations, extent, and slope of all proposed grading. All proposed project facilities, retaining walls, drainage systems, and erosion protection devices shall also be shown.
 - B. Identify the volume of material to be excavated and/or filled.
 - C. Evaluate the suitability of the earth materials for construction of stable embankments and excavation slopes. The report shall contain recommendations which conform with California Uniform Building Code and Contra Costa County requirements regarding construction procedures to obtain required slope stability. (MM 5-1(b) and 5-2)
7. Per Chapter 716-8 of the Contra Costa County Building Regulations, cuts shall not be steeper in slope than two horizontal to one vertical unless a site-specific engineering geology report is completed certifying that a cut at a steeper slope will be stable. Compacted fill slopes shall not be steeper than two horizontal to one vertical. (MM 5-1(a))
 8. During grading operations, a registered geotechnical engineer shall be on the site to (MM 5-1(c):
 - A. Observe that the recommended slope stability designs are correctly implemented;
 - B. Identify areas of potential instability and observe slope repairs, as necessary; and
 - C. Perform compaction testing of fill materials.

9. At least 20 days prior to the issuance of grading permits, the applicant shall submit to the Zoning Administrator for review and approval an Erosion and Sedimentation Control Plan. The plan shall identify interim measures to prevent erosion and sedimentation during project construction. The measures shall include but not be limited to the following (MM 5-3):
 - A. Grading to minimize areas of exposed, erodible material, and to avoid concentration of rapidly-flowing run-off in unprotected, erodible areas;
 - B. Temporary culverts and swales;
 - C. Mulch and jute netting blankets on exposed slopes;
 - D. Hydroseeding;
 - E. Sediment traps and/or silt fences designed and maintained to fulfill their function; and
 - F. A maintenance schedule and provision for monitoring the effectiveness of erosion control measures over the winter rainy season.
10. The plan shall also identify measures to prevent long-term erosion and sedimentation, including but not limited to the following:
 - A. Construction of drainage ditches on cut and fill slopes and integration of the ditches with the existing or planned storm sewer system;
 - B. Erosion control measures, such as erosion control fabric, vegetation, or retaining walls, should be used on open cut and fill slopes; and
 - C. Periodic inspection and maintenance, as necessary, of cut and fill slopes and sedimentation control facilities during the winter rainy season.
11. Fill used during the construction of the Reformulated Gasoline Project should be properly designed with keyways and subsurface drainage, and adequately compacted (i.e., minimum 90 percent relative compaction as defined by the American Society for Testing and Materials (ASTM) D1557 to significantly reduce natural fill settlement). (MM 5-5(d))

GEOLOGY: SEISMIC SAFETY:

12. At least 20 days prior to the issuance of grading permits or the commencement of construction, the applicant shall submit to the Zoning Administrator for review and approval a seismic safety report prepared by a California Certified Engineering Geologist or a Geotechnical Engineer. The report shall detail compliance with the following requirements:

- A. Characterize the tectonic setting of the site, evaluate seismic hazards, and provide seismic design criteria based on this analysis and pertinent State and County regulations. (MM 5-5(a))
 - B. Grading and design of facilities shall conform with the California Uniform Building Code and Contra Costa County Code requirements, to reduce the secondary effects of ground shaking on structures and infrastructures. (MM 5-5(c))
 - C. The design level investigation shall evaluate foundation conditions for each planned improvement, including Tank 110. Any areas susceptible to liquefaction, lateral spreading, lurch cracking or differential settlement shall be subject to ground improvement techniques, or other equally effective measures. (MM 5-5(c))
 - D. The report shall provide settlement estimates for foundations as well as for aboveground and underground utilities. Structures located astride the cut/fill boundary shall be evaluated to determine if special foundation systems are required. (MM 5-5(e))
13. Final design of the proposed improvements shall be consistent with the approved seismic safety report. (MM 5-5(f))
14. Prior to the issuance of building permits or the commencement of construction for any structures (e.g., tanks, hydrogen plant), the applicant shall submit evidence that the design of the structure has been reviewed by and conforms with the recommendations of the geotechnical engineer/engineering geologist and the structural engineer and meets the following requirements:
- A. Modern seismic design shall be used in construction for resistance to lateral forces. The minimum seismic-resistant design standards for all proposed facilities shall conform to the California Uniform Building Code Seismic Zone 4 Standards and Contra Costa County Building Regulations Division 716. (MM 5-5(b))
 - B. Additional seismic-resistant earthwork and construction design criteria shall be incorporated in the project as necessary, based on the site-specific recommendations of a California Certified Engineering Geologist or Geotechnical Engineer in consultation with the California registered structural engineering professionals.

AIR QUALITY:

15. The applicant shall implement the duct burner option for increased steam production to reduce project emissions of nitrogen oxides. The proposed steam boiler plant is not approved. (MM 8-4)

16. Unocal shall conduct source tests of the hydrogen plant heater and each of the steam turbines to confirm the annual average Precursor Organic Compound (POC) emission increases and shall report the results to the County Zoning Administrator within 90 days of achieving normal operation. These increases plus the projected increases of all other sources of POC listed on Table 8-15 of the Final EIR shall be considered the actual increase in volatile organic compounds due to the proposed project. If this actual increase equals or exceeds 27 tons per year, then Unocal shall take one of the following actions by March 1, 1996 to reduce volatile organic compounds in the Bay Area air basin by an amount that exceeds the difference between the actual emissions and 27 tons per year.
- A. Provide contemporaneous offsets, either on-site or off-site.
 - B. Accept a valve leak definition to 100 parts per million of volatile organic compounds for all valves at the Unocal San Francisco Refinery subject to BAAQMD Regulation 8-18, effective March 1, 1996.

Unocal may elect to implement either of the above actions without a source test, using the projected increase in volatile organic compounds as finally approved by the BAAQMD to be the actual increase. In this case, a source test will not be required.

Within 90 days of achieving normal operation, Unocal must present analysis to the County Zoning Administrator indicating (1) the amount of reduction needed, (2) which option has been chosen, and (3) how the chosen option will reduce the emissions to below 27 tons per year. (MM 8-3)

17. During construction, the applicant shall implement the following measures to reduce fugitive dust emissions. (MM 8-1(b)):
- A. All trucks hauling dirt, sand, soil, or other loose materials are to be covered and shall maintain at least six inches of freeboard (i.e., minimum required space between the top of the load and the top of the trailer).
 - B. Water active sites at least twice daily. Active sites shall be watered more often if necessary during excessively hot or windy conditions to avoid any impact to adjacent properties.
 - C. Water sites or suspend grading and/or excavating activities when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
 - D. Water or apply approved chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas, to unpaved road surfaces and to inactive construction areas.
 - E. Replace ground cover in disturbed areas as quickly as possible.
 - F. Enclose, cover, water twice daily, or apply approved soil binders, according to manufacturers' specifications to exposed stock piles, (i.e., gravel, sand, dirt).

- G. Establish a wheel washing station at the construction site exit(s) to prevent entrained dust from leaving the site.
- H. Traffic speeds on all unpaved road surfaces shall be maintained at 15 mph or less.

The Zoning Administrator may waive the requirement to comply with one or more of the above measures upon the finding that the applicant has submitted satisfactory evidence that compliance is not feasible because of associated safety hazards.

- 18. Prior to the issuance of grading permits or the construction of project elements (e.g., hydrogen plant, tanks), the applicant shall submit to the Zoning Administrator for review and approval evidence that construction access roads have been paved at least 100 feet on the site from the off-site road. (MM 8-1(b) (c))
- 19. Prior to the issuance of grading permits or the construction of project elements (e.g., hydrogen plant, tanks), the applicant shall submit to the Zoning Administrator for review and approval evidence that construction roads that may have a traffic volume of more than 50 daily trips for all vehicles have been paved. The Zoning Administrator may allow the paving of construction roads to occur at a later time within the construction period based on adequate evidence and monitoring that construction road use shall not exceed the thresholds specified in this condition prior to the completion of the required paving. (MM 8-1(b) (b))
- 20. During construction, the applicant shall implement all of the following measures to reduce construction equipment combustion by-product emissions (volatile organic compounds, nitrogen oxide, sulfur oxide and carbon monoxide). (MM 8-1(c)).
 - A. Prevent trucks from idling longer than two minutes to the extent feasible.
 - B. Use electricity from power plants (e.g., power poles) rather than temporary diesel or gasoline generators to the extent feasible.
 - C. Use methanol or natural gas on-site mobile equipment instead of diesel. Use propane or butane-powered on-site mobile equipment instead of gasoline to the extent feasible.
 - D. Use low sulfur fuel (0.05% sulfur content) in diesel powered construction equipment.
 - E. Use low emission on-site mobile equipment:
 - On-road diesel engines, to the extent available.
 - Turbochargers and aftercoolers, to the extent available.
 - Maximum fuel injection timing retard adjustment for equipment without on-road diesel engines.

- Electric versions of equipment, to the extent available.

21. Prior to the issuance of building permits or the commencement of construction, the applicant shall provide evidence to the satisfaction of the Zoning Administrator that all contracts with companies involved in the construction of the project include the requirement that daily average vehicle ridership equal not less than 1.15 (BAAQMD goal for Contra Costa County, 1994). The average daily ridership shall be calculated based upon the definition for construction in BAAQMD Regulation 13, Rule 1. To the extent that the average vehicle ridership cannot be achieved, the applicant may propose alternative measurable pollution reducing alternatives for implementation. In the event that local commute rules also apply, the most stringent rules shall be followed. (MM 8-1(a))

WATER QUALITY:

22. Prior to grading and/or excavation at any site, Unocal shall submit to the County Zoning Administrator for review and approval, a Soils Management Plan which has been approved by the California Regional Water Quality Control Board. The plan shall describe how non-hazardous, contaminated soil and groundwater will be handled during the construction phase of the Reformulated Gasoline Project. In addition, Unocal shall sample and analyze soil during the excavation and grading process. Should materials not typical of Unocal's soils analysis be encountered, Unocal shall halt excavation and dewatering operations and conduct an investigation per California EPA requirements. Soils shall be managed per the approved soils management plan unless the soils analysis indicates that the material is a hazardous waste, in which case it will be managed according to the California EPA requirements. (MM 6-3)
23. Unocal shall implement their plan to use 100% non-potable water for tank testing, which reduces the construction water demand from 60 - 70 gpm to 5 gpm. Prior to individual tank testing, the applicant shall inform the County Zoning Administrator which of the following measure(s) will be used:
- A. Use of salt water for equipment testing where available.
 - B. Use of effluent water for equipment testing where available.
 - C. Reuse of test water between tank tests.
 - D. Recycling of test water for cooling tower make-up water. (MM 13-1)

Unocal shall submit to the Zoning Administrator a quarterly report during the construction phase of the project that details whether the applicant has achieved the projected 5 gpm use rate. If the rate has not been achieved, the applicant shall propose additional measures designed to ensure that the specified rate is achieved. All additional measures approved by the Zoning Administrator shall be implemented.

Prior to the operation of new or modified units, the applicant shall supply evidence to the satisfaction of the Zoning Administrator that the program to expand the existing condensate collection system, and to recycle hydrogen plant effluent water for boiler feedwater use has been implemented. (MM 13-2)

RISK OF UPSET:

24. Prior to the start-up of any project element, the applicant agrees to submit to the County Health Services Department and the County Zoning Administrator for review and comment the management process for internal and external notification and handling of any potential upset conditions. Unocal shall also provide a copy of the submittal to the Rodeo-Hercules Fire Protection District for their review and comment. For the purposes of this condition, an "upset" condition means any exception to the normal operation of the refinery that has the possibility of creating an on-site health hazard, of being noticeable off-site, or of creating a health hazard off-site.
25. The management notification process and its effectiveness in handling actual upset conditions shall be reviewed by the County Health Services Department and by the County Zoning Administrator every six months for the first two years, and once every year thereafter. At least 30 days prior to the annual review the applicant agrees to submit any requested information necessary for this review. The results of this review, as well as any updated information, shall be included in the applicant's annual report specified in Condition #4 herein. This information shall also be reviewed as part of the public hearing held by the Zoning Administrator to review the applicant's compliance with these Conditions of Approval as specified in Condition #5 herein. The applicant shall pay a fee to the County Health Services Department to cover the Department's staff costs required to review submittals for this condition.
26. Prior to the operation of any project element, the applicant shall provide evidence to the satisfaction of the Zoning Administrator that the Emergency Response Plan has been updated to adequately address the new project element.
27. At least 60 days prior to the start-up of any element of the proposed project, a Hazard and Operability Study with an accident consequence analysis shall be completed and made available by the applicant for review by the County Health Services Department and for the review and acceptance of the County Zoning Administrator. The study shall use methods established by the American Petroleum Institute Recommended Practice 750 and significance criteria identified in the project Final EIR. If the Hazard and Operability Study finds significant impacts, the study shall include proposed engineering or operational controls to reduce the probability or severity of significant accidents. The applicant shall submit to the Rodeo-Hercules Fire Protection District a copy of the County findings and any additional requirements resulting from the review.
28. Prior to start-up, the applicant shall demonstrate to the satisfaction of the County Health Services Department, that the measures detailed in the accepted Hazard and Operability studies have been implemented.

29. After the project is in operation, but prior to the commencement of any construction to modify any portion of the Reformulated Gasoline Project which has the potential to generate an off-site hazard from process upset, the applicant shall provide written notice to the County Health Services Department and to the County Zoning Administrator and obtain a determination as to whether the change requires a new Hazard and Operability Study with an accident consequence analysis. The applicant shall provide a copy of this request to the Rodeo-Hercules Fire Protection District.
30. Prior to the operation of any project components which require amendment of the Risk Management and Prevention Plan (RMPP), the applicant shall submit to the County Health Services Department for review and acceptance the revised RMPP. A copy of the document shall also be submitted to the Rodeo-Hercules Fire Protection District by the applicant.
31. Prior to the start-up for each project element which involves the use of hazardous materials, the applicant shall update the Hazardous Materials Business Plan on file with the County Health Services Department.
32. Unocal shall comply with the applicable requirements of Cal-OSHA to protect employee health and safety.
33. In the event of a spill, Unocal shall immediately implement its existing Oil Spill Contingency/Response Plan as described in the Facility Response Plan for the San Francisco Refinery. (MM 6-8)
34. The applicant shall, upon the request of the County, participate with the County and with other industrial businesses in establishing an emergency medical response van which may be used during hazardous materials incidents. The participation may include providing financial assistance not to exceed \$20,000.
35. Prior to the operation of any project component, the applicant shall submit to the Zoning Administrator for review and approval evidence that the Emergency Notification Plan has been amended to provide notification to the schools in Rodeo and Crockett of releases that may affect them.
36. Prior to June, 1995, the applicant shall conduct two shelter-in-place workshops which shall be open to all local residents at no cost. The applicant shall provide shelter-in-place kits to all attendees. The materials presented shall be subject to the review and approval of the County Health Services Department.
37. Unocal shall work with any Rodeo licensed day care who requests notification and participation in the "Community Warning System." Unocal shall provide any required access material and installation.
38. Unocal shall continue its participation in the Refinery/Petrochemical mutual aid system.

CONSTRUCTION PERIOD NOISE AND LIGHTING RESTRICTIONS:

39. Noise generating construction activities (e.g., demolition, grading) shall be limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Saturday, and shall be prohibited on State and Federal holidays. Concrete pours begun during the allowed construction period may continue until completion. The unloading of equipment is allowed outside of the specified construction period. However, the Zoning Administrator may, after receipt of complaints from neighboring property owners, restrict unloading activities to 7:00 A.M. to 6:00 P.M., Monday through Saturday. Noise generating construction activities may be allowed on Sundays following written approval by the Zoning Administrator. If the Zoning Administrator allows noise construction activities to occur on a Sunday, the applicant shall notice property owners within 500 feet of the boundary of the construction site.
40. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 500 feet of the exterior boundary of the refinery notice that construction work will commence. Notice shall also be given to the Rodeo Municipal Advisory Council, the Crockett Improvement Association, and the facility Community Advisory Panel. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading or construction activity.
41. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from existing residences as possible.
42. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
43. Flood or area lighting needed for construction activities shall be placed and directed so as to not disturb adjacent residential uses and passing motorists. (MM 15-1)

OPERATIONAL NOISE REQUIREMENTS:

44. When designing the Reformulated Gasoline Project, Unocal shall meet the following performance standard for new or modified equipment and piping system:

- Specification SP-100-1 will limit the A-weighted noise level to 85 dBA at specified locations close to the various pieces of equipment. The noise control specifications, included as Appendix 10B of the Final EIR for the Unocal Reformulated Gasoline project, shall be incorporated into contract documents. (MM 10-4)
- 45. Prior to the issuance of building permits or the commencement of construction for any element of the project which would generate noise, Unocal shall submit to the Zoning Administrator for review and approval detailed noise level calculations delineating (1) the noise control treatments included in the design, and (2) the calculated noise levels demonstrating compliance with the performance limit, Specification SP-100-1. This analysis shall be performed by an individual who is a registered engineer or a member of the Institute of Noise Control Engineering and who has at least five years experience in noise control engineering. (MM 10-4(b))
- 46. Prior to the operation of new or modified operating units, the applicant shall submit to the Zoning Administrator for review and approval, a noise monitoring plan. The plan shall specify noise monitoring procedures and standards to certify that the Reformulated Gasoline Project will meet the noise performance standard (SP-100-1). The program must include monitoring the equipment at least once each year for the first three years after the project is fully operational. It must also include a procedure for handling remedial noise control, if required. (MM 10-4(c))

GENERAL TRANSPORTATION REQUIREMENTS:

- 47. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this permit. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

This development shall conform to the requirements of Division 914 (Drainage) of the County Code. The following requirements must conform with Division 914:

- A. The applicant shall provide drainage modifications to reroute road run-off waters to existing roadside drainage culverts.
- B. The drainage, road and utility improvements outlined in these conditions shall require the review and approval of the Public Works Department and are based on the Preliminary Sketch Plan dated received by the County Public Works Department on October 12, 1994.

ROADWAY/ACCESS REQUIREMENTS:

- 48. If improvements along the project frontage are chosen to be funded by the Local Transportation Improvement Fund, the scope of work will generally correspond to the following:

Improvements shall include pavement widening along the frontage of San Pablo Avenue and relocation of utility poles at least 5-feet outside of the pavement widening. The edge of pavement shall be 32 feet from the road centerline, except where additional pavement width is necessary to accommodate a left turn lane for the project entrance, if needed. Landscaping along the frontage shall be included in the improvements. A separate landscape plan shall be required, subject to the review and approval of the Zoning Administrator. Unocal shall maintain the landscaping.

The pavement width may be reduced along those sections of San Pablo Avenue where widening to a 32-foot half-width is infeasible (e.g., at utility bridge, where conflicts exist with existing fuel facilities, and northeast of Unocal's pipe bridge where widening the shoulder is not feasible). The Preliminary Sketch Plan dated "received by the County Public Works Department, October 12, 1994" has been approved and is the basis for the work. A final sketch plan shall be submitted to the Public Works Department, Engineering Services Division, for review showing all public road improvements prior to starting work on the improvement plans. The sketch alignment plan shall be to scale and show proposed edge of pavement lines, lane striping details, lighting, cross-sections, and any conflicts which may render the proposed pavement widening infeasible. The sketch plan shall extend a minimum of 150-feet beyond the limits of the proposed work. The sketch alignment plan shall also include sufficient information to show that adequate sight distance has been provided.

If any existing Unocal facility which is in conflict with the proposed widening is replaced, the replacement facility shall be installed outside the widened right of way for San Pablo Avenue.

49. Applicant shall furnish proof to the Public Works Department, Engineering Services Division, of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, road or drainage improvements.
50. Relinquish abutter's rights of access along San Pablo Avenue with the exception of the existing access driveways.
51. The applicant shall remove or prune existing trees and shrubbery and shall do minimal grading to improve site distance at the San Pablo Avenue accesses. A goal of 50 mph design speed is set.
52. Applicant shall convey to the County, by Offer of Dedication, sufficient right of way easement for overhead utility poles and wires.
53. To mitigate the project's exacerbation of the need for base failure and pothole repairs due to construction truck traffic, the county shall perform visual inspections of the conditions of San Pablo Avenue along the Unocal frontage before and after the construction. Unocal shall be responsible for the cost of any pavement repair along

its frontage which is necessary, based on the visual inspections, to restore the pavement to its pre-construction conditions. Unocal shall contribute to the Public Works Department the equivalent cost of the County's chip seal program for the portion of San Pablo Avenue within 1,500 feet of the Unocal Main Gate. (MM-12-5)

DRAINAGE IMPROVEMENTS:

54. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.
55. Storm drainage facilities required shall be designed and constructed in compliance with design standards of the Public Works Department.
56. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.

CONSTRUCTION PARKING CONTROLS:

57. Unocal shall coordinate with the Traffic Division of the Contra Costa County Public Works Department to arrange for the following temporary modifications to San Pablo Avenue and the parking lot entrances, which shall remain in place for the duration of project construction (MM 12-4(a)):
 - A. Remove double yellow line striping on the San Pablo Avenue median at the driveways into Lot 2/3 and the West Lot. The length of removed striping section should extend to the width of the driveways. The break in striping will make the lot entrances more noticeable.
 - B. Post signs identifying lot names at the lot entrances on San Pablo Avenue.
 - C. Upon the completion of construction, the signs shall be removed and the median striping replaced.
58. Unocal shall conduct a quarterly monitoring program to assess the safety of traffic operations at Lot 2/3, the West Lot and the Main Lot (via Gate 28). The program shall begin one month after the start of construction. A registered traffic engineer shall observe traffic operations at the lot entry/exit points during the morning and afternoon construction peak hours. The program shall observe at least one period when a turnaround coincides with project construction, should such a situation occur. Parked vehicle counts will also be taken as part of each monitoring activity. The purpose of the monitoring will be to ensure that unsafe movements are not being made, and that significant conflicts with vehicles from adjacent facilities (for example the Main signal and California Street) do not occur. Criteria that should be incorporated into the monitoring assessment include (MM 12-4(b)):

- A. Number of vehicles choosing unsafe gaps when turning into and out of the parking lots (as evidenced by through vehicles needing to brake excessively, and/or outbound vehicles accelerating excessively).
 - B. Number of vehicle maneuvers resulting in undesirable proximity to bicyclists or pedestrians.
 - C. Instances of through vehicles having difficulty maneuvering to an outside lane to avoid vehicle queues in the inside lane (due to sight distance problems, speeding or excessive queue lengths).
 - D. Instances of inside lane queue lengths interfering with adjacent intersection operation (i.e., blocking traffic at the main gate intersection).
59. If the County Public Works Department concludes that the monitoring assessment shows a need for greater control of the parking lot entrances, Unocal shall implement manual traffic control at the lot entrances. The manual traffic control shall remain in effect until the work force decreases to a level that can be accommodate in the Unocal-Bechtel Alliance Lot.

OTHER REQUIREMENTS:

60. The applicant shall comply with the following archaeological resource requirements (MM 17-1):
- A. If any significant cultural materials such as artifacts, human burials, or the like are encountered during grading, trenching or other on-site earthwork or construction operations, such activity shall cease within 30 yards of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. A qualified archaeologist is one who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA). Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.
 - B. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and curated along with associated documentation in a professional manner consistent with current archaeological standards.
61. Laydown areas for project construction shall be as described in the Land Use Permit Application and the Final EIR.

62. Within six (6) months of the effective date of the land use permit, the applicant shall submit to the Zoning Administrator for review and approval a Landscaping Plan for the refinery site. Prior to submittal to the County, the applicant shall submit the Plan to the Rodeo Municipal Advisory Council, the Crockett Improvement Association and the facility's Community Advisory Panel for review and comment. Any comments received from these three panels that were not incorporated into the proposed Landscape Plan, shall be summarized and submitted to the Zoning Administrator.

The Landscaping Plan shall be prepared by a Certified Landscape Architect and shall improve the visual appearance of the refinery as viewed from the southern property boundary.

Since landscaping will have limited success in screening the refinery components, the Plan shall focus on improving the visual character of the area to the extent feasible. The Landscaping Plan shall provide for:

- A. The use of berms where possible to increase the height of the landscaping, thus providing greater screening.
- B. The use of evergreen trees.
- C. The planting of at least 350 15-gallon trees.
- D. Planting of a minimum of an additional 25 mature trees such as 20-24 foot olive trees.
- E. The use of vines and shrubs along San Pablo Avenue.
- F. A schedule for Plan implementation.
- G. Ongoing maintenance designed to achieve a 90 to 95 percent success rate.
- H. The prompt replacement of vegetation that dies.

The applicant shall pay particular attention to the view of the refinery from Hillcrest School. If the school district approves, the applicant shall include landscaping on the school district property which will provide greater screening of the refinery that could be achieved by limiting planting to the refinery property.

63. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this land use permit application. The County will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

64. The applicant shall be allowed to locate construction trailers on the refinery site during the 18-month construction period, and for an additional two months for construction preparation and take-down.
65. Unocal shall provide the Rodeo community with quarterly newsletters informing the community of project status and other relevant information.
66. Unocal shall appear before the Rodeo Municipal Advisory Council on a quarterly basis during the project construction period to provide information.
67. Unocal shall deposit with the County Community Development Department \$50,000 in January, 1995 and \$50,000 in January, 1996 for community improvement projects in Rodeo. The Rodeo Municipal Advisory Council shall recommend to the Board of Supervisors projects to be funded. County administrative costs to assist the Rodeo Municipal Advisory Council in making recommendations or managing and disbursing the fund shall not be recovered from these contributions.
68. Unocal shall advise the Rodeo Municipal Advisory Council and other community organizations this Council designates of future Unocal hiring plans as they develop.
69. Unocal shall work with the Contra Costa building trades to implement a hiring outreach program for apprentices from the Rodeo and Crockett communities.
70. Unocal shall cooperate with the Contra Costa County Health Services Department, Supervisor Jeff Smith's office, the Rodeo Municipal Advisory Council and other advisory committees in the Rodeo/Crockett area to develop a community advisory program. The County may appoint up to one-half of the members of the Community Advisory Panel (CAP).
71. Unocal shall, to the extent feasible, divert demolition debris and construction waste from the waste stream. Prior to commencement of construction or demolition, the applicant shall meet with the County Community Development Department Resource Recovery staff to identify opportunities for the diversion of materials.
72. The applicant shall construct a bike trail and walking path along Unocal property frontage generally as shown on the Preliminary Sketch Plan dated "received by the County Public Works Department, October 12, 1994." The applicant shall dedicate a portion of the existing security road at the northeastern boundary as a dual-lane bike path. Unocal will retain the right of use for security purposes. The physical configuration of the facilities shall be subject to the review of the East Bay Regional Park District and the review and approval of the County Public Works Department. Costs for construction in excess of \$100,000 will be the responsibility of others. Applicant shall work with the County and the Community to secure additional funding for these improvements, if required. At the discretion of the Board of Supervisors, funds from the Local Transportation Improvement Fund established in Condition #76 may be used for this purpose.

73. Unocal shall contribute \$25,000 per year for the next three years to the John Swett Unified School District for specific student programs. Unocal would like to participate by providing input to the proposed programs.
74. Prior to the commencement of operations, Unocal shall contribute \$378,000 for a facilities improvement project at Hillcrest School. The project will replace windows, weather stripping and doors and will be administered by the school district.
75. By January 31, 1995 the applicant shall submit to the Zoning Administrator for review and approval a monitoring test program for a fence line monitoring system as specified below. The system, if approved by the Zoning Administrator, shall be in place and operating by November 1, 1996 and shall fully incorporate the best available technology.

Unocal shall supply evidence to the Zoning Administrator as each of the milestones is completed, indicating compliance with the following steps:

- A. Unocal will test and install an improved air pollution monitoring system that is mutually agreeable to the signatories of its Good Neighbor Agreement and the County Zoning Administrator as outlined below:
 - 1) Unocal and representatives designated by the signatories of this Agreement will design a monitoring test program that will include infra-red or other state-of-the-art remote sensing technology by January 31, 1995. The test program will be designed to determine (1) the effective range of the monitoring instrument, (2) the compounds that the instrument is able to detect, (3) the accuracy of the instrument at different ranges for the detectable compounds, (4) the reliability of the monitoring instrument at different ranges and for detectable compounds, (5) the suitability of siting options, including the effect of localized environmental conditions (i.e., highways, fog, rain, wind, etc.), (6) identification of specialized operation and maintenance requirements, and (7) the best means of recording the data collected.
 - 2) Unocal will order the test instrument as soon as practicable after the test program design is complete, but not later than March 31, 1995. The availability of the selected test instrument will be communicated to the community representatives at the time of ordering.
 - 3) Unocal will install the instrument within 60 days of receipt of delivery.
 - 4) The six-month test program will begin no later than August 1, 1995, subject to availability of the selected equipment. All data collected from the test instrument will be available to signatories to the agreement upon request and will be shared with the community at monthly public meetings.

- 5) Unocal will prepare an interim report on its test program by December 1, 1995 and provide a copy of the report to the signatories to this agreement and the County Zoning Administrator. Upon completion of the test period, Unocal will prepare a final report that will be provided to the signatories to this agreement and the County Zoning Administrator by April 1, 1996.
 - 6) Unocal and the signatories to this Agreement will meet to finalize the design of the improved monitoring system as soon as practicable after the final report. The final design shall be submitted by Unocal to the County Planning Commission for review and approval. The design shall identify (a) the location of the monitors, (b) the spacing of the monitors, (c) the compounds to be monitored, and (d) the method of recording, preserving and using the data collected by the monitoring system. Unocal will begin installation of the above system no later than July 1, 1996. All data will be available to the Citizens Advisory Panel GAP and the BAAQMD.
76. Applicant shall contribute \$4.5 million to the County as Local Transportation Improvement Fund for the construction of local transportation improvements and/or improvements to the local transportation network. Funds shall be deposited in the Public Works Trust Fund 8192. Earned interest shall accrue to the benefit of the fund. The applicant shall work with County staff, Caltrans, Crockett-Rodeo Transportation Committee, and the Supervisor from District II to establish a community based process to identify and prioritized projects to be constructed. The Supervisor from District II will present this process to the Board of Supervisors within one month of the beginning of the project, and present an implementation plan and expenditure plan within six months of the beginning of the project. Projects to be considered include, but are not necessarily limited to the following:
- A. Frontage improvements along San Pablo Avenue frontage of the project.
 - B. The extension of Cummings Skyway and/or
 - C. Improvements to Parker Avenue through Rode.

It is the Board's intention, and the desire of the community, to move forward with the planning and construction of the extension of Cummings Skyway as expeditiously as possible.

Applicant shall work with the County and the community to support the process outlined above and shall continue to work with the County to identify, and advocate for, additional funding for important local projects. Projects to be funded through this program are subject to the approval of the Board.

77. Within three months of the effective date of the land use permit and every three months thereafter, the applicant shall submit to the Zoning Administrator, for review and approval, a written report outlining the progress of negotiations of a Good Neighbor Agreement. Good faith negotiations towards a Good Neighbor Agreement, as determined by the Zoning Administrator, shall be a condition of approval of the land use permit. If the Zoning Administrator finds that the applicant has not facilitated good faith negotiations, the Zoning Administrator shall notify the applicant of non-compliance with the conditions of approval and shall commence revocation proceedings for the land use permit. The applicant may appeal any revocation decisions directly to the Board of Supervisors.
78. If and when a Good Neighbor Agreement is negotiated, the applicant will submit the agreement to the Zoning Administrator for review and approval. The Zoning Administrator's approval will include, but not be limited to, consideration that appropriate public input has taken place in the negotiation of the agreement. The Zoning Administrator's approval of the Good Neighbor Agreement shall remove Condition of Approval #78 from this land use permit.

Nothing in condition of approval #77 or #78 shall require public hearings unless the Zoning Administrator institutes revocation proceedings. Nothing in Condition of Approval #77 and #78 shall prohibit written public comment from being submitted to the Zoning Administrator in his or her consideration of the periodic report of negotiations of the Good Neighbor Agreement.

79. Unocal shall complete the following steps to achieve on-site emission reductions for Volatile Organic Compounds (VOCs), according to the schedule identified below in this condition:

By April 30 1995 Unocal will begin monthly monitoring of valves and pumps, which are currently subject to quarterly monitoring by BAAQMD regulations. Results of leak testing will be made available to representatives of the CAP and to the BAAQMD. When feasible, valves or pumps that are repetitive leakers will be replaced or upgraded (by utilizing advanced packing or bellows valves [for valves two inches or smaller] and canned pumps or double seals for pumps). Repetitive leakers are those pumps or valves that are found leaking more than two times in a one year period as defined by BAAQMD Regulation 8. For units in which there are no non-repairable valves (as defined by BAAQMD Regulation 8-18-304) or pumps (as defined by BAAQMD Regulation 8-25-304) monthly monitoring will not be required. When fugitive emissions are reduced to 2,000 lbs/day (currently these emissions are 2,787 lbs/day per BAAQMD source emission listing dated August 18, 1993), monthly monitoring may be discontinued. Unocal will maintain the level of reduction achieved during monthly monitoring. These represent a 28 percent or 787 lb/day reduction (143 tons/yr).

Reductions will be attained by implementing the following projects. If monthly monitoring identifies additional emission sources Unocal will conduct appropriate repairs and replacement until the above-stated goal is attained.

- A. Replace 12 <2" valves at Unit 228 with bellows valves. Complete by March 1, 1996, or by an earlier date as unit maintenance schedules allow.
 - B. Replace 40 valves at Unit 210 with bellows valves. Complete by March 1, 1996, or by an earlier date as unit maintenance schedules allow.
 - C. Replace an additional 28 <2" valves leaking at 10,000 ppm. Complete by March 1, 1996, or by an earlier date as unit maintenance schedules allow.
 - D. Install an additional 50 bellows valves (<2") by December 31, 1996.
 - E. Install an additional 50 bellows valves (<2") by December 31, 1998, or by an earlier date as unit maintenance schedules allow.
 - F. Reduce fugitive emissions on Unit 228 "zj" valves by nitrogen purging the valve stuffing boxes to vapor recovery for 25 specialized control valves. This conversion will be completed by February 28, 1995.
 - G. Modify/replace seven pumps. Replace two pumps at Unit 215 with canned pumps; convert one pump at Unit 220 with a double seal; replace two pumps at Unit 228 with canned pumps; replace two pumps at Unit 240, one with a canned pump and convert the other to double seals. Completion by December 31, 1996, or by an earlier date as unit maintenance schedules allow.
 - H. Unocal will not seek emission reduction credits for any of the air pollution reductions in this agreement.
 - I. Unocal purchases of emission reduction credits for offsets associated with the Reformulated Gasoline Project will be from sources as close to the local area as are available.
80. In the event of a major chemical release from the refinery, Unocal agrees to work with the Contra Costa County Health Services Department to provide early medical intervention for affected residents of the local communities. Unocal agrees to include County staff in training provided as part of clinic operations, to enhance Emergency Response Van preparedness.
81. Unocal shall redesign its Reformulated Gasoline Project to avoid the use of anhydrous ammonia and shall replace all bulk deliveries of anhydrous ammonia with aqueous ammonia at the refinery by December 31, 2001. This phase out will result in a reduction of truck deliveries of anhydrous ammonia to the refinery. By December 31, 1996 the number of truck deliveries shall decrease from 12 to 3 per year. By 2002, the remaining 3 deliveries of anhydrous ammonia shall be eliminated. Until then, truck deliveries of anhydrous ammonia shall be scheduled to avoid peak morning and evening commute traffic periods. Unocal shall evaluate the merit of utilizing vehicle escorts for truck shipments.

82. Within three years of the effective date of this permit, Unocal shall eliminate all chlorine use within its Rodeo facility, substituting current chlorine operations with a new technology.
83. Unocal will work the Rodeo-Hercules Fire Protection District and the Contra Costa County Fire Protection District to develop a fire services delivery plan which addresses fire service needs in the region, particularly involving its refinery. If such a study suggests that fire services could be improved by annexation of Unocal to a fire district, Unocal agrees at the discretion of the Board of Supervisors, to annex its facility to either Rodeo-Hercules Fire Protection District or the Contra Costa County Fire Protection District or a substitute district.
84. Unocal agrees to contribute one-half the cost of the hazardous material response vehicle and of the necessary training and equipment to that fire protection district which makes the vehicle available to the Unocal facility, at the discretion of the Board of Supervisors.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant will be requested to comply with the requirements of the County Building Inspection Department. Building permits are required prior to the construction of most structures.
- B. The Building Inspection Department will require building permits and compliance with Title 24 requirements for construction trailers which are larger than single wide, or which are occupied by clerical, project management or engineering personnel.
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Hercules/Rodeo/Crockett Area of Benefit as adopted by the Board of Supervisors.
- D. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II or Central Valley - Region V).

- E. This project may be subject to the requirements of the Department of Fish & Game. It is the applicant's responsibility to notify the Department of Fish & Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish & Game Code.
- F. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

SPVII/UnocalIMM.COK
9/29/94
10/13/94
11/3/94
11/15/94 -P/C Rev. (v)
12/20/94 - B/S (a)