

Executive Summary

The City of Hercules, California (Hercules) proposes to construct an intermodal transit center (Hercules ITC), associated roadway improvements, and ancillary facilities at a site adjacent to San Pablo Bay in Contra Costa County. The City intends, in part, to construct this facility with federal funding; therefore, the Federal Transit Administration (FTA) is the project federal lead agency for the National Environmental Policy Act (NEPA). The City of Hercules will also coordinate with the Capital Corridor Joint Powers Authority (CCJPA) to provide intercity passenger rail service to the site and the West Contra Costa Transit Authority (WestCAT) to provide bus connections.

In September 2010, the City of Hercules and the FTA prepared a joint Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the construction of the Hercules Intermodal Transit Center (Hercules ITC) for public review and comment. At the close of the comment period, the City and FTA reviewed the information in the Draft EIR/EIS and the comments received, and selected a preferred alternative.

The Final EIR for the Hercules ITC project was prepared in June 2011 and approved by the City of Hercules on August 8, 2011; a Notice of Determination was filed with the Contra Costa County Clerk on August 10, 2011 to complete the California Environmental Quality Act (CEQA) review process. This Final EIS is intended to satisfy NEPA and other federal environmental requirements.

At the end of the Draft EIR/EIS comment period, public comments were recorded and categorized, and responses to the comments were prepared (see Section 6.2 and Appendix D). The City and FTA reviewed the information presented in the Draft EIR/EIS, as well as the comments received on the Draft EIR/EIS, and selected a preferred alternative. In addition to revisions in the text that correspond to the comments received, this FEIS identifies the lead agency's preferred alternative and the reasons for selecting this alternative.

An NOA published in the Federal Register on April 27, 2012 commences a 30-day public review period of this FEIS. A Record of Decision (ROD) is expected to be issued by the FTA upon completion of the 30-day review period.

Project Objectives

The area surrounding the proposed Hercules ITC site is being redeveloped with transit oriented housing and business developments, and the proposed project would improve access to public transit (intercity rail and local buses) for residents and workers. Providing access to public transit is also expected to reduce congestion on the nearby Interstate 80, as well as local arterials. In addition, the proposed Hercules ITC would improve emergency response by having rail and (future) ferry services available, improve safety along the railroad corridor by providing completely grade-separated access over railroad tracks from the adjacent development, improve Refugio Creek to reduce existing risk of local flooding and protect project improvements while allowing adequate flows into the San Pablo Bay and enhancing ecological value, and promote public access and views toward the San Pablo Bay.

Project Elements

The Hercules ITC includes pedestrian access to the existing Union Pacific Railroad (UPRR) line and a newly constructed passenger platform. Train service would be available throughout most of the day with the Hercules ITC serving passengers traveling throughout the Bay area making connections with Bay Area Rapid Transit (BART), local mass transit systems, and interconnecting trains going as far south as Los Angeles, and as far north as Sacramento and Oregon. Train passengers would be able to either walk from nearby residential units, bike along the multi-use path connection that is part of the proposed project, or park their motor vehicles in the parking lot that is part of the proposed project. Transit center patrons would also be able to access the site via public bus service that will be extended to the proposed Hercules ITC as part of this project. The proposed project includes development of a small café to serve commuters, nearby residents, and workers. The Water Emergency Transportation Authority is considering the construction of a ferry terminal in Hercules; the proposed Hercules ITC would accommodate a connection to the potential future Hercules ferry terminal. That prospective ferry terminal is considered only under the cumulative effect analysis in this document.

Because the site is currently undeveloped (it was previously used for the production of explosives and fertilizer and has undergone hazardous materials remediation), nearby roadways would need to be extended to access the site. The John Muir Parkway would be extended as part of the project and two new bridges would be built over Refugio Creek to provide access to and circulation through the site. A temporary surface parking lot would be constructed immediately as part of the project and a three-story park structure is included in the project as a future proposed action. The project would also include relocation of existing utility pipelines, including a natural gas line.

In order to improve operation of the rail line, the UPRR track would be realigned to the east (away from San Pablo Bay) and a new railroad bridge would be constructed over Refugio Creek. Refugio Creek would also be realigned and the creek channel into San Pablo Bay would be dredged to improve flow during heavy rain events and high tides.

Potential transit center sites were first limited to sites along the existing Union Pacific rail line. Locating a new rail line would not be efficient or practicable; therefore, the intermodal transit center had to be located adjacent to an existing line. The proposed Hercules ITC site was selected based on the projected ridership and safety. Other sites in the area would have fewer projected riders or are on curved stretches of track that have inadequate visibility for safe train operation. The Final EIS considers a second alternative (east of Refugio Creek) that would provide equal access to public transit, but this alternative would reduce the functionality of the adjacent properties and would require the threat of condemnation to acquire the site from a private party. This alternative was not selected as the preferred alternative for these reasons.

In addition, two track options were considered. Track Option A consists of the construction of a new center platform, realigning the existing UPRR main to the inland side of the platform, relocating and shortening an existing industry siding track, relocating an existing crossover to the east, and constructing a double-track shoofly. Track Option A would result in increased trip times that cannot be mitigated and would also result in substantial temporary operational impacts during the construction of the project. Track Option B consists of the construction of a new 7,800-ft long station track, a new center platform, and construction of a new crossover at the east end of the station track. The existing industrial siding will

remain in place and the existing crossover within the limits of the station platform would be removed. While providing operation benefits due to the new station track, Track Option B improves the overall reliability of passenger operations on the line and mitigates the increased trip times with Track Option A. Improved operational reliability would also offset potential ridership losses due to increased trip times. Moreover, implementation of Track Option reduces construction time by six months. As a result, Track Option B was selected as the preferred track option.

The potential adverse environmental effects and identified mitigation measures for the preferred alternative are shown below in Table ES-1.

Table ES-1 Environmental Effects and Identified Mitigation Measures

FEIS Section	Environmental Area/Impact	Impact	Mitigation
4.1	Traffic and Transportation Systems <i>TRANS-5</i>	Construction of the project will introduce additional large (haul) trucks and other related traffic that could result in potentially adverse safety impacts to pedestrians.	Contractor will develop and implement traffic safety plan in coordination with the City.
4.4	Cultural Resources <i>CULT-1a</i>	The project may adversely affect unidentified archaeological resources during construction	Prior to construction, project crews will be briefed on the identification of cultural materials. If cultural materials are encountered, construction within 100 feet will stop, the City will be notified and a qualified archaeologist will examine and document the materials. The archaeologist will coordinate with responsible agencies as appropriate to develop mitigation measures prior to resuming construction in the area of the discovery. The archeologist will oversee implementation of the procedures once they have been determined.
4.4	Cultural Resources <i>CULT-1b</i>	The project has the potential to affect previously identified archaeological site P-07-002570 during construction	To ensure successful avoidance, both an archaeological and tribal monitor will be present during construction within 100 feet of the known location of the archaeological deposit. In the event intact archaeological deposits are exposed, construction at the find location will be stopped and new measures will be designed and implemented in consultation with the SHPO and tribes.
4.4	Cultural Resources <i>CULT-2</i>	Construction of the project may adversely affect unidentified human remains.	Prior to construction, project crews will be briefed on the potential to identify human remains. If remains are encountered, construction within 100 feet will stop. The City will be notified. The Contra Costa County Coroner will be contacted to evaluate the find. If the Coroner determines that the remains are Native American, the City will coordinate with the Native American Heritage Commission.
4.4	Cultural Resources <i>CULT-3</i>	Construction of the project may adversely affect unidentified paleontological resources	Prior to construction, project crews will be briefed on the potential to identify paleontological resources. If materials are encountered, construction within 100 feet will stop and the City will be notified. A qualified paleontologist will examine, document and evaluate the find. The paleontologist will coordinate with the responsible agencies regarding the development of appropriate mitigation measures. The paleontologist will oversee implementation of the procedures once they have been determined.

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4.5	Visual and Aesthetic Resources VAR-3	Implementation of the project would create new sources of substantial light and glare and would result in significant adversely affected day and nighttime views in the area.	Prior to the approval of the final project design plans, the project applicant shall submit a Final Lighting Plan for review and approval by the City Planning Commission. The Final Lighting Plan shall be in compliance with the General Plan, the WDMP, and all other applicable City codes, as required by the City Planning authorities. The Final Lighting Plan shall specify reasonable measures to minimize light spillover and glare from the completed facility, such as screened/hooding lighting, automatic dimmers, or strategically placed landscaping.
4.5	Visual and Aesthetic Resources VAR Cumulative Impacts	The eventual build-out of the Hercules Bayfront project to the east and west of the Hercules ITC and the existing residential and commercial development to the south and west would add to the incremental effects of the light and glare emanating from the Hercules ITC and ferry terminal area, and would result in additional light and glare in combination with approved development projects scattered throughout the study area. Cumulative development in the study area would obstruct and alter views looking west over the Bay. Cumulative visual impacts are anticipated to be unavoidable.	Prior to the approval of the final project design plans, the project applicant shall submit a Final Lighting Plan for review and approval by the City Planning Commission. The Final Lighting Plan shall be in compliance with the General Plan, the WDMP, and all other applicable City codes, as required by City Planning authorities. The Final Lighting Plan shall specify reasonable measures to minimize light spillover and glare from the completed facility, such as screened / hooding lighting, automatic dimmers, or strategically placed landscaping.
4.7	Air Quality AIR-1	Construction of the proposed project would create emissions of fugitive dust from excavation and grading, and emissions of criteria pollutants from construction equipment exhaust.	During construction, construction contractors will be required to implement fugitive dust control measures and reduce emissions.
4.8	Noise and Vibration NOI-3	Noise-generating construction activities are anticipated to exceed noise level standards and be at least 5 dBA above the ambient noise environment at adjacent noise-sensitive land uses.	The proposed project shall implement best-available construction noise control measures.
4.9	Biological Resources BIO-1	Construction of the proposed project could potentially result in "take" through harm or harassment of individual California red-legged frogs (CRLF)	Preconstruction surveys for CRLF would be conducted in the project site approximately two weeks prior to the initiation of construction activities to ensure that CRLF is not actively using the project site as a dispersal corridor. Surveys will not commence until approval is received by USFWS. Relocation and exclusion of CRLF will be implemented as indicated in the USFWS Biological Opinion (BO). Construction personnel would participate in a USFWS-approved worker environmental awareness program. A biological monitor would be present during all construction activities within Refugio Creek. FTA has consulted with the USFWS and determined that the project is not likely to jeopardize the continued existence of CRLF
4.9	Biological Resources BIO-2	Construction of the proposed project is not likely to adversely affect vernal pool fairy shrimp (VPFS).	Marginal habitat is present in the freshwater wetlands on-site. Two complete sets of wet season presence/absence surveys have been completed and no vernal pool fairy shrimp were found. FTA has consulted with the USFWS and determined that the project is not likely to adversely affect or result in take of vernal pool fairy shrimp.

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4.9	Biological Resources BIO-3	Construction of the proposed project is not likely to adversely affect California clapper rail.	<p>If construction begins during the breeding season (January 15 to April 15), a USFWS approved biologist will conduct a preconstruction survey of California cordgrass tidal marsh habitat for California clapper rail prior to any construction activities occurring within 500 feet of those habitats.</p> <p>No construction work will occur within 700 feet of any active nests.</p> <p>On-site biological monitors will stop work if any rail species is detected in the work area.</p> <p>FTA has consulted with the USFWS and determined that the project may affect, but is not likely to adversely affect the California clapper rail</p>
4.9	Biological Resources BIO-4	Construction of the proposed project is not likely to adversely affect salt marsh harvest mouse.	<p>A USFWS approved biologist will conduct a preconstruction survey of the northern coastal salt marsh habitat in the project site prior to any construction activities occurring within 500 feet of those habitats.</p> <p>A USFWS approved biological monitor will be present during construction activities within and immediately adjacent to the northern coastal salt marsh habitat.</p> <p>Construction personnel would participate in a USFWS-approved worker environmental awareness program.</p> <p>Nonmechanized hand tools to remove pickleweed or vegetation would be used within 50 feet of pickleweed habitat.</p> <p>Fencing would be installed between areas of salt marsh harvest mouse habitat and work sites</p> <p>FTA has consulted with the USFWS and determined that the project may affect, but is not likely to adversely affect the salt marsh harvest mouse.</p>
4.9	Biological Resources BIO-5	Construction of the proposed project could potentially result in "take" through harm or harassment of California black rail.	<p>If construction begins during the breeding season (February 1 to August 31), a CDFG approved biologist will conduct a preconstruction survey of pickleweed tidal marsh habitat for California black rail prior to any construction activities occurring within 500 feet of those habitats.</p>
4.9	Biological Resources BIO-6	Construction of the proposed project could potentially result in disturbance of sensitive bat species, including pallid bat and hoary bat.	<p>Preconstruction bat surveys shall be conducted to inspect inside culverts under the railroad tracks and trees within the willow riparian habitat.</p>
4.9	Biological Resources BIO-7	Construction of the proposed project could potentially impact San Pablo vole and/or salt marsh wandering shrew.	<p>Preconstruction surveys for San Pablo vole and salt marsh wandering shrew will be conducted simultaneously with salt marsh harvest mouse surveys. If these species are detected, CDFG will be contacted regarding appropriate measures to relocate them out of the work area or protect occupied habitat in conjunction with salt marsh harvest mouse avoidance measures. Exclusionary fencing installed for salt marsh harvest mouse would also prevent these species from entering the project site.</p>
4.9	Biological Resources BIO-8	Construction of the proposed project could potentially result in disturbance to other sensitive bird species (Cooper's hawk, tricolored blackbird, northern harrier, white-tailed kite, saltmarsh common yellowthroat, San Pablo song sparrow, burrowing owl) and migratory birds during the nesting season.	<p>If feasible, ground disturbing activities (e.g., clearing and grubbing) in and within 500 feet of suitable nesting habitat for these species should commence outside of the breeding season (September 1 to January 14). If birds began nesting in and within 500 feet of the project site after construction commenced, it could be assumed that they were not disturbed by construction activities.</p>

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4.9	Biological Resources <i>BIO-9</i>	Construction of the proposed project would result in impacts to northern coastal salt marsh habitat, coastal brackish marsh habitat and brackish stream habitat.	Prior to commencement of construction activities that have the potential to impact the Northern Coastal Salt Marsh and Coastal Brackish Marsh, a permit will be obtained from the USACE and the BCDC for fill and/or disturbance of this habitat. All permit conditions will be followed. Suitable compensatory mitigation for impacts to Northern Coastal Salt Marsh and Coastal Brackish Marsh will be determined in conjunction with the USACE and BCDC and implemented to ensure no net loss of Northern Coastal Salt Marsh occurs.
4.9	Biological Resources <i>BIO-10</i>	Construction of the proposed project could potentially result in loss of eelgrass and/or widgeongrass beds.	A valid preconstruction eelgrass survey will be completed during the period of active growth of eelgrass (typically March through October). The preconstruction survey will be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any eelgrass is identified in the project area, post-construction eelgrass surveys will be conducted to determine if any eelgrass was adversely impacted. The survey will be prepared in consultation with CDFG and/or NMFS.
4.9	Biological Resources <i>BIO-11</i>	Construction of the proposed project could potentially result in loss of intertidal mudflats.	A permit will be obtained from the USACE and the BCDC prior to impacting the intertidal mudflats. All permit conditions will be followed. Suitable compensatory mitigation will be determined in conjunction with the USACE and BCDC and implemented in order to replace and/or enhance the functions and values lost due to impacting special aquatic sites during implementation of the proposed project.
4.9	Biological Resources <i>BIO-12</i>	Construction of the proposed project could potentially result in the spread of invasive species.	The contractor will ensure that construction equipment is clean of potential noxious or invasive species prior to utilization of equipment on the site.
4.9	Biological Resources <i>BIO-13</i>	Dredging activities could impact marine mammals.	<p>Implementation of Mitigation Measure WR-1 and the following measures will be followed during dredging in San Pablo Bay to reduce turbidity.</p> <ul style="list-style-type: none"> ◆ In-water construction and dredging activities will occur during the window of June through November, to minimize effects on listed species and their habitat. ◆ Sampling and testing for contaminants will be conducted in potential dredging locations in San Pablo Bay prior to the onset of dredging activities (per USEPA and USACE requirements). If sediments to be dredged are contaminated such that their resuspension may adversely affect listed species or their habitat, NMFS and CDFG will be consulted. ◆ Bankward slopes of the dredged area will be slanted to acceptable side slopes (e.g., 3:1) to prevent sloughing.
4.9	Biological Resources <i>BIO-14</i>	Construction and dredging activities could result in the modification or disturbance of special aquatic sites including eelgrass beds, mudflats, and tidal marshes that provide fish habitat.	Any tidal marsh habitat that is degraded or lost due to the movement of relocating the mouth of Refugio Creek will be mitigated for by planting tidal marsh vegetation (i.e., cordgrass) in San Pablo Bay, in the vicinity of where Refugio Creek currently flows out into San Pablo Bay. Tidal marsh habitat will be monitored over time to ensure no net loss in tidal marsh habitat. Wetland restoration will be coordinated with the responsible agencies as part of the wetland permitting required under Section 404 of the CWA. Although eelgrass surveys within the ESL and vicinity were completed in 2007, and no eelgrass was found (WWR 2007b), valid preconstruction eelgrass surveys will be completed (see Mitigation Measure #BIO-10).

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4.9	Biological Resources <i>BIO-15</i>	Construction and dredging activities may temporarily increase sedimentation and turbidity in Refugio Creek and San Pablo Bay.	Implementation of Mitigation Measures BIO-13, WR-1, and WR-2 will reduce potential impacts to fish and other aquatic species to less than significant. No additional measures will be required.
4.9	Biological Resources <i>BIO-16</i>	Construction activities may potentially result in a chemical spill in Refugio Creek or San Pablo Bay.	Implementation of a Spill Prevention and Response Plan designed to minimize the potential for chemical spills and seepage, would reduce the potential impact to a less than significant level.
4.9	Biological Resources <i>BIO-17</i>	Dredging activities could result in the entrainment of special-status fish and aquatic species.	Dredging activities in San Pablo Bay will be conducted during the work window of June through November to minimize potentially significant impacts to anadromous salmonids and longfin smelt. This work window also will minimize potential impacts to other fish and aquatic species by minimizing the timing of dredging to June through November.
4.9	Biological Resources <i>BIO-18</i>	Vibration and pressure waves resulting from pile driving could impact special-status fish and aquatic species and marine mammals.	Pile driving will be conducted "in the dry," (within a cofferdam or during low tide) minimizing any potential impacts to fishes and marine mammals to less than significant levels.
4.9	Biological Resources <i>BIO-19</i>	Dredging activities could result in re-suspension of contaminants.	Sampling and testing for contaminants will be conducted in potential construction/dredging locations in San Pablo Bay prior to the onset of dredging activities. Dredging activities in San Pablo Bay will be conducted during the work window of June through November to minimize potentially significant impacts to anadromous salmonids and longfin smelt. This work window also will minimize potential impacts to other fish and aquatic species by minimizing the time period of dredging to June through November.
4.9	Biological Resources <i>BIO-20</i>	Construction and dredging activities could result in increased predation risk of special-status fish and aquatic species.	In-water construction activities in San Pablo Bay and dredging activities in San Pablo Bay will be conducted during the work window of June through November to minimize potentially significant impacts to anadromous salmonids and longfin smelt.
4.9	Biological Resources <i>BIO-23</i>	Dredging activities could impact phytoplankton production.	Temporary impacts to phytoplankton production due to increases in turbidity would be avoided/minimized through the use of construction BMPs to reduce the potential for increases in turbidity (e.g., use of silt curtains or methods to protect from disturbance).
4.9	Biological Resources <i>BIO-24</i>	Dredging activities could impact Pacific herring spawning.	Dredging activities will only occur during the window of June through November, minimizing potential impacts on herring spawning activities.
4.9	Biological Resources <i>BIO-25</i>	Construction of the proposed project would result in impacts to wetlands and other waters of the U.S.	Prior to commencement of construction activities that have the potential to impact the wetlands or other waters of the U.S., a permit will be obtained from the USACE and BCDC for fill and/or disturbance of this habitat. All permit conditions will be followed. Suitable compensatory mitigation for impacts to wetlands and other waters of the U.S. will be determined in conjunction with the USACE and implemented to ensure no net loss of wetlands occurs.

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4.10	Water Resources WR-1	Dredging of Refugio Creek and San Pablo Bay could potentially adversely impact water quality through mobilization of contaminated sediment.	<p>If contaminated sediment is encountered, further sediment characterization and a sediment removal plan (including upland disposal or beneficial reuse) will be required to protect water quality.</p> <p>If impacted sediments are to be dredged in Refugio Creek and/or San Pablo Bay, impacts to water quality could be minimized through the use of the following BMPs:</p> <ul style="list-style-type: none"> ◆ Use of silt curtains, which prevent suspended sediment from migrating out of the immediate project area; ◆ Dredging only on low or incoming tide; ◆ Hydraulic or closed clamshell dredging to reduce the generation of suspended sediments; ◆ Shunting, which involves pumping of the free water in a sediment holding barge to the bottom of the water body, which reduces turbidity; ◆ Employment of an independent, certified, on-board dredging inspector to ensure compliance with permit conditions; and ◆ Monitoring will be conducted during dredging to allow for: measurement of the efficiency of contaminated sediment removal; determination dredged volumes; measurement of sediment re-suspension at the dredge site; and checking performance of barriers and other controls.
4.10	Water Resources WR-2	Construction of project could degrade water quality.	Erosion will be controlled in accordance with an approved Erosion Control Plan. In addition, all construction activities will be performed in accordance with the California NPDES General Permit for Storm Water Discharges Associated with Construction Activities, 2009-009-DWQ, requiring the implementation of BMPs to control sediment and other pollutants mobilized from construction activities
4.10	Water Resources WR-3	The project could alter the existing drainage pattern of the site or area, which would result in substantial erosion or siltation on or off-site.	Erosion will be controlled in accordance with an approved Erosion Control Plan. In addition, all construction activities will be performed in accordance with the California NPDES General Permit for Storm Water Discharges Associated with Construction Activities, 2009-009-DWQ, requiring the implementation of BMPs to control sediment and other pollutants mobilized from construction activities
4.10	Water Resources WR-4	The project could alter the existing drainage pattern of the site or area, which could result in flooding on or offsite.	Erosion will be controlled in accordance with an approved Erosion Control Plan. In addition, all construction activities will be performed in accordance with the California NPDES General Permit for Storm Water Discharges Associated with Construction Activities, 2009-009-DWQ, requiring the implementation of BMPs to control sediment and other pollutants mobilized from construction activities
4.10	Water Resources WR-5	Operations in a floodplain could constitute hazards and may adversely impact human safety and property.	New facilities will be designed to minimize flooding through the use of retaining wall, levees, and/or construction on fill. Flood hazard warnings will be posted and flood evacuation plans will be developed. Construction and design will account for the maximum flood level so that facilities are built above the mark.
4.10	Water Resources WR-6	Stormwater runoff from the Hercules ITC site and parking may adversely impact water quality.	Operation of the Hercules ITC will be in conformance with the California NPDES General Permit for Storm Water Discharges Associated with Industrial Activities.
4.11	Geology and Soils GEO-1	Seismic activity could damage facilities and/or injure people.	A site-specific geotechnical investigation shall be required for this project. The project will conform to provisions of current building codes and to the recommendations of the required geotechnical investigations.

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4.11	Geology and Soils GEO-2	The proposed project could result in soil erosion of topsoil.	Prior to construction, the City will develop an erosion control plan and stormwater pollution prevention plan. Best management practices will be incorporated into the project to avoid and minimize potential erosion. The project will be constructed in conformance with the NPDES Construction Stormwater Permit.
4.11	Geology and Soils GEO-3	Liquefaction, landslides, or lateral spreading could damage facilities and/or injure people and structures.	Design-level analyses of the liquefaction hazard shall be required for the project. Specifically, a program of site-specific exploratory borings and accompanying laboratory testing will be required to delineate any potentially liquefiable materials underneath proposed facilities. These geotechnical investigations will also be required for consideration prior to foundation design.
4.11	Geology and Soils GEO-4	Subsidence could damage facilities.	Project design will incorporate mitigation measures to avoid or minimize the potential for subsidence including driving piles to support structures, surcharging, and grading design considerations.
4.12	Hazards and Hazardous Materials HAZ-1	The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through the accidental upset or release of hazardous materials.	<p>The construction contractor shall develop a project-specific Health and Safety Plan that includes a project-specific contingency plan for hazardous materials and waste operations.</p> <p>If affected or potentially affected soil and/or sediments are encountered during construction activities (grading and excavation), these materials would be excavated, stockpiled, and characterized to evaluate appropriate reuse or disposal alternatives.</p> <p>The construction contractor shall develop a Spill Prevention and Response Plan and provide copies to all contractors working on the proposed project.</p> <p>Construction contractors and employees shall immediately control the source of any leak and contain any spill using appropriate spill containment and countermeasures. In addition, all precautions required by the RWQCB for the project's NPDES General Permit for Stormwater Discharges Associated with Construction Activity would be taken to ensure that no hazardous materials enter the nearby waterways.</p>
4.14	Public Services PUB SVC-1	Construction traffic and other activities have the potential to adversely disrupt police and fire department emergency response times in the project area.	Prior to the start of construction activities, the City shall consult with the emergency service providers who have jurisdiction in the immediate vicinity of the Hercules ITC site to develop a Construction Emergency Response Access Plan that would identify appropriate routes and access points that would be available to police and fire services to use during the construction phase.

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Table ES-2 lists permits and approvals required for the project, the agencies with jurisdiction or approval authority, and the status of the permit or approval.

Table ES-2 Agency Permits or Approvals Required

Agency	Permit/ Approval	Status
Federal		
United States Army Corps of Engineers	Clean Water Act, Section 404 Permit for filling or dredging waters of the United States	Pending completion of final project design
United States Fish and Wildlife Service	Federal Endangered Species Act, Section 7 Consultation for Threatened and Endangered Species	Consultation complete
National Marine Fisheries Service	Federal Endangered Species Act, Section 7 Consultation for Threatened and Endangered Species	Consultation complete
United States Environmental Protection Agency	Interagency consultation for conformity and air quality planning in the project area	Consultation complete
Native American Tribal Interests	Historic/cultural resource consultation under the National Historic Preservation Act	Consultation complete
State		
California Department of Fish and Game	Section 1600 Agreement for Streambed Alteration	Pending completion of final project design
	State Endangered Species Act, Consultation for Threatened and Endangered Species	Consultation complete
State Historic Preservation Office	Historic properties consultation under the National Historic Preservation Act	Consultation complete
California State Lands Commission	Letter of Non-Objection	Consultation complete
San Francisco Bay Conservation and Development Commission	Design Review, Major Permit	Pending completion of final project design
San Francisco Bay Regional Water Quality Control Board	Clean Water Act, Section 401 Water Quality Certification Clean Water Act, Section 402, National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	Pending completion of final project design
California Public Utilities Commission	Consultation for authority to construct pursuant to the Public Utility Code, Sections 1201-1205 an at-grade crossing of a railroad track or an overpass or underpass of a railroad track.	Pending completion of final project design
Local		
City of Hercules	Design Review, Utility, Use, and Encroachment Permits	Pending completion of final project design
City of Rodeo	Coordination and Design Review, Utility, Use, and Encroachment Permits	Pending completion of final project design
City of Pinole	Coordination and Design Review, Utility, Use, and Encroachment Permits	Pending completion of final project design
Contra Costa County Flood Control	Flood Control Permit	Pending completion of final project design
Bay Area Air Quality Management District	Conformity Determination	Consultation Complete
	Consultation for an Authority to Construct and Permit to Operate.	Pending completion of final project design
Union Pacific Railroad Company	Consultation prior to receiving authority to construct by the California Public Utilities Commission for a construction and maintenance agreement. Transfer of title.	Pending completion of final project design
East Bay Regional Parks	Coordination on project planning, Memorandum of Agreement	Pending completion of final project design