

RESPONSES TO COMMENTS

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Under CEQA, the City of Vallejo (City), as lead agency must solicit and respond to comments from the public and from other agencies concerned with the proposed Vallejo Marine Terminal (VMT) and Orcem project (proposed project). The Draft EIR was made available by the City for public review from September 3, 2015 through November 2, 2015. Comments were received on the Draft EIR from state and agencies, organizations, individuals, and at public hearings.

All comments received on the Draft EIR have been coded to facilitate identification and tracking. Each of the written comment letters and public hearing comments received during the public comment period were assigned an identification letter and number, provided in the list below. These letters and public hearing comments were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. Each letter is the submittal of a single individual, agency, or organization. The comment letters' identification consists of two parts. The first part is the letter and number of the document and the second is the number of the comment. As an example, Comment A2-1 refers to the first comment made and addressed in Comment Letter A2. To aid the readers and commenters, comments (letters, emails, cards etc.) have been reproduced at the end of this document.

To finalize the EIR for the proposed project, City staff has prepared the following responses to comments that were received during the public review period. These responses will be available on the City's website and will be distributed to the Planning Commission. All commenters, and those who so requested, will be notified of the City's proposed hearing on the project.

RTC.1 MASTER RESPONSES

Master Response 1

Comment Summary: Were children, playgrounds, the elderly, and workers excluded from the health risk assessment (HRA)?

Response: Consistent with the Bay Area Air Quality Management District's (BAAQMD) guidelines, the HRA estimated cancer risk, non-cancer chronic and acute impacts to adults, children and seniors residing or occupying residential dwellings, schools, daycare, hospitals, and senior-care facilities. These receptors are described in the HRA (Appendix D-1 of the Draft Final EIR), Table 9 Sensitive Receptors. Off-site worker receptors were also evaluated in areas zoned as industrial.

Recreational receptors such as playgrounds were not evaluated in the HRA. Adults and children at recreational receptors would spend less time at these locations than at residences, schools,

daycare facilities, etc. and as such would experience impacts lower than those at the receptors evaluated in the HRA.

The CEQA significance threshold for cancer risk is 10 in a million. Table 13 in the HRA presents cancer risk, non-cancer chronic impacts and acute impacts associated with the maximum impacted adult and child, prior to mitigation. The table shows that the maximum impact to children would occur at Grace Patterson Elementary School and would be less than 1 in a million, well below the threshold of significance. The maximum impact to adults would occur at an apartment complex southwest of Porter Street, presented in HRA, Figure 3. This impact would be mitigated below the 10 in a million level of significance, as described in Section 3.2.5, Mitigation Measures, of the Draft Final EIR.

Non-cancer impacts, such as cardiovascular or respiratory diseases, exacerbation of asthma, bronchitis, and decreased lung function, were analyzed in Section 3.2 (D) of the Draft Final EIR.

Master Response 2

Comment Summary: What air quality mitigation measures were considered for trucks?

Response: Mitigation measure MM-3.2-1 in the Draft EIR has been revised to ensure that all heavy-duty diesel trucks entering the facility would be vehicles built in 2010 or later. This mitigation measure is more stringent than truck requirements of the California Air Resources Board (CARB). This mitigation measure would reduce air pollutants associated with trucks. Refer to Section 3.2.5, Mitigation Measures, of the Draft Final EIR for the full text of the revised mitigation measure.

Master Response 3

Comment Summary: What air quality mitigation measures were considered for on-site equipment ships at berth?

Response: Mitigation measure MM-3.2-2 stipulates mitigation for on-site equipment and ships at berth. In response to BAAQMD's comments (see BAAQMD Comment A1-2) this mitigation measure has been revised and now includes increasingly stringent components that would be implemented in accordance with increasing facility production and number of ships arriving in a given year:

- Biodiesel fuel in on-site equipment would reduce diesel particulate emissions associated with combustion of diesel fuel in on-site equipment.
- Natural gas-fueled front-end loaders would reduce diesel particulate emissions associated with combustion of diesel fuel in on-site equipment.

- Electrified conveyors and forklifts would eliminate air pollutants associated with combustion of diesel fuel in on-site equipment.
- CARB-approved capture and control system (e.g. use of shore power or bonnets) would treat air pollutant emissions associated with ship hoteling at berth.

Note that this is a simplified explanation of Mitigation Measure MM-3.2-2. For a comprehensive explanation please refer to Response to BAAQMD Comment A1-2 and Section 3.2.5, Mitigation Measures, of the Draft Final EIR.

Master Response 4

Comment Summary: What geographic boundaries were considered in the air quality and greenhouse gas (GHG) analysis?

Response: Air pollutant and GHG emissions from ships were calculated out to the sea buoy, which is located approximately eight nautical miles west of Point Bonita near the entrance of the San Francisco Bay. Air pollutant and GHG emissions from locomotives and trucks were estimated out to the San Francisco Bay Area Air Basin (SFBAAB) boundary, approximately 50 miles for each one-way trip.

For assessing community risks, the BAAQMD CEQA guidelines recommend that a 1,000-foot radius around the project boundary be defined as a zone of influence and that impacts be assessed within this zone of influence. Because of the size and nature of the proposed project, the modeling domain was extended beyond the 1,000-foot zone of influence recommended by BAAQMD (please refer to HRA Figure 2 in Appendix D-1 of the Draft Final EIR). The modeling domain includes sources traveling up to 1 kilometer from the project site boundary and sensitive receptors along those transportation routes.

Master Response 5

Comment Summary: Were the cumulative impacts of this project and other emission sources or projects considered in the analysis of project impacts?

Response: Cumulative impacts associated with criteria pollutants are discussed in Section 3.2 (C). BAAQMD's cumulative criteria pollutant thresholds are the same as the project-level thresholds. The thresholds are intended to maintain ambient air quality concentrations below state and federal standards and to prevent a cumulatively considerable contribution to regional nonattainment with ambient air quality standards. Projects with criteria pollutant emissions below the BAAQMD thresholds are determined not to result in a considerable contribution to cumulative impacts, whereas projects with criteria pollutant emissions above the BAAQMD thresholds are considered to result in a considerable contribution to cumulative impacts. Table

3.2-9, Combined VMT and Orcem Average Daily Construction Emissions shows project construction impacts and compares the impacts to BAAQMD construction thresholds, which are both project-level and cumulative thresholds. Table 3.2-13, Maximum Annual Emissions of Criteria Pollutants from the Combined Operations of VMT and Orcem shows project operational impacts and compares the impacts to BAAQMD operational thresholds, which are both project-level and cumulative thresholds.

Cumulative impacts associated with health impacts are discussed in Section 3.2 (D). BAAQMD's cumulative health impact thresholds are different from the project-level thresholds. Cumulative health impacts were evaluated by considering past, present and future cumulatively relevant projects. Cumulatively relevant projects are projects which may occur in concurrence with and in proximity to the proposed project. BAAQMD's Stationary Source Risk and Hazard Analysis Tool was used to identify cumulatively relevant projects. This mapping tool uses Google Earth to identify the location of stationary sources and their estimated screening level cancer risk and hazard impacts. Three stationary sources were identified and are addressed in Section 3.2 (D). No mobile sources such as roadways, rail and ferry lines were located within the BAAQMD-specified 1,000 feet radius.

Master Response 6

Comment Summary: What constitutes an offset and what emissions will be offset? Will offsets reduce significant local impacts? Will BAAQMD permits be required for both VMT and Orcem?

Response: Offsets are a regulatory tool to manage growth while making progress toward attainment of federal and state air quality standards. Offsets are not mitigation; they are a required element in the federal New Source Review program. Facilities with a net increase in emissions are required to offset their emission increase by use of Emission Reduction Credits (ERCs) before a BAAQMD permit can be issued. BAAQMD Regulations 2-2 and 2-4 provide for the application, eligibility, registration, use and transfer of ERCs.

The majority of all ERCs are generated when an industrial process is shutdown. Before these ERCs can be applied to offset new source emissions, the ERCs are reduced downward by the BAAQMD by adjusting for rules, regulation, best available control technology, maximum achievable technology, and new source performance standards. In this way, progress toward attainment with federal and state standards is accomplished.

Not all proposed project emissions can be offset under the BAAQMD regulations, since New Source Review applies primarily to stationary sources. BAAQMD Rules 2-2-302 and 2-2-610 allow for the offset of stationary and cargo carrier emissions, where cargo carrier emissions include shipping and rail emissions but not truck emissions. Therefore, truck emissions and

terminal equipment emissions are not subject to offsets and are addressed with mitigation measures MM-3.2-1 through MM-3.2-3.

Per BAAQMD clarification, both VMT and Orcem will be subject to BAAQMD permitting. Section 3.2 of the Draft Final EIR has been revised to reflect this. Table 3.2-13, Maximum Annual Emissions of Criteria Pollutants from the Combined Operations of VMT and Orcem, shows that VMT NO_x emissions would be 31.33 tons per year and Orcem emissions would be 32.06 tons per year. The table has been revised to show that VMT NO_x emissions would be eligible for 20.56 tons per year of offsets and that Orcem NO_x emissions would be eligible for 18.29 tons per year of offsets, following the approval of VMT and Orcem BAAQMD permits. Resulting, combined VMT and Orcem emissions would be 24.54 tons per year. It should be noted that the BAAQMD makes the final determination of offset eligibility and quantity.

The Draft Final EIR analysis compares combined VMT and Orcem impacts to BAAQMD significance thresholds. Mitigation measures MM-3.2-1 through MM-3.2-3 would reduce NO_x impacts but combined VMT and Orcem impacts would remain above the BAAQMD threshold and would be significant and unavoidable.

Finally, the primary purpose of emission offsets is to make progress toward attainment of federal and state air quality standards. CEQA thresholds were developed by the BAAQMD to be both health-protective and to make progress toward attainment of federal and state air quality standards. In addition, Appendix D-1 presents NO₂ dispersion modeling, the results of which indicate that impacts from proposed project NO₂ emissions would be below Environmental Protection Agency (EPA) ambient air standards.

Master Response 7

Comment Summary: How will mitigation measures identified in the EIR be implemented and who will monitor implementation to ensure impacts are reduced by the mitigation?

Response: The feasible mitigation measures identified in the EIR are included in the Mitigation Monitoring and Reporting Program (MMRP), as required under CEQA Guidelines Section 15097, and included as Appendix M to this Draft Final EIR. The MMRP includes all required mitigation measures and project features, as well as the reporting requirements the applicants would be responsible for complying with, the party responsible for implementation, the party responsible for monitoring, and timing of implementation. The City as lead agency is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. Enforcement measures for noncompliance with the required mitigation measures are subject to agency discretion. The City as lead agency and any responsible agencies may develop their own enforcement policies for their respective monitoring or reporting programs.

Responsible agencies (which are listed in Section 1.6.2 of the Draft Final EIR Introduction) are federal, state, and local agencies, other than the lead agency, that have discretionary authority over a project or aspect of a project. Responsible agencies may use the EIR in their consideration of various permits or other discretionary approvals of the proposed project and may have different monitoring or reporting programs in addition to those identified in the MMRP. Each agency is able to make standards and policies to guide implementation of their monitoring and reporting requirements. These policies may include the responsibilities of the project proponent, agency guidelines for preparing monitoring or reporting programs, general standards for determining project compliance with the mitigation measures or revisions and related conditions of approval, enforcement procedures for noncompliance, and the process for informing decision makers of the relative success of mitigation measures. Please refer to Section 15097 of the CEQA Guidelines for full text of the requirements of MMRPs.

Master Response 8

Comment Summary: How would the project address the deterioration of nearby roads due to the increase in traffic?

Response: Potential impacts to roads are discussed in Section 3.12, Transportation and Traffic, of the Draft Final EIR. Section 3.12.4, Impact Discussion identifies Impact 3.12-1, which states that construction of the proposed project would result in temporary impacts on traffic operations and non-vehicular mobility. To mitigate for this impact, Mitigation Measure MM-3.12-1 states any damage to the street caused by heavy equipment, or as a result of the proposed project's construction, would be repaired at the applicant's expense within one week of the occurrence of the damage (or excessive wear). If further damage/excessive wear may continue, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall also be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the project sponsor's expense, before the issuance of a Certificate of Occupancy.

Section 3.12.4, Impact Discussion, also identified Impact 3.12-4, which state that the proposed project would require physical improvements to Lemon Street in order to provide safe and efficient vehicle movements. Section 3.12.5, Mitigation Measures, identifies Mitigation Measure MM-3.12-3, which requires the applicants to retain the services of a qualified engineer to prepare a structural pavement assessment for this segment of roadway to provide for the safe movement of the project trucks along with other existing pedestrian, bicycle, and vehicular traffic on Lemon Street between the project site and Sonoma Boulevard and through the intersection of Lemon Street/Sonoma Boulevard. The assessment shall evaluate the existing pavement condition/strength against the project's demands utilizing methodology acceptable to the City, and shall identify recommended improvements (for example, overlay, reconstruction, base

repair, etc.) necessary to meet its demand, based on the schedule of combined VMT and Orcem truck traffic. This assessment shall be submitted for review and approval by the City Public Works Department. The City shall determine the project's fair-share allocation of costs in relationship to overall improvement costs, and all necessary improvements shall be made prior to the issuance of a certificate of occupancy. Please refer to Sections 3.12.4 (A) and (C) for a full analysis of the impacts and to Section 3.12.5 for the full text of the mitigation measures.

In addition, the applicants shall work with the City of Vallejo Public Works Department to identify, design, and prepare a cost estimate for those physical improvements necessary to provide adequate sight distance and maneuvering capacity for trucks along this segment of roadway, including the intersection at Lemon Street/Sonoma Boulevard. The needed improvements may include for example, centerline striping, potential on-street parking changes, sidewalk gap closures and widenings. The applicants shall provide an engineer's cost estimate for the improvements, to be approved by the Public Works Department. The Public Works Department shall determine the project's fair-share cost allocation for the necessary improvements. All necessary improvements shall be constructed prior to the issuance of a certificate of occupancy.

Master Response 9

Comment Summary: Why was an Environmental Justice Report (EJA) not completed as part of the Draft EIR?

Response: An Environmental Justice report was prepared independently from this EIR by the City of Vallejo. The preparation of an EJA is not required under the California Environmental Quality Act (CEQA) and is therefore not included as part of the EIR. In addition, there is no set period for public review of an EJA and responses to comments are not required as are required for an EIR. The document is available for public review on the City's website.

Master Response 10

Comment Summary: What kind of public outreach did the City conduct on behalf of the project? Can the comment period be extended for the Draft EIR? Were materials, notices, reports and meetings available in Spanish?

Response: Community outreach during the Environmental review process is dictated in under CEQA Section 15087. The City of Vallejo, as lead agency, is required to provide notice of preparation (NOP) for an EIR to initiate the environmental review process. A NOP was circulated for the required 30-day review period beginning on May 20, 2014 and ending on June 19, 2014. During this period the NOP was mailed to various federal, state and local agencies, environmental groups, other organizations and other interested individuals and groups. In

addition, the NOP was published in the Vallejo Times-Herald on May 20, 2014. A public scoping meeting was held on May 29, 2014 to help identify potential environmental issues that should be considered in the Draft EIR. For more information please refer to Section 1.6, CEQA Process, in the Draft Final EIR.

Upon completion of the Draft EIR, the City is required to mail a notice of completion to the California State Office of Planning and Research while also providing a notice of availability to the public. Notice shall be mailed to the last known name and address of all individuals and organizations who have previously requested such notice in writing. Additionally, the notice of availability must be given in one of the following ways: publication in a newspaper of general circulation in the project area, posting of notice on and off the site where the project would be located, and/or direct mailing to the owners and occupants of properties touching the parcel on which the project would be located. The lead agency should, but is not required to, make copies of the Draft EIR available in public libraries and in offices of the lead agency and host public hearings. The City of Vallejo exceeded these requirements by posting notice on-site, on Mi Pueblo, and on the City's website, Facebook page and Nextdoor in addition to displaying an ad in the Vallejo-Times Herald on September 27, 2015 and again on October 4, 2015. The City of Vallejo mailed notices (in Spanish and English) to all property owners and residents within 1,000 feet of the project site, all properties fronting Lemon Street from Derr Street to Curtola Boulevard and all properties fronting Sonoma from Lemon Street to Interstate 80. Notice was also sent to all interested parties who previously requested notification of availability, all community groups, homeowner's associations and to all responsible agencies under CEQA. Copies of the Draft EIR were made available in the public library and two public hearings were held on October 7, 2015 and October 25, 2015. These hearings were extended past their original times to allow for all people present to have a turn to voice their concerns and comments.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015.

The City of Vallejo is not required to provide copies of the Draft EIR or notices in multiple languages under CEQA. The City of Vallejo mailed notices in Spanish and English to all property owners and residents within 1,000 feet of the project site, all properties fronting Lemon Street from Derr Street to Curtola Boulevard and all properties fronting Sonoma from Lemon Street to Interstate 80. The Dymally-Alatorre Bilingual Services Act (Government Code Section 7290 et seq.) requires local agencies subject to the Brown Act (Government Code Section 54950 et seq.) to retain an interpreter in some situations. Local government councils, such as the Planning Commission of Vallejo are subject to the provisions of the Brown Act. All

requirements of the Dymally-Alatorre Bilingual Services Act and the Brown Act were met through the use of a translator during the public hearing and provision of a hearing that was open to anyone and free of charge. The City provided a translator at both public hearings held on October 7, 2015 and October 25, 2015. Translation was only at the second hearing held on October 25, 2015.

RTC.2 AGENCIES

Letter A1

Commenter: Jean Roggenkamp, Deputy Executive Director, Bay Area Air Quality Management District (BAAQMD)

Date: November 2, 2015

A1-1 This comment suggests that mitigation measure MM-3.2-1 be revised to increase the number of 2010 trucks during project operation. Mitigation measure MM-3.2-1 has been revised in the Draft Final EIR to state the following: “The proposed project shall use 100% 2010 or newer model year heavy duty diesel trucks at the start of facility operations”. Refer to Section 3.2.5, Mitigation Measures, of the Draft Final EIR for the full text of the revised mitigation measure.

A1-2 This comment suggests additional mitigation measures for terminal equipment and trucks at the start of the project. Refer to response to comment A1-1 above. A CARB-approved capture and control system to treat emissions from auxiliary engines on ocean-going vessels will be used once the annual number of vessel calls reaches 40. Mitigation Measure MM-3.2-2 has been revised in the Draft Final EIR to state the following:

“Mitigated cancer risk for various scenarios are presented in Table 3.2-19, along with the maximum vessel calls per year allowable under each scenario before additional mitigation is required. Measures in Table 3.2-19 are intended to allow a choice of technologies based on the most cost-effective measures available at the time of implementation. For example, when the number of annual vessel calls reaches 41, the following technologies would be used to mitigate cancer risk:

- VMT natural gas-fueled front-end loaders;
- Orcem natural gas-fueled front-end loaders;
- Electrified conveyors and forklifts; and

- CARB-approved capture and control system to treat emissions from auxiliary engines on ocean-going vessels.

Table 3.2-19
MM-3.2-2

Annual Number of Vessel Calls ¹	Mitigation Measure	Maximum Mitigated Residential Cancer Risk (in a million) ²
0-16	<ul style="list-style-type: none"> • 20% biodiesel in all/remaining equipment ³. 	9.94
17-20	<ul style="list-style-type: none"> • 20% biodiesel in all/remaining equipment ³; and • 100% biodiesel in conveyors and hoppers. 	9.86
21-31	<ul style="list-style-type: none"> • 20% biodiesel in all/remaining equipment ³; and • Orcem natural gas-fueled front-end loaders. 	9.98
32-35	<ul style="list-style-type: none"> • 20% Biodiesel in all/remaining equipment ³; and • 100% biodiesel in conveyors and hoppers; and • Orcem natural gas-fueled front-end loaders. <p>OR</p> <ul style="list-style-type: none"> • 20% Biodiesel in all/remaining equipment ³; • VMT natural gas-fueled front-end loaders; and • Orcem natural gas-fueled front-end loaders. 	9.79
		9.82
36-40	<ul style="list-style-type: none"> • VMT natural gas-fueled front-end loaders; • Orcem natural gas-fueled front-end loaders; and • Electrified conveyors and forklifts. 	9.92
41-48	<ul style="list-style-type: none"> • VMT natural gas-fueled front-end loaders; • Orcem natural gas-fueled front-end loaders; • Electrified conveyors and forklifts; and • CARB-approved capture and control system to treat emissions from auxiliary engines on ocean-going vessels. 	6.58-6.54 ⁴

Source: Appendix D-1

Notes:

- ¹ Annual number of vessel calls is the maximum number of vessel calls per year.
- ² Due to the relative contributions from different sources (on-site equipment, ship hoteling, trucks, etc.), the location of the maximally exposed individual may vary slightly with the number of ship calls and mitigation measures. The values presented here represent the maximum residential risk for each scenario.
- ³ If other mitigation measures indicating a higher percentage of biodiesel or use of CNG or electrification are selected, use of 20% biodiesel is assumed for remaining equipment.
- ⁴ Mitigated cancer risk may vary slightly depending on the CARB-approved capture and control system selected. At the time of this response two such systems were approved by CARB: Advanced Cleanup Technologies' Advanced Marine Emissions Control System (AMECS) and Clean Air Engineering's Marine Exhaust Treatment System-1 (CAEM).

A new Mitigation Measure MM-3.2-3 has been added that states the following:

“The highest available EPA tier off-road equipment engines shall be purchased or leased at the time of equipment acquisition. The potential for purchase of electric off-road equipment shall be evaluated at the time of purchase or lease and provided to the lead agency under the MMRP.

It is not anticipated that portable diesel generators will be used during routine activities. Portable diesel generators may be used during the initial phase of construction until PG&E completes new electric service installation. Portable diesel generators may be used during unanticipated events or repairs. If such events arise, diesel generators shall be registered under CARB's Portable Equipment Registration Program (PERP)."

The MMRP stipulates monitoring and reporting requirements associated with this mitigation measure. Please refer to the MMRP in Appendix M of this Draft Final EIR.

A1-3 This comment requests that the HRA be revised to include toxic components of GBFS and GGBFS. Toxic components of GBFS and GGBFS were included in the HRA. The GBFS and GGBFS speciation profiles are presented in Table 5 of the HRA (Appendix D-1 of the Draft Final EIR). The toxic component information is included in the HRA supplemental materials HARP output file: *Orcem VMT Additional Supporting Materials/Supplemental Materials/From AWN/HARP/MaterialHandling - Rep2_Can_70yr_DerAdj_AllRec_AllSrc_AllCh_ByRec_Site_UTM.txt*.

A1-4 This comment requests an estimation of emissions from crystalline silica in gypsum and pozzolan, and requests their inclusion in the HRA. Table 4 of the HRA (Appendix D-1 of the Draft Final EIR), shows that the project would result in a maximum of 125 pounds per year of fugitive gypsum emissions. Silica constitutes approximately 0.5% of gypsum cement (<http://www.americangypsum.com/ites/default/files/documents/AGSDS.pdf>).

Crystalline silica emissions from gypsum would be approximately 0.6 pounds per year, which is much less than BAAQMD's Rule 2-5 chronic trigger threshold for crystalline silica of 120 pounds per year. The use of BAAQMD's trigger threshold is a very conservative method of evaluating the potential for additional risk. The trigger thresholds are based on a risk of 1 in a million, a source with low dispersion and a very close receptor. A showing that the emissions are lower than the trigger threshold indicates that there is no potential for significant additional risk.

The use of pozzolan by Orcem, in the production of its GGBFS finished product is optional (and may serve as a substitute for gypsum). If used, pozzolan would be added to ground GBFS in small quantities, equal to or less than that of gypsum. Pozzolan is comprised of up to 43% crystalline silica. The use of pozzolan may result in up to 54 pounds of annual crystalline silica, which is less than

BAAQMD’s Rule 2-5 chronic trigger threshold for crystalline silica of 120 pounds per year.

A1-5 This comment requests inclusion of toxic emissions associated with Portland cement handling in the HRA. It should be noted that all final products would be handled in enclosed spaces.

The maximum operational emissions scenario, as described in the executive summary of Air Quality Appendix D-1 of the DEIR, would not include any importation of portland cement. Under the analyzed alternatives in which Orcem would import portland cement (Modes #4 and #5), there would be substantially reduced TAC emissions from GBFS and gypsum, and ship boilers would be the only other source of TAC emissions. Tables 1a and 1b below show the annual and hourly TAC emissions if the facility imported Portland cement as its primary product, respectively.

Table 1a shows that combined annual nickel emissions in this scenario would exceed the BAAQMD annual screening threshold. However, 99% of these emissions would be from ship boilers, which are already included in the HRA. The total Chronic Hazard Index at the maximum impact receptor (MIR) was 0.1 (see Table 13 of the HRA Appendix D-1 of the Draft Final EIR) and the cancer risk at the MIR due to emissions from the ship boilers was 0.065 in a million. Therefore, the increases in the total Chronic Hazard Index and cancer risk due to the very small increase in nickel emissions from cement handling in this scenario would be very small, and the total Chronic Hazard Index and total cancer risk at the MIR would remain well below the thresholds. The hourly TACs emissions associated with this scenario are below the BAAQMD hourly screening thresholds, as indicated in Table 1b below.

Table 1a
Summary of Annual TAC Emissions

Pollutant	Concentration in Portland Cement (ppm) ¹	Cement Emissions as GBFS (lbs/year) ²	TAC Emissions from Cement (lbs/year)	TAC Emissions from Ship Boilers (lbs/year)	Total TAC Emissions (lbs/year)	BAAQMD Threshold (lbs/year) ³	Exceeds Threshold?
Arsenic	20	193.5	3.87E-03	2.00E-03	5.87E-03	7.20E-03	No
Lead	100		1.94E-02	3.20E-02	5.14E-02	3.20E+00	No
Cadmium	1		1.94E-04	2.88E-03	3.07E-03	2.60E-02	No
Chromium (Total)	50		9.68E-03	2.00E-03	1.17E-02	--	--
Cobalt	30		5.81E-03	--	5.81E-03	--	--

Table 1a
Summary of Annual TAC Emissions

Pollutant	Concentration in Portland Cement (ppm) ¹	Cement Emissions as GBFS (lbs/year) ²	TAC Emissions from Cement (lbs/year)	TAC Emissions from Ship Boilers (lbs/year)	Total TAC Emissions (lbs/year)	BAAQMD Threshold (lbs/year) ³	Exceeds Threshold?
Copper	50		9.68E-03	5.04E-03	1.47E-02	--	--
Nickel	40		7.74E-03	7.19E-01	7.27E-01	4.30E-01	Yes
Thalium	0.5		9.68E-05	--	9.68E-05	--	--
Mercury	0.5		9.68E-05	--	9.68E-05	2.70E-01	No
Zinc	150		2.90E-02	3.49E-02	6.40E-02	--	--
Tin	50		9.68E-03	--	9.68E-03	--	--

Notes:

1. Table 2 of Response to Comments Attachment 1, Cement Products Brochure.
2. Table 4 of the HRA Appendix of the DEIR. Excludes emissions from the main stack, as cement would not require processing.
3. Tables 2 and 3 of the HRA Appendix of the DEIR.
4. BAAQMD Rule 2-5, Table 1.

Table 1b
Summary of Hourly TAC Emissions

Pollutant	Concentration in Portland Cement (ppm) ¹	Cement Emissions as GBFS (lbs/hour) ²	TAC Emissions (lbs/hour)	TAC Emissions from Ship Boilers (lbs/year)	Total TAC Emissions (lbs/year)	BAAQMD Threshold (lbs/hour) ³	Exceeds Threshold?
Arsenic	20	0.045	8.95E-07	3.17E-07	1.21E-06	4.40E-04	No
Lead	100		4.47E-06	5.08E-06	9.55E-06	--	--
Cadmium	1		4.47E-08	4.57E-07	5.02E-07	--	--
Chromium (Total)	50		2.24E-06	3.17E-07	2.55E-06	--	--
Cobalt	30		1.34E-06	--	1.34E-06	--	--
Copper	50		2.24E-06	7.99E-07	3.04E-06	2.20E-01	No
Nickel	40		1.79E-06	1.14E-04	1.16E-04	1.30E-02	No
Thalium	0.5		2.24E-08	--	2.24E-08	--	--
Mercury	0.5		2.24E-08	--	2.24E-08	1.30E-03	No
Zinc	150		6.71E-06	5.54E-06	1.22E-05	--	--
Tin	50		2.24E-06	--	2.24E-06	--	--

Notes:

1. Table 2 of Response to Comments Attachment 1, Cement Products Brochure.
2. Table 4 of the HRA Appendix of the DEIR. Excludes emissions from the main stack, as cement would not require processing.
3. Tables 2 and 3 of the HRA Appendix of the DEIR.
4. BAAQMD Rule 2-5, Table 1.

A1-6 This comment requests inclusion of toxic emissions associated with natural gas combustion dryers (“hot air generators”) in the HRA. Emissions from the cement dryers are included in the HRA (see HRA Table 6 in Appendix D-1 on this Draft Final EIR).

A1-7 This comment requests an expansion of the HRA modeling domain to include the three main transportation routes from the project site to Interstate 80. The analyzed modeling domain includes sources and receptors up to 1 kilometer from the project site boundary, including all transportation routes from the facility and sensitive receptors adjacent to the transportation routes. The location of the maximum impact receptor (MIR) was determined to be located adjacent to the project site. Any additional modeling beyond the 1 kilometer domain would result in impacts lower than the MIR.

A1-8 This comment requests an estimate of mobile source emissions in the San Francisco Bay Area Air Basin. Criteria pollutant emissions from ships were calculated out to the sea buoy, which is located approximately eight nautical miles west of Point Bonita near the entrance of the San Francisco Bay. This choice is consistent with the methodology used in the Chevron Modernization Project (Chevron Modernization Project EIR, Volume 2, Appendix 4.3-SHP – Shipping CAP, TAC and GHG Emissions).

Criteria pollutant emissions from locomotives and trucks were estimated out to approximately 50 miles for each one-way trip.

The distances from the project site to the various boundaries in the BAAQMD are as follows:

- Project site to the north-eastern BAAQMD boundary on I-80 (near Vacaville) – approximately 23 miles;
- Project site to the northern BAAQMD boundary on US101 (near Healdsburg) – approximately 55 miles; and
- Project site to the eastern BAAQMD boundary on I-580 (near Tracy) – approximately 60 miles.

A1-9 This comment requests the analysis of emissions if the Port of Richmond is used as an alternative short-term port. As stated on Page 2-17 of the Draft EIR, the Port of Richmond has been identified exclusively as a “short-term emergency source for the delivery of GBFS and clinker via ships from sources in Asia and around the world.” Consistent with CEQA Guidelines Section 15269(c) (actions

necessary to prevent or mitigate an emergency) the unlikely short-term sourcing of raw materials under an actual emergency in which the VMT Terminal became temporarily inoperable would be exempt from CEQA, and would not include any long-term usage undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. Any change in operations leading to long-term usage of alternative sources for importation of raw materials would require additional analysis.

A1-10 This comment requests an estimate of potential NO_x emissions increases associated with the use of B20 fuel. BAAQMD recommends including the use of B20 fuel as part of the conditions of approval. Effective January 1, 2016, CARB regulation requires alternative diesel fuels to be NO_x-neutral (<http://www.arb.ca.gov/regact/2015/adf2015/adf2015.htm>). As noted in section 5.2.3 of the Air Quality Appendix D-1 of the Draft Final EIR, biodiesel blends are expected to be NO_x-neutral compared to conventional diesel.

A1-11 This comment states that emissions from truck exhaust were calculated using EMFAC 2011, and request that the calculations be revised using EMFAC 2014. The comment also requests that the HRA be revised using EMFAC 2014 emissions and OEHHA's updated screening values for breathing rate, exposure duration, and time spent at home.

Onroad vehicle emissions associated with construction activities, calculated in 2014, were calculated using EMFAC2011. The use of EMFAC2011 for construction activities is consistent with the version of CalEEMod used at the time of document preparation. It is also expected that EMFAC2014 emissions would result in lower emissions for most vehicle types. Onroad vehicle emissions associated with operational activities, calculated in 2014, were calculated using EMFAC2014. DEIR onroad vehicle emissions associated with construction activities are consistent with the version of CalEEMod in use at the time of the analysis, are conservative and therefore do not require recalculation.

The DEIR HRA was prepared based on the 2003 California Environmental Protection Agency Office of Environmental Health Risk Assessment (OEHHA) Guidance available as of the date of issuance of the Notice of Preparation for the DEIR. The HRA was revised in response to the District's comment per the most recently revised 2015 OEHHA HRA Guidance. Per consultation with Virginia Lau of the BAAQMD, the residential inhalation cancer risks calculated in DEIR HRA were multiplied by an adjustment factor of 1.37 to account for changes from

the 2003 OEHHA HRA Guidance to the most recent 2015 OEHHA HRA Guidance. The revised HRA is included in Appendix D-1 of the Draft Final EIR.

- A1-12** This comment asks for clarification as to whether coal will be received at the VMT. Coal would not be received at the VMT. An updated list of materials that could be handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- A1-13** This comments states that it does not appear that a cumulative HRA was performed. A cumulative analysis was conducted. Please refer to Section 8.2 of the Air Quality Appendix.
- A1-14** This comment asks for the identification of additional mitigation measures if the revised HRA indicates increased cancer risk. The revised HRA would result in greater cancer risk before mitigation. Mitigation Measure MM-3.2-2 has been revised to reduce impacts below the level of significance (refer to A1-2 comment response). The MMRP stipulates monitoring and reporting requirements associated with mitigation measure. Please refer to the MMRP in Appendix M.

Letter A2 (Note – letters A2, A3, and A4 represent ongoing communication with this agency and should be read in their entirety to understand the agency's current position.)

Commenter: Erik Beuhmann, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission (BCDC)

Date: November 2, 2015

- A2-1** This comment provides an introduction to the comments provided by BCDC and states that BCDC staff does not believe the project is consistent with the requirements of the McAteer-Petris Act and the San Francisco Bay Plan. This comment has been noted and detailed responses regarding BCDC's specific concerns are provided in responses to comments A2-7 through A2-7.
- A2-2** This comment describes BCDC's permit jurisdiction and procedures, summarizes the proposed project, and identifies the need for a major BCDC permit. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

A2-3 This comment summarizes the requirements of the McAteer-Petris Act as they relate to fill, summarizes the fill proposed as part of the project, and describes the permit application process for the proposed project, including review by BCDC's Engineering Criteria Review Board. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

A2-4 This comment states that Phase 1 of the proposed project would be consistent with the priority use designation of the site; however, Phase 2 of the project would conflict with the "water-related industrial" designation of the site and may not be consistent with the requirements of the McAteer-Petris Act unless it can be demonstrated that the demand for fill is justified.

Under a Port Priority use designation, BCDC staff suggests that Phase 2 may not be approved. BCDC staff further suggest that it is not advisable to split the two VMT component phases into two different Bay Plan designations, as the purpose of the project is to accommodate one unified water-related industrial operation. VMT is obligated through the BCDC permit process to demonstrate that Phase 2 will be consistent with the Bay Plan's current designation as Water-Related Industry.

This comment and subsequent discussions with BCDC staff prompted changes in the proposed project to eliminate Phase 2 from the VMT project. Further discussion of this issue can be found in responses to BCDC's additional comments found below.

A2-5 This comment describes the requirements for compensatory mitigation and states that the proposed removal of fill and pilings from the Vallejo Marina would not be sufficient compensatory mitigation for the impacts from proposed fill. As described in the Draft EIR, fill associated with the project has been minimized to accommodate reconstruction of a modern deep water terminal within the same general footprint as the deteriorated wooden wharf it replaces. As is described in the Draft Final EIR, Phase 2 has been removed from the project, thus all fill associated with the proposed dike is no longer part of the project. VMT and Orcem are obligated to review this impact assessment with BCDC in the permit application process to ensure consistency with the Bay Plan and BCDC's mitigation policies.

BCDC staff question the extent of temporary and permanent project impacts, including the resulting loss of habitat, and whether these impacts and the mitigation measures as listed in the DEIR would be approved by BCDC. These impacts and the corresponding mitigation measures identified in the DEIR

associated with these issues are included in Sections 3.3, 3.5, 3.7 and 3.8. This comment will be further discussed during the BCDC application process for the VMT component of the project as related to the consistency with the BCDC plan and policies.

- A2-6** This comment describes the requirements for maximum feasible public access and states that the proposed small boat launch is not a proportional public access improvement for the impacts of the proposed project. BCDC correctly states that the project does not propose public access on the project site due to Homeland Security access restrictions for shipping terminals. The project includes a proposed off-site public access improvement as described and analyzed in the DEIR. These proposed off-site access facilities will be discussed (and may be changed) with BCDC as part of the permit process to ensure consistency with the Bay Plan’s maximum feasible public access policies.
- A2-7** This comment states concerns regarding the design of the proposed boat launch. As described in response to comment A2-6 above, the design of the proposed boat launch may be refined through the BCDC permit process and subsequent environmental review may be required to address changes to the proposal.
- A2-8** This comment summarizes concerns regarding sea level rise and suggests that additional information regarding the engineering of the proposed project to mitigate for the effects of sea level rise will be needed review by BCDC’s Engineering Criteria Review Board. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.
- A2-9** This comment summarizes BCDC’s Climate Change policies and states that a plan for adaptive management for the proposed structure in the event it is threatened beyond a mid-century of sea level rise will be required. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.
- A2-10** This comment describes the Bay Plan policies related to fish, aquatic organisms, and wildlife, and states that BCDC would require consultation and take permits prior to filing of an application in the event that significant impacts to special-status species would occur. As described in Section 3.3, Biological Resources, of the EIR, the proposed project would have potential impacts to fish, aquatic organisms, and wildlife during construction activities; however, all of the potential impacts would be reduced to below a level of significance through implementation of mitigation measures MM-3.3-3 through MM-3.3-9, and MM-3.8-1.

- A2-11** This comment describes the Bay Plan policies related to dredging, summarizes the dredging proposed as part of the project, and states that dredging should be approved through the Dredged Material Management Office. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.
- A2-12** This comment suggests that the EIR should consider impacts related to BCDC's policies on Shoreline Protection, Safety of Fills, Subtidal Habitat, Water-related Industry, and Port uses. Table 3.9-2, Consistency of the Proposed Project with Relevant Goals, Objectives, and Policies, includes analysis of policies related to Safety of Fills, Subtidal Habitat, Water-related Industry, and Port uses. Shoreline Protection policies are addressed under the subheading "Climate Change," and additional Shoreline Protection policies have been added to Table 3.9-2 in the Draft Final EIR. The inclusion of this additional policy analysis does not change the significance findings in Section 3.9 of the EIR, Land Use and Planning. Therefore, no other revisions have been made to Section 3.9 of the EIR in response to this comment.
- A2-13** This comment reiterates BCDC's concerns regarding the project's ability to meet the requirements of the McAteer-Petris Act and San Francisco Bay Plan. This comment has been noted and detailed responses regarding BCDC's specific concerns are provided in responses to comments A2-3 through A2-12.

Letter A3

**Commenter: Erik Beuhmann, Coastal Program Analyst, San Francisco Bay
Conservation and Development Commission (BCDC)**

Date: March 25, 2016

- A3-1** This comment provides an introduction to the comments provided by BCDC, Explaining that this letter is issued in part based on meetings held with the City and the project applicant. The comment states that BCDC believes that Phase 1 of the project may not be consistent with the San Francisco Bay Plan Map designation of the site as a "water related industry" priority use area. BCDC staff also asks for clarification on the precise nature of the proposed Phase 1 and Phase 2 activities. BCDC staff believes the current project proposal would require an amendment to the San Francisco Bay Plan and to the San Francisco Bay Area Seaport Plan to change the designation to accommodate port use. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

- A3-2** This comment provides information regarding the Bay Plan map designated use for the project site as well as additional information on water-related industry definitions and examples of water-related industries from the San Francisco Bay Plan and the San Francisco Bay Plan Supplement. BCDC states that while the Orcem facility would constitute a water-related industry use because it is an industrial use that requires a waterfront location to receive raw materials and distribute finished products, the use of the VMT terminal for break bulk cargo transportation unrelated to the Orcem facility would not constitute a water-related industry use because VMT would merely transport goods and materials, rather than processing materials on-site. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- A3-3** This comment summarizes the San Francisco Bay Plan's port priority use. BCDC states that the VMT project site is not designated as a Port priority use area in the San Francisco Bay Plan and is not discussed in the Seaport Plan. In order to amend the Seaport Plan to expand the number of sites around the region designated for seaport use, an applicant would be required to assess the current regional cargo capacity and to demonstrate the need for the additional capacity proposed by this project. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- A3-4** BCDC states that Phase 1 of the VMT project would devote a majority of its capacity to uses that are potentially inconsistent with the water-related industry priority use designation in the *San Francisco Bay Plan*. As a result, BCDC states that both a *San Francisco Bay Plan* and a Seaport Plan amendment would be necessary for the approval of Phase 1 of the project. BCDC also states that Phase 2 of the project may also be inconsistent with the water-related industry priority use designation for this site. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter A4

Commenter: Erik Beuhmann, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission (BCDC)

Date: April 29, 2016

- A4-1** This comment provides an introduction to the comments provided by BCDC and states that based on additional information provided by the project developer, that

BCDC now believes that the interim uses of Phase 1 would be consistent with the “water-related industry” designation in the San Francisco Bay Plan. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

A4-2 This comment describes the wharf reconstruction that will provide Orcem with the means to receive raw materials and distribute finished products that have been processed on-site, a use that is consistent with the “water-related industry” designation in the San Francisco Bay Plan. The Vallejo Marine Terminal expressed an interest in attracting more water-related industry to the site, but acknowledged that this would take time to attract and develop. In the interim period, Vallejo Marine Terminal proposed to use the wharf to move some cargo to and from the site. The San Francisco Bay Plan has policies on water-related industry as well as policies on interim uses for water-related industry or port use. Based on the description of anticipated activities, the use of the site for cargo would be consistent with the San Francisco Bay Plan, provided that the use is interim in nature and does not preclude future use of the site for water-related industry. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

A4-3 The comment states that BCDC has allowed some limited interim uses at sites, which the San Francisco Bay Plan and Seaport Plan designate for port priority uses, pursuant to specific standards. Interim uses are allowed for a limited period typically ranging from five to ten years, depending on the proposed use and conditions of the site. The BCDC staff believes it is reasonable to use the Seaport Plan standards to help determine the appropriate interim time period for non-water-related industry uses at the project. At the time a BCDC permit application is prepared for the project, it should provide, among other things, a detailed description of the potential uses not associated with the Orcem project including the type of cargo so that BCDC can determine the appropriate interim period for the identified uses. The application will also need to include an explanation of how the use of the site for these interim uses would not preclude future use of the site for water-related industry. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

A4-4 This comment summarizes that the concerns raised in BCDC letter dated March 25, 2016 are no longer applicable. The BCDC reiterates the issues it raised in its original DEIR letter from November 2, 2015 including the potential inconsistency

of Phase 2 of the development with the San Francisco Bay Plan designation for “water-related industry” at the site. However, the BCDC will determine whether or not the project is consistent with BCDC’s laws and policies at the time of considering a BCDC permit application. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter A5

Commenter: Patricia Maurice, District Branch Chief, Caltrans

Date: October 15, 2015

- A5-1** This comment states that improvements to SR 29/Lemon Street must be coordinated with Caltrans. The comment is noted.
- A5-2** This comment suggests that earlier peak hours should be evaluated and mitigated in the EIR. The traffic impact analysis is based on the commute peak hours within the study area as a whole, as determined from counts conducted between 7:00-9:00 AM and 4:00-6:00 PM. The peak hours for the study area were found to be 8:00-9:00 AM and 4:30-5:30 PM. The comment does not include data supporting the need for earlier peak hours; however, 48-hour counts conducted at several locations along SR 29 in May 2014 for the Vallejo General Plan Update (currently underway) indicate varying peak hours depending on the day, including peak hours that are similar to those used in the DEIR analysis. Therefore, the City respectfully disagrees that the analysis should be revised.
- A5-3** The comment references the sentence near the top of page 3.12-11 of the DEIR, which actually reads: “...based on the peak hour volume at the intersection of Lemon Street/Sonoma Boulevard, the daily volumes on Lemon Street are estimated at about 2,700 vehicles per day...” (not per hour, as the comment states). This sentence is describing the estimated daily volume on Lemon Street just east of Sonoma Boulevard, not the Sonoma Boulevard daily volume, as the comment states. Therefore, there is no apparent inconsistency.
- A5-4** This comment states that since the SR 29/Lemon Street intersection is the main access point to the project, the impact to this intersection should be analyzed in the EIR. The intersection of SR 29/Lemon Street was included in the impact analysis in the DEIR.
- A5-5** This comment requests analysis of the impacts on I-80 and SR 29 during the non-peak periods. The impacts of the truck traffic were assessed for the AM and PM

peak commute hours, in accordance with standard traffic impact analysis practice and the Caltrans Guide for the Preparation of Traffic Impact Studies. Because the truck traffic is expected to be continuous throughout the day, the greatest impacts on the freeways and state routes will occur during the highest-traffic hours.

- A5-6** This comment suggests there should be a discussion of hauling hazardous materials during demolition of existing buildings. Discussion of the potential hazards associated with hauling hazardous materials during building demolition is provided in Section 4.7.4 of the Draft Final EIR, Hazards and Hazardous Materials Impact Discussion.
- A5-7** This comment states that the project will require BCDC and California Coastal Commission permitting approval. This comment is noted.

Letter A6

Commenter: Scott Wilson, Regional Manager, California Department of Fish and Wildlife (CDFW), Bay Delta Region
Date: October 20, 2015

- A6-1** This comment summarizes the components of the proposed project, describes the extent of CDFW's review, and describes CDFW's role as a Trustee and Responsible Agency under CEQA. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.
- A6-2** This comment summarizes the evaluation of potential impacts and mitigation measures in the Draft EIR related to in-water work, and describes how proposed fill could impact special-status species in the area. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.
- A6-3** This comment recommends the inclusion of additional project alternatives and/or mitigation measures to offset potential impacts due to loss of subtidal soft substrate habitat. As discussed in Section 3.3 of the Draft EIR, the VMT component of the project was previously broken into two phases, with Phase 1 consisting of the deconstruction of the existing wharf area and reconstructing the rocky riprap shoreline abutting the wharf. Phase 2 would include the dredging of an existing mudflat, the reconstruction of the rock riprap shoreline, and the installation of mooring dolphins. However, Phase 2 has been removed from the proposed project and will no longer be addressed by the EIR. The deconstruction of the existing wharf and reconstruction of the new wharf described under Phase 1 will remain.

The changes to the subtidal habitats and shoreline of the Project Site are expected to be minimal and predominantly of short duration. The shoreline reconstruction and piling replacement can be expected to result in improved subtidal and intertidal habitat that will improve fish forage and provide more suitable habitat for sessile invertebrate taxa, including Olympia oysters, which are considered a species of special concern in the San Francisco Bay-Delta. The dredging involved in improving the river navigation channel and river area under the replacement wharf associated with the planned wharf improvements is also anticipated to improve the width and depth of Napa River channel adjacent to the Project Site, which could be of direct benefit to special status species using the lower segment of the Napa River for migration upriver to spawning areas and for foraging by improving the depth and width of the migratory corridor, increase the amount of subtidal habitat that is supportive of fish forage, and accessibility to special status species, including salmon, steelhead, smelt, and Sacramento splittail.

The planned dredging for the wharf construction and channel deepening adjacent will, as CDFW commented, result in the replacement of subtidal and some intertidal habitat with permanent subtidal habitat. As required by the San Francisco Bay Plan, as well as assorted State agency regulations, the “filling” of Bay tidelands is prohibited unless its occurrence meets very specific criteria. If these criteria are met, then the proposed project is required to provide compensatory mitigation that provides benefits to the public trust in excess of the potential environmental impact or loss resulting from the filling of Bay tidelands. Typical mitigation measures include, but are not limited to, restoration of a damaged or lost resource, creating a new resource in an area that does not currently or did not historically support that resource, enhancing the functions of an existing degraded resource, and preserving a resource through a legally enforceable mechanism. For applicable projects with extremely small fill requirements, it is not uncommon for the project to make a financial contribution to a habitat restoration fund. The amount and extent of mitigation required for a given project is typically determined and resolved during the permitting process and communications with key State and Federal agencies, such as BCDC, California Fish and Wildlife, State Water Quality Control Board, etc.

Since these permitting efforts are still underway between the Project Applicant and each respective regulatory agency for this Project, precisely what form of acceptable mitigation actions will be conducted, how extensive they might be, and where they might occur is unknown. Additional mitigation beyond that already identified in the DEIR will be required by multiple agencies as part of their permitting process. To specifically address the need for additional mitigation

actions to compensate for Project infill of Bay subtidal and intertidal tidelands, the text in Section 3.3.4 Impact Discussion, subsection “Disturbed and Lost Habitat” has been modified in the Draft Final EIR. In addition, Mitigation Measure MM-3.3-10 has been added to address Impact 3.3-12.

NOTE: The following mitigation measure has been added to the DEIR:

Mitigation for Impact 3.3-12: The proposed project would result in the loss of Bay–Delta subtidal and intertidal habitat from infill of the Napa River for the wharf construction. The placement of fill within the Bay–Delta will result in potential lost foraging habitat and reduced migration corridors for special status fish species.

MM-3.3-10 Mitigation for Bay–Delta Fill: As part of the project permitting efforts with BCDC, the Regional Water Quality Control Board (RWQCB), and CDFW, VMT will identify, execute, and/or fund sufficient mitigation activities that will adequately compensate for the placement of new Bay–Delta fill on subtidal and intertidal areas of the Napa River Project site. The amount and level of mitigation will be in accordance with mitigation efforts as outlined in the Bay Plan, CDFW regulations for impingement of onshore operations on migration corridors, and the Porter–Cologne Act.

A6-4

This comment describes the impacts and mitigation in the Draft EIR related to pile installation in the Napa River, and requests inclusion of both delta smelt and longfin smelt in the EIR analysis. This comment also suggests that the project minimize the size and number of piles used to reduce potential impacts. CDFW correctly stated that longfin smelt are present in the lower Napa River throughout the year and would therefore be potentially exposed to underwater noise from pile driving activities. Although strict adherence to the LTMS environmental work windows has the potential to substantially reduce the number of delta smelt that might be present during pile driving activities, it cannot eliminate the potential exposure to all longfin smelt potentially present in the project area when these activities occur. For this reason, the project is required to take all necessary steps to reduce underwater noise from pile driving activities to less than 183 dB, the highest sound level established by both federal and state resource agencies to not result in acute impact to fish less than 2 gr. in size. Furthermore, the employment of vibratory hammers and other Best Management Practices to install concrete and steel pilings, as illustrated in Table 3.3-6 of the EIR, will either reduce underwater noise levels to less than 183 dB or substantially reduce the underwater area that noise is projected to exceed this dB level.

Despite the implementation of all these actions, there is the slightest chance, no matter how remote or minimally probable, that some minimal “take” of longfin smelt might still occur. To address this potential “take” of longfin smelt as a result of pile driving noise, regardless of when pile driving activities might occur, Mitigation Measure MM-3.3-5 has been rewritten in the Draft Final EIR to address this concern. The revision to this mitigation measure does not change the significance findings in Section 3.3 of the EIR. Therefore, no other revisions have been made to Section 3.3 of the EIR in response to this comment.

A6-5 This comment describes impacts and mitigation in the Draft EIR related to Townsend’s big-eared bats and provides recommended language for mitigation, including an avoidance and protection plan. The Draft Final EIR includes additions to Mitigation Measure MM-3.3-2 in keeping with recommended language including developing a bat avoidance and protection plan. The avoidance and protection plan will identify specific work windows and humane eviction methods that may avoid sensitive life stages including hibernation and active maternity colonies, appropriate disturbance buffers, and identify appropriate additional avoidance and minimization measures, if applicable.

A6-6 This comment describes mitigation in the Draft EIR to address impacts to migratory birds and recommends protection of the Osprey nest sites. The Draft Final EIR includes additions to Mitigation Measure MM-3.3-1 in keeping with recommended language including avoiding nesting seasons and consultation, if necessary, regarding the location and feasibility of constructing of an artificial nesting platform in the vicinity.

A6-7 This comment describes the permit requirements for impacts to species listed under the California Endangered Species Act. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

A6-8 This comment describes the permitting requirements for fill and dredging activities in Mare Island Strait. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

Letter A7

Commenter: Scott Morgan, Director, State Clearinghouse

Date: October 20, 2015

A7-1 The comment letter states that the District has complied with the State Clearinghouse requirements for the review of draft environmental documents

under California Environmental Quality Act (CEQA). The State Clearinghouse also transmitted a copy of the comments from all state agencies that commented on the Draft EIR, which consisted of the California Department of Transportation (Caltrans). A copy of the Caltrans comment letter, dated October 15, 2015, and the City's responses to the comments are provided in letter/response A5.

Letter A8

Commenter: Scott Morgan, Director, State Clearinghouse

Date: October 21, 2015

- A8-1** The State Clearinghouse transmitted a copy of the comments from additional state agencies that commented on the Draft EIR, which consisted of CDFW. A copy of the CDFW comment letter, dated October 20, 2015, and the City's responses to the comments are provided in letter/response A5.

Letter A9

**Commenter: Bill Emlen, Director,
Solano County Department of Resource Management**

Date: November 2, 2015

- A9-1** This comment describes concerns regarding mitigation measures to reduce diesel emissions because it is not clear if the mitigation would apply to vehicle, rail and marine equipment associated with the project, or only those used on site. The comment also states that the mitigation is not sufficient to mitigate the increase in potential cancer risks.

Revised mitigation measure MM-3.2-1 specifies that 2010 model trucks or newer will be used at the start of facility operations for all vehicles (please refer to Master Response 2 and response to BAAQMD comment A1-1). Mitigation measure MM-3.2-2 stipulates mitigation for ships and on-site equipment (please refer to Master Response 3 and response to BAAQMD comment A1-2). New mitigation measure MM-3.2-3 specifies the highest EPA engine tier for on-site equipment (please refer to response to BAAQMD comment A1-2). There are no feasible mitigation measures for locomotives, which are regulated by the USEPA.

Mitigation is sufficient to mitigate the increase in potential cancer risks. Please refer to Section 3.2 of the Draft Final EIR and response to comment A1-2.

The HRA shows that cancer risk would be reduced below the level of significance with the use of Mitigation Measure MM-3.2-2 (please refer to response to BAAQMD comment A1-2). In addition, per BAAQMD's request, the HRA was revised to include the most recent OEHHA HRA Guidance (please refer to responses to comments A1-11 and A1-14).

- A9-2** This comment requests a monitoring and reporting requirement to ensure cancer risk is mitigated during operation. An MMRP has been prepared and is included as Appendix M of the Draft Final EIR (please refer to Master Response 7).
- A9-3** This comment describes concerns regarding conflicting mitigations for impacts due to NOx impacts and cancer risk. The comment recommends that an alternative to biodiesel use be explored as mitigation for cancer risk, or a better description of why the mitigation measures do not conflict should be provided in the EIR. As noted in Section 5.2.3 of the air quality analysis presented in Appendix D-1 of the Draft Final EIR, biodiesel blends are expected to be NOx-neutral compared to conventional diesel, per CARB regulation (please refer to response to comment A1-10).
- A9-4** This comment recommends the use of the more conservative standard for evaluating cancer risk since the 2015 OEHHA guidance has not yet been adopted by BAAQMD. The HRA has been revised. Refer to response to comment A1-11.
- A9-5** This comment recommends requiring monitoring and reporting to verify implementation of the BAAQMD BMPs for construction projects. An MMRP is included as Appendix M to the Draft Final EIR. The MMRP lists each mitigation measure along with the timing, responsibility, and methodology for implementation of each measure.
- A9-6** This comment states that a better description is needed for the design features for fugitive dust emissions during operations, including monitoring and verification to ensure effectiveness. Some of the measures listed in PDF-AQ-4, such as watering points on the conveyors, are project design features limited by design of the equipment. Some of the measures listed in PDF-AQ-4 are better defined as project features that rely on workers to perform the tasks. All PDF-AQ-4 measures apply to operational activities. Although not mitigation measures, PDF-AQ-4 measures have been included in the MMRP for reporting and tracking purposes (see Appendix M of this Draft Final EIR).
- A9-7** This comment suggests expanding the analysis to evaluate potential TACs that may extend beyond the radius of impact due to high prevailing winds and to

evaluate potential impacts on nearby parks and playgrounds. For assessing community risks, the BAAQMD CEQA guidelines recommend that a 1,000-foot radius around the project boundary be defined as a zone of influence and that impacts be assessed within this zone of influence. Because of the size and nature of the proposed Project, the modeling domain was extended beyond the 1,000-foot zone of influence recommended by BAAQMD (please refer to HRA Figure 2 in Appendix D-1 of the Draft Final EIR). The modeling domain includes sources traveling up to 1 kilometer from the project site boundary and sensitive receptors along those transportation routes. Please refer to response to comment A1-7.

The HRA and the revised HRA both indicate that the location of the MRI was determined to be adjacent to the project site. Since the MRI represents the maximum impact receptor, all other receptors including parks and playgrounds would have lower impacts than the MRI.

A9-8

This comment suggests the inclusion of a mitigation measure to require an odor response program to address the individual subjectivity of odors. The ability to detect odors varies considerably among the population and is subjective; individuals may have different reactions to the same odor. In addition, the complex mixture of chemicals in diesel exhaust, the differing odor thresholds of these constituent species makes it extremely difficult if not impossible to quantify the potential for changes in perceived odors even when air contaminant concentrations are known. For these reasons BAAQMD has not developed and does not recommend a bright-line odor threshold. Instead, BAAQMD's CEQA's significance threshold for operational activities is 5 confirmed complaints per year averaged over 3 years.

Furthermore, BAAQMD's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds. The limitations of the Regulation are triggered when the BAAQMD receives odor complaints from 10 or more complainants within a 90-day period. It should be noted that the proposed project would not produce odorous chemicals identified in Regulation 7.

The BAAQMD operates a 24-hour toll-free odor complaint hotline. BAAQMD's odor complaint web page states that "Satisfactory resolution of complaints is one of the most important and difficult responsibilities of District staff. In fact, other than a violation in progress, responding to complaints from the public takes precedence over all other duties assigned to inspectors." Every complaint is investigated by a field inspector, often within 30 minutes. If the BAAQMD

determines that a facility is creating a public nuisance, the District may issue a Notice of Violation to the responsible facility.

A9-9 This comment describes the process for submitting a Hazardous Materials Management Plan, which is a proposed mitigation measure in the Draft EIR. This comment has been noted and since it does not address the adequacy or accuracy of the Draft Final EIR, no further response is necessary.

A9-10 This comment states that a Spill Prevention Countermeasure Plan will be required if 1,320 gallons or greater of petroleum is stores on the site. This comment has been noted and since it does not address the adequacy or accuracy of the Draft Final EIR, no further response is necessary.

A9-11 This comment summarizes the residual contamination present in the soils and groundwater on the project site and recommends revisions to the mitigation measures to include corrective action of releases, long term monitoring and reporting as part of the National Pollution Discharge Elimination System (NPDES) Program, and emergency response/spill prevention plans to ensure the corrective actions are sufficient to mitigate potential releases following construction. The Site Management Plan included as Appendix I-11 has been updated to include the document cited by the commenter (A Covenant and Environmental Restrictions and Revised Site Management Plan dated 11/6/2015). The updated plan does not affect the validity of the analysis in the Draft EIR. In addition, the commenter states that “ongoing use of the use in the area following construction may result in destabilizing the contamination and posing ongoing risks and impacts” and suggests mitigation measures in the form of long term monitoring. Creosote pilings would be removed as part of the project and thus would not remain long term, and the residual contamination in the “Site Management Area” would be governed under the site management plan (included as Appendix I-11 and discussed in Section 3.7 of the Draft Final EIR).

As stated in Section 3.7 of the Draft Final EIR, all cargo received or shipped through the VMT Terminal would be handled through enclosed transport devices (with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open). In addition, dry soils would be wetted during loading operations, and any construction vehicles or equipment that may come in contact with potentially impacted materials shall be decontaminated prior to leaving the site. Section 3.2, Air Quality, describes the measures to be taken to eliminate or substantially reduce release of airborne contaminants, and Section 3.8, Hydrology and Water Quality, describes the provisions of applicable NPDES

permits (including the Industrial General Permit), and additional mitigation measures necessary to address the long-term impacts on water quality. Note that the Industrial General Permit will require monitoring and testing stormwater treatment systems to ensure they are effective in removing pollutants of concern within stormwater runoff (Draft Final EIR pg. 3.8-21 through 3.8-24). Given the issues addressed in the EIR, the location and nature of the impact to which the commenter is referring is unclear, as is the method, location or purpose of the suggested long-term monitoring.

- A9-12** This comment recommends adding a requirement to mitigation measure MM-3.7-4 that VMT and Orcem assist in revising the Solano County Hazardous Materials Area Plan to address the response during marine, truck, and trail transport of materials to and from the project site. Mitigation Measure MM-3.7-4 has been revised as suggested and is included in the Draft Final EIR. This change does not result in secondary impacts that would require further analysis in the Draft Final EIR.
- A9-13** This comment describes the requirements for resting of any materials proposed for reuse on the site. This comment has been noted and since it does not address the adequacy or accuracy of the Draft Final EIR, no further response is necessary.
- A9-14** This comment asserts that the proposed change in land use associated with the portion of the project site to be annexed would result in significant impacts. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR, and no further analysis is necessary.
- A9-15** This comment describes potential impacts due to project truck traffic and potential cumulative impacts related to the Curtola Park and Ride Hub. The intersection of Lemon Street/Carlson Street was included in the traffic impact analysis, incorporating the planned signalization and lane configuration improvements obtained from City of Vallejo staff. Refer to Section 3.12.4 of the Draft Final EIR for a description of the planned improvements. Traffic projections with the Park and Ride Hub in full operation were requested during preparation of the Draft EIR transportation impact evaluation, but were not made available. Therefore, the cumulative volumes turning in and out of the hub entrance were increased by a nominal amount, having no better information to project volumes with the hub in full operation. It is noted that the existing peak hour volumes show approximately 140 vehicles entering in the AM peak hour and 200 vehicles exiting in the PM peak hour. Given that the intersection is currently projected to operate at Level of Service (LOS) A in 2040, it is anticipated that volume growth

related to the hub would not be sufficient to result in a significant project impact based on the significance criteria presented in the Draft Final EIR.

- A9-16** This comment summarizes potential impacts to pedestrian and bicycle safety as evaluated in the Draft EIR and requests the mitigation be revised to include notice, input, and approval from Solano County on the improvement plans. The City will consider this request from the County.

RTC.3 ORGANIZATIONS

Letter O1

Commenter: Maureen Gaffney, Association of Bay Area Governments, San Francisco Bay Trail Project

Date: October 30, 2015

- O1-1** This comment provides background on the San Francisco Bay Trail Project as a visionary plan for a shared-use bicycle and pedestrian path that will one-day allow continuous travel around San Francisco Bay. The commenter states that 341 miles of trail have been completed, and that eventually the Bay Trail will extend over 500 miles to link the shoreline of nine counties. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.
- O1-2** This comment provides the existing Bay Trail alignment in the City of Vallejo and states that the Bay Trail Steering Committee will be considering a realignment of the trail at their November meeting. The commenter states that a goal of the Bay Trail is a multi-use (bicycle and pedestrian) path as close to the shoreline as possible and that the Steering Committee is always looking to move inland alignments bayward as opportunities arise. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.
- O1-3** This comment states that while the Bay Trail Project fully understands and appreciates that public access to the shoreline at the proposed project site is not feasible for safety and operational reasons, the in-lieu public access proposed in the form of a concrete ramp for launching small boats is deficient because the project will block public access to 4,000 feet of the public shoreline for many decades to come. For information regarding the proposed off-site mitigation please refer to the response to comment A2-6 above.
- O1-4** This comment recommends two projects that the Bay Trail Project believes would provide more appropriate mitigation for the long-term loss of public shoreline.

This recommendation is noted and will be included by way of this document in the Draft Final EIR for consideration by the Planning Commission.

O1-5 This comment states that the Applicant should be required to implement Class II bicycle lanes between Curtola Parkway and Maritime Academy Drive as mitigation for impacts to cyclists and pedestrians on the existing Bay Trail alignment. The commenter asserts that this change is sorely needed and would be a direct mitigation for a direct impact. This recommendation is noted by way of this document and will be included by way of this document in the Draft Final EIR for consideration by the Planning Commission.

O1-6 This comment states that it is imperative that a project the scale of the proposed Project provide real and significant off-site public access. The commenter asserts the proposed mitigation is extremely ill-advised and potentially precedent-setting and the mitigation recommended by the Bay Trail Project should be required. This recommendation is noted and is here included in the Draft Final EIR for consideration by the Planning Commission.

Letter O2

Commenter: John A. Coleman, Bay Planning Coalition

Date: October 2, 2015

O2-1 This comment expresses the Bay Planning Coalition's strong support of the proposed project. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.

O2-2 This comment states that the proposed project will bring crucial economic benefits to the region, as the industrial hub will establish a valuable marine terminal with connections and existing infrastructure to support access to trucking, marine shipping and rail operations. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.

O2-3 This comment states Phase 1 would require minimal dredging and would allow for a combined annual cargo throughput of approximately 1 million metric tons and Phase 2 would establish material handling efficiencies to significantly reduce greenhouse gas emissions. Since this comment was received the Phase 2 dike has been removed from the project, thus it is assumed that some of these efficiencies would be reduced. Overall the comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.

- O2-4** This comment states the proposed project will also create strong employment opportunities for the region, supporting 25 to 40 full time employees. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.
- O2-5** This comment states that VMT would create economic opportunities for the region, and would provide a key industrial terminal to support the Bay Area's trade and cargo shipping economy. Comment is noted but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.

Letter O3

Commenter: Boudicca Todi, Change.org

Date: November 2, 2015

- O3-1** This comment describes an attached change.org petition against the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O3-2** This comment consists of the change.org petition against the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter O4

Commenter: Jason R. Flanders, ATA Law Group, on Behalf of Fresh Air Vallejo

Date: November 2, 2015

- O4-1** This comment asserts that the Draft EIR is defective and fails to adequately describe the whole of the project and the foreseeable significant environmental impacts of the projects by improperly segmenting the project impacts among the VMT portion and the Orcem portion. As described in Section 2.4 of the EIR, the EIR refers to the VMT and Orcem components of the project, collectively as the "proposed project" because the two project components are highly dependent and would not be feasible independent from one another. While analysis of the VMT and Orcem project components are described individually when impacts would differ between the two components, the impacts of the proposed project as a whole were evaluated assuming both projects are operating simultaneously.

- O4-2** This comment claims there is no meaningful discussion of the likely significant impacts of using the project to produce and transfer other materials such as coal, oil, pet coke, and Portland cement even though the Draft EIR suggests the project would be used for such purposes. Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed through the VMT Terminal and notes that any modifications to the list of commodities that could be handled in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. This list of materials does not include pet coke, coal, or oil. Impacts from products that could be handled through VMT, including portland cement, were included in the analysis presented the Draft EIR.
- O4-3** This comment alleges that the Draft EIR does not analyze and mitigate the severely disproportionate impacts the project would have on communities already suffering from poor environmental conditions. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- O4-4** This comment claims the Draft EIR should contain an environmental justice report and includes census data illustrating the minority population in the project area. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- O4-5** This comment defines environmental justice requirements and claims that CEQA must consider if the environmental effects of a project would cause a substantial adverse effect on human beings. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- O4-6** This comment summarizes the Attorney General's advice that local agencies consider the significance of an activity in the broader context of its environmental setting and cites the example pertaining to pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O4-7** This comment summarizes the Attorney General's warning that while project effects may appear limited on their own, effects may be cumulatively considerable and provides examples pertaining to pollution analysis. Cumulative analysis is found in Chapter 4 of the EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O4-8** This comment summarizes the air quality impacts found to be significant and unavoidable in the Draft EIR, including the conflict with the Clean Air Plan,

exceedance of NOx emission limits, exceedance of operational CO₂E emission limits, and conflict with the City of Vallejo Climate Plan. This comment is consistent with the analysis presented in the Draft EIR; however, revisions have been made in Section 3.2, Air Quality, of the Draft Final EIR. Additional information regarding these changes is provided in response to letter A1, BAAQMD.

- O4-9** This comment states that noise levels due to operation of VMT would exceed established policies at two locations and a major source of noise and vibration, rolling stock on the existing jointed track, would remain significant and unavoidable. Project changes have reduced these impacts for noise, but not vibration. Please refer to Section 3.10 – Noise of the Draft Final EIR.
- O4-10** This comment states that substantial delays and queues at railroad crossings cannot be mitigated and the project would have a significant impact on emergency access based on potential delays generated by train crossings. This comment is consistent with the analysis presented in the Draft EIR.
- O4-11** This comment asserts that the Draft EIR suggests none of these significant impacts can or will be mitigated and as a result would be born entirely by the surrounding communities. As required under CEQA, the EIR includes a discussion of potential mitigation measures, some of which were determined to be infeasible, or the implementation of which could not be guaranteed by the City. Since the City is responsible for monitoring implementation of mitigation measures, it is imperative that any mitigation measures required by the EIR are feasible and enforceable. In some cases, there are no additional feasible mitigation measures that could reduce identified impacts to below a level of significance; these are identified as significant and unavoidable impacts of the proposed project.
- O4-12** This comment states that many more significant impacts would be caused by the project that the Draft EIR hopes to mitigate including air quality, noise, cancer risk, biological impacts, hazardous materials, transportation, aesthetics and geology and claims that they would be magnified by existing environmental conditions considering the project area has the among the worst environmental scores from CalEPA in the state. The EIR evaluates the potential environmental effects of the proposed project in relation to the existing environmental conditions of the site and surrounding areas, as relevant to each analysis topic. If the project is approved, all of the feasible mitigation measures identified as feasible in the Draft EIR would be required to be implemented and monitored in order to reduce or avoid environmental impacts identified in the EIR.

O4-13 This comment alleges that the Draft EIR does not include historical exposure to asbestos, PCBs, chromium, and other carcinogens from the shipyard, the mill and the three major freeways running through the neighborhood. This comment also claims that the project would reverse any recovery made by the neighborhood and that cumulative impacts of these historical sources of pollution would be exacerbated by the project.

Environmental exposures of concern and cumulative impacts were analyzed in Section 3.2 (C) (please refer to Master Response 5).

Historical exposure from other projects is not within the purview of the EIR process. The purpose of preparing an EIR is to fully disclose all potential environmental impacts of a proposed project so that the lead and responsible agencies can carefully consider and evaluate the potential environmental impacts prior to making a decision regarding the project.

O4-14 This comment asserts that the Draft EIR fails to adequately describe the whole of the project and its foreseeable impacts. Please refer the response to comment O4-1 above regarding the combined analysis of the VMT and Orcem components.

O4-15 This comment states that compliance with CEQA requires a project description that addresses immediate environmental consequences, but also all reasonably foreseeable consequences of an initial project, and summarizes additional findings related to EIR project descriptions. The EIR project description was prepared in compliance with Section 15124 of the CEQA Guidelines, which describes the level of detail and information to be included in EIR project descriptions. The reasonably foreseeable environmental consequences of a project are described in the impact analysis (Section 3.0 of this DEIR).

O4-16 This comment summarizes court findings of *Laurel Heights, Communities for a Better Environment, and Kings County Farm Bureau v. City of Hanford*. This comment also asserts that the Draft EIR suffers fundamental flaws similar to the EIR's in *Laurel Heights and Communities for a Better Environment* and lacks the project controls found in the *Kings County EIR* to be adequate under CEQA. Please refer to the response to comment O4-2 for more information regarding the potential materials that could be handled through VMT.

O4-17 This comment alleges that the Draft EIR fails to disclose or analyze impacts related to coal, pet coke, and portland cement. This comment also claims that the Draft EIR should discuss the impacts of using the project for the transportation of coal because the project is espoused as capable of handling materials beyond just

GGBFS. Please refer to the response to comment O4-2 for more information regarding the potential materials that could be handled through VMT.

- O4-18** This comment asserts that the Draft EIR fails to provide information regarding the potential for the rail transport facility and marine terminal to be used or modified to ship crude oil. This comment also states that since each rail car could carry approximately 30,000 gallons of crude oil the Draft EIR needs provide an accurate assessment of the project's likely environmental impacts. Please refer to the response to comment O4-2 for more information regarding the potential materials that could be handled through VMT.
- O4-19** This comment alleges that although the Draft EIR states that portland cement may be produced it does not say how much, or when, and omits any significant discussion of environmental impacts of using the project for production of portland cement. As described in Section 2.4.2.2 of the EIR, Orcem would be capable of operating in three different modes, including Mode 2, which would involve production of portland cement, and Mode 3, which would involve import of portland cement. The environmental analysis presented throughout the EIR considers these three modes of operation and thus includes the analysis of portland cement.
- O4-20** This comment quotes the Draft EIR stating that pet coke may be imported at some future date and asserts that the Draft EIR does not contain an analysis despite the obvious potential for significant environmental impacts. Please refer to the response to comment O4-2 for more information regarding the potential materials that could be handled through VMT.
- O4-21** This comment claims the Draft EIR does not reference any future, binding, limitations that would necessarily require new environmental review and lead agency approval prior to transition to coal, oil, pet coke or portland cement. Please refer to the response to comment O4-2 for more information regarding the potential materials that could be handled through VMT.
- O4-22** This comment claims that while the Draft EIR considers Orcem and VMT to be one project for purposes of environmental review, the Draft EIR is not consistent with this approach and shifts back and forth between joint and separate projects. The Chapter 3 environmental analysis sections describe the impacts of the VMT component followed by the Orcem component, followed by analysis of the combined project as a whole. In some cases, the analysis is combined if the

impacts of each component would be the same individually or combined. Please refer to the response for comment O4-1 above for additional information.

O4-23 This comment asks to what extent the projects are independent and dependent and claims that the Draft EIR does not evaluate a reasonable range of alternatives which would contain an alternative to just approve one project component but not the other. Section 2.4 of the EIR describes the level of dependence between the two project components. The Orcem component of the project would be sited on a portion of the VMT property and would be dependent on VMT for transporting raw materials. The VMT component of the project would be dependent on Orcem's use of the proposed terminal in order to fund operation of the terminal. The projects are analyzed together because neither project component could function fully without the other and the combined project scenario would result in the highest potential impacts. Approval of each component independently was not considered as an alternative because the two components are not economically viable alone due to the shared site and operating characteristics.

O4-24 This comment claims that the review of air quality impacts assumes air quality permit requirements for Orcem but not VMT, then imposes delayed mitigation measures on VMT and not Orcem.

Please refer to Master Response 6 for a summary of BAAQMD permit requirements. Please refer to Section 3.2 of the Draft Final EIR for updated information regarding the BAAQMD permit requirements for both Orcem and VMT. Additional mitigation measures have been added to this section of the Draft Final EIR as described in response to letter A1, BAAQMD.

O4-25 This comment asserts that the aesthetic impact of night lighting at Orcem and VMT would be potentially significant and offers deferred mitigation but a consideration of the impact of VMT lighting upon special status species would require a more detailed deferred mitigation measure based on performance standards. Mitigation Measure MM-3.1-1 would require both VMT and Orcem to submit final lighting plans to be reviewed and approved by the City during the Site Development Review process. Although implementation of this measure would occur at a later time, it is not considered deferred mitigation because approval of final lighting plans would be premature at this stage of the project application process, would occur before project operation and is not likely to bring about additional impacts. Impacts of nighttime lighting are examined under the VMT Operations analysis in Section 3.3.4 (A) of the EIR. As described in this section, impacts would be potentially significant, however, implementation of

Mitigation Measure MM-3.3-7 would require VMT to develop and implement a wharf lighting plan that minimizes to the maximum extent practicable artificial lighting installed on and adjacent to the VMT wharf. Implementation of this measure would reduce artificial lighting impacts from VMT to a less-than-significant level.

- O4-26** This comment alleges that due to the Draft EIR's improper segmentation it is unclear who is responsible for preparation of plans and documents required by mitigation when impacts are considered jointly. Please refer to the response for comment O4-1 above for information regarding the Draft EIR's evaluation of both individual project components and the project as a whole. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program (MMRP) for the proposed project, which is included in Appendix M of this Draft Final EIR.
- O4-27** This comment claims that the Draft EIR is premised on an improperly distorted project description which violates CEQA and mandates recirculation of the Draft EIR. The EIR Project Description (Chapter 2) was prepared in compliance with Section 15124 of the CEQA Guidelines. The Project Description clearly describes the VMT and Orcem project components and states that the two project components are evaluated together in the EIR as the "proposed project" due their shared site and the operating characteristics of the site.
- O4-28** This comment alleges that the Draft EIR is inadequate because the deficiencies in the incomplete and undefined project description and existing environmental conditions makes true impact analysis impossible, and the conclusions made in the analysis are not supported with substantial evidence to characterize the project effects in the proper context and intensity. Please refer to the response to comments O4-1 and O4-27 above for information regarding the project description. Existing Conditions are laid out in the beginning of each section for all 13 impact areas analyzed in Chapter 3.
- O4-29** This comment provides background information from various court cases and the CEQA Guidelines to illustrate that mitigation measures are inadequate if they allow for a significant impact to occur before mitigation takes place and that mitigation should generally not be deferred but if it is, mitigation must offer precise measures, criteria and performance standards which can be compared to established thresholds of significance. All mitigation used in the DEIR to reduce

project impacts to less-than-significant levels would occur before impacts take place. This comment does not include a specific comment on the Draft EIR or reference a specific mitigation; therefore, no further response is included.

O4-30 This comment alleges that while the Draft EIR claims NO_x impacts would be significant and unavoidable, it likely understates the true impact of NO_x while also failing to properly evaluate and impose feasible mitigation measures that could reduce this impact to a less-than-significant level. Please refer to responses to Master Responses 2, 3 and 6 as well as comment letter A1-1 and Section 3.2 Air Quality of the Draft Final EIR for additional information regarding NO_x impacts and mitigation measures.

O4-31 This comment asserts that the Draft EIR does not explain how the City may legally approve a project that it knows would repeatedly result in violations of the BAAQMD public health standards and the California Health and Safety Code Section 41700. As discussed in the response to comment O4-11, a significant and unavoidable impact is one that cannot be reduced to below a level of significance through implementation of feasible mitigation measures. The purpose of preparing an EIR is to fully disclose all potential environmental impacts of a proposed project so that the lead and responsible agencies can carefully consider and evaluate the potential environmental impacts prior to making a decision regarding the project. If the lead agency were to certify the EIR they would be required, under Section 15091 of the CEQA Guidelines, to make written findings on each significant impact, which can include changes or alterations to the project to avoid or substantially lessen the significant impact. If a lead agency approves a project which would result in significant and unavoidable impacts, they are required to state, in writing, the specific reasons to support their action based on the Draft Final EIR and/or other information in the record, and a Statement of Overriding Considerations would need to be adopted in accordance with Section 15093 of the CEQA Guidelines.

O4-32 This comment claims the Draft EIR impermissibly piecemeals the review of air quality impacts by assuming, without explaining, that only the Orcem component would receive a BAAQMD permit and wrongly assuming that Orcem should not receive a major facility permit despite the fact that it would produce portland cement. This comment also asks where and how Orcem NO_x emissions would be offset and if that would reduce or avoid significant impacts for local residents and neighbors. Please refer to responses to Master Responses 2, 3 and 6 as well as comment letter A1-1 and Section 3.2 Air Quality of the Draft Final EIR

O4-33 This comment alleges the Draft EIR fails to support the significant and unavoidable conclusion by not explaining the extent that mitigation measure MM-3.2-1 would actually reduce impacts 3.2-2 and 3.2-4. This comment also asks why Orcem is required to purchase offsets but not VMT and claims that when considering two project components together, the Draft EIR cannot piecemeal two project components for the purpose of imposing mitigation measures.

Please see Master Response 6 for a summary of offset requirements. Orcem and VMT impacts were calculated individually and then combined for the purposes of significance determination.

O4-34 This comment asks why the Draft EIR proposes a delay for implementation of Mitigation Measure MM-3.2-1 and wouldn't immediately address NOx reductions to better help to reduce significant impacts. Mitigation Measure MM-3.2-1 was revised. Please refer to Master Response 2.

Additionally, this comment claims that the Draft EIR offers no explanation for why VMT should not and cannot be held to the same standards to avoid what the Draft EIR anticipates as regular and long-term violations of air quality standards. Please refer to the response to comment O4-31.

O4-35 This comment asserts that the Revised Operations Alternative (assumed to be referencing the Revised Truck and Rail Alternative) includes components that should be analyzed as feasible mitigation rather than as an alternative as these components may reduce significant and unavoidable impacts to a less-than-significant level. This comment is noted and as components are addressed (within the Revised Truck and Rail Alternative, but not as mitigations) in the DEIR, they could be included as project elements in the final permitted project. The comment further states that the Revised Operations Alternative does not include any reductions or avoidance of air quality impacts, since its air quality components must be required as mitigation measures before any project alternative is analyzed. However, CEQA does allow for impacts to be reduced by mitigations and/or by project elements. The Revised Truck and Rail Alternative would reduce some impacts by altering project operations as elements of the project design.

O4-36 This comment alleges that the remainder of the Draft EIR's air quality analysis contains unsupported and unexplained assumptions and omissions that undermine the EIR's fundamental purpose of informed environmental decision making. Master Responses 1-6 and the FEIR Section 3.2 clarifies the analysis of impacts, and feasible mitigation measures designed to reduce impacts.

O4-37 This comment claims that inadequacies of the project description undermine the accuracy and completeness of the air quality analysis and provides an example claiming that the number of hours of operation, types of fuel, idling rules, emission calculations and other impacts of the on-site switch mobiles or small locomotives to handle rail car movements on the VMT site to/from the train spurs are not included in the emissions calculations and the impact analysis. Please see response to comment O4-39 for a description of idling emissions. Please refer to Appendix D-1 for emission calculations.

O4-38 This comment alleges that the air quality analysis does not include a scenario for additional truck trips if the Port of Richmond was used as a short term emergency facility. As stated in Section 2.4 of the Draft EIR, the Port of Richmond has been identified exclusively as a “short-term emergency source for the delivery of GBFS and clinker via ships from sources in Asia and around the world.” Consistent with CEQA Guidelines Section 15269(c), the short-term sourcing of raw materials in the event of an emergency in which the VMT Terminal would be temporarily inoperable would be exempt from CEQA. Any change in operations leading to long-term usage of alternative sources for importation of raw materials would require additional analysis under CEQA.

O4-39 This comment claims the air quality analysis accounts for truck idling but not train or shipping idling. Truck idling, train idling, ship hoteling emissions were analyzed. Truck idling is included in Tables 3.2-11 and 3.2-12 under the industrial and public Paved Road source category, which includes transit, idling and fugitive dust emissions. Train and switch locomotive idling is included in Tables 3.2-11 and 3.2-12 under the Rail source category, which includes both transit and idling emissions. Ship idling is included in Tables 3.2-11 and 3.2-12 under the Shipping source category, which includes both transit and hoteling (idling) emissions for ships and tugboats.

O4-40 This comment asserts that fugitive dust BMPs do not account for how portland cement clink would be handled and fugitive dust controlled under PDF-AQ-4. This comment also states that the Draft EIR should include what operational measures would be taken to minimize impacts when clinker is imported, stored and shipped out, and the resulting air quality impacts.

The objective of the proposed project is to produce GGBFS, a less polluting replacement for the traditional Portland cement material used in many California construction projects. Orcem would primarily operate as a GGBFS production facility, although the facility could also be used for production of Portland

cement. If Portland cement is produced, the handling of clinker (raw material) and produced Portland cement would be subject to the same operational controls as are identified for GGBFS production and raw material handling, described in Section 3.2 (B), Operational Impacts. In summary, raw materials would be stored in stock piles, conveyed via conveyors, and processed in sealed processing equipment. Finished product would be conveyed via sealed conveyor systems into storage silos. These materials are not likely to become airborne.

O4-41 This comment asks what the basis is for the Draft EIR limiting its air quality analysis to a maximum raw material import of 160,000 MT per year, based on 48 ship calls when it is reasonably foreseeable that there could be up to 90 ship calls per year (Table 2-3). Table 2-3 summarizes the maximum material transport volumes and methods based on the application submitted to the City by the project applicants. The air quality analysis is based on these volumes since these are the volumes proposed by the applicants. Any increase beyond these maximum volumes would trigger additional CEQA review since it would not be covered under this EIR nor under any permit issued by the City.

O4-42 This comment alleges that the BMPs to reduce air quality impacts are in no way binding and that any project approval must therefore expressly state full implementation of these BMPs are immediate and continuous project requirements. The project features and BMPs identified in Section 3.2 of the Draft Final EIR are included in the MMRP, which is included as Appendix M to this Draft Final EIR. All mitigations are required as part of project approval. Please refer to Master Response 7 for information regarding the MMRP.

O4-43 This comment claims that the Draft EIR statement that the compliance with BAAQMD rules and regulations would ensure compliance with the Clean Air Plan is misleading because the Draft EIR acknowledges that the project would not comply with BAAQMD rules and regulations related to NO_x emissions. Additionally, this comment claims the Draft EIR does not provide a process to verify compliance with fleet emission standards, drayage and port trucks, ships in port, locomotives and harbor crafts.

Please refer to Section 3.2 (A) of the Draft Final EIR for a discussion of the Clean Air Plan. Also, please note that compliance with BAAQMD rules and regulations is not the same as exceedance of CEQA significance thresholds. The proposed project would exceed the CEQA thresholds of significance for NO_x and would be deemed significant under CEQA. The proposed project would comply with

BAAQMD rules and regulations – BAAQMD cannot issue permits for operations that are not in compliance with BAAQMD rules and regulations.

Regulation on mobile sources such as port trucks, statewide truck fleets, ships traveling and in port, locomotives, and harbor craft that are enforced at the state and federal level on engine manufacturers and petroleum refiners and retailers. Individual fleets are regulated by the CARB. Please refer to the MMRP for a description of MMRP requirements, enforcement procedures, and responsibilities.

O4-44

This comment alleges that without clearly explaining when, how, and why the project would transition from one phase to the next the Draft EIR appears to assert that air quality BMPs would only be implemented during later phases of the project. This comment also asserts that Draft EIR does not consider what the impacts of earlier phases would be and fails to support the assumption that maximum transportation mode would not occur until at least 2020.

Section 3.2.4 explains that anticipated material throughput for VMT and Orcem would ramp up over time to coincide with anticipated demand, with the maximum monthly throughput occurring when 160,000 metric tons of raw material would be shipped in, via an average of 7.5 vessels per month, It is projected that this maximum scenario will not occur sooner than 2020.

Section 3.2.4 explains and Table 3.2-10 identifies that the greatest air quality impacts would result from activities described in Scenario 3, where the maximum throughput of 160,000 metric tons would be moved through the facilities via trucks and rail. This scenario represents the greatest impacts because it requires the transport of all products from the facility via truck and rail; truck and rail transport are associated with greater emissions than barge transport on a per ton basis.

Since Scenario 3 represents the maximum operational scenario, impacts associated with Scenarios 1, 2, 4 or 5 would result in lower impacts than Scenario 3.

Section 3.2.4 lists BAAQMD BMPs that would be required during proposed project construction activities; BAAQMD BMPs are only appropriate for construction activities. For operational activities, Section 3.2.4 lists project design features PDF-AQ-1 through PDF-AQ-4.

O4-45

This comment questions why the VMT operational analysis reflects operation of the VMT Terminal without barge access when the Draft EIR clearly indicates that

barge traffic would be part of the project. This comment asks how barge emissions are accounted for and if the Draft EIR assumptions are applicable to emissions for each individual criteria pollutant.

Please see response to comment O4-44.

- O4-46** This comment asserts that the Draft EIR's discussion of CO impacts is misleading because it claims that the project would be consistent with LOS goals established in the General Plan when in fact, the Draft EIR fails to describe the resulting LOS that would occur as a result of rail car crossing. This comment also asks how those increased delays would increase carbon monoxide (CO) emissions.

The project is consistent with the local congestion management program. Please refer to Section 3.2 (D).

Local CO impacts are addressed in Section 3.2.4 (D). In summary, the CO impacts analysis used BAAQMD's conservative screening CO impacts methodology. Section 3.12, Transportation and Traffic, shows that the project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour, the BAAQMD screening threshold. Impacts below the BAAQMD screening threshold would not exceed the Thresholds of Significance based on automobile traffic at intersections.

- O4-47** This comment claims that the Draft EIR finding that a deed restriction would be infeasible is not supported by substantial evidence.

Impacts 3.2-1 and 3.2-5 involved the proposed rezoning of the 5.25-acre portion of the site. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezoning these impacts would be reduced from significant and unavoidable to less than significant.

- O4-48** This comment asserts that while the Draft EIR assumes materials with the greatest potential for fugitive dust release would be the dominant material imported, these materials are not the most toxic or carcinogenic materials that may be emitted as fugitive dust and the Draft EIR should disclose foreseeable health impacts associated with the release of coal, pet coke and portland cement products.

As discussed in the response to comment O4-2 above, the project would not be importing coal, oil, or pet coke. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit,

which would be subject to a discretionary process and subsequent environmental review under CEQA.

Please see response to comment O4-40 regarding the handling of portland cement. Please see response to comment A1-5 regarding toxic emissions and health impacts associated with portland cement.

O4-49 This comment alleges that the Draft EIR fails to analyze the potential TACs associated with slag material and claims that metals such as chrome or lead, could be considered a TAC and should be accounted for as part of emissions from handling, manufacturing and storage, and should be included in any risk assessment to the community.

TACs from material handling and processing sources were included in the HRA. Table 4 identifies particulate emissions (i.e. from granulated blast furnace slag) and Table 5 provides the speciation of these particulate emissions into individual TACs (i.e., beryllium, manganese, selenium, and vanadium). Chrome and lead were not identified as components of GBFS.

O4-50 This comment states that for the above stated reasons, the Draft EIR should be revised and recirculated for new public and agency review.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O4-51 This comment asserts the Draft EIR traffic analysis is inadequate because it does not look at delays from added vehicle traffic, in conjunction with LOS conditions at intersections caused by rail. The traffic impact resulting from the Project's train movements through the City is assessed differently than the peak commute hour impacts from the project's vehicle traffic, for two reasons: (1) the vehicle traffic impact study area is different than the train impact study area (the vehicle traffic impact study area is limited to the primary vehicle routes between the project site and the freeways, whereas the train impact study area consists of each of the railroad grade crossings and adjacent intersections); and (2) the timing of the impacts is different (the vehicle impacts will occur every day and will be highest during the peak commute hours, whereas the train impacts will occur about four times a week at any time of day between 7:00 AM and 6:00 PM. Train impacts are adequately identified, as Impact 3.12-2 identifies the blockage of upstream intersections during train crossings as significant.

- O4-52** This comment claims that the Draft EIR contains no discussion of how water used in dust control would avoid making its way into the marine environment despite containing emissions that are highly toxic to aquatic life. Dust control would not be applied in such excessive amounts as to generate runoff. Incidental/residual contaminants would be handled as described in water quality control plans (Appendix J-1 and J-3), and in accordance with the operational Stormwater Pollution Prevention Plan (SWPPP) which must be consistent with the Industrial General Permit. Stormwater that falls on site will be directed through a series of treatment facilities to control pH and reduce turbidity, sediment, heavy metals, and other targeted pollutants. These facilities would also capture other water used on site for treatment.
- The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase in compliance with the Industrial General Permit, the Orcem portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant (see Draft Final EIR pgs. 3.8-19 through 3.8-21).
- O4-53** This comment asserts that the Draft EIR is not clear whether there would be above ground storage tanks with petroleum on site. Please refer to Draft EIR Section 2.4.3, Infrastructure, which indicates there would be two aboveground storage tanks for fuel, and each would be equipped with systems to prevent or minimize spillage and protect water quality.
- O4-54** This comment alleges that the Draft EIR does not explain how waste would be determined to be hazardous or not and that any comingling of non-hazardous and hazardous waste requires treatment as hazardous waste. The commenter does not explain or provide evidence for the “high probability the trash will contain hazardous waste.” Mitigation Measures MM-3.7-1b (Hazardous Materials Management Plan) and MM-3.7-2c (Waste Management and Reuse Plan) would effectively ensure that waste streams will be properly segregated during both construction and operations. Furthermore, implementation of the Stormwater Control Plan for the site will ensure that refuse areas are provided with adequate signage so staff can properly dispose of waste, that the areas are regularly inspected, and that spill control materials are available on-site and utilized if needed (Draft Final EIR Appendix J-4).
- O4-55** This comment claims that waters used to control dust would be highly alkaline and may alter the pH when leached into soils and water. Additionally, this

comment asks how much water would enter the soil and coastal waters and water the impacts are of additional water used to control blast furnace slag material. See comment response 04-52 above.

- 04-56** This comment alleges that Mitigation Measure MM-3.1-1 is insufficient for CEQA because it defers mitigation and does not include precise measures, criteria and performance for mitigation to be evaluated as feasible in the EIR. Refer to response to comment 04-25 for more information regarding Mitigation Measure MM-3.1-1 designed to regulate project lighting on site and on the wharf.
- 04-57** This comment states that the level of detail provided in Mitigation Measure MM-3.3-7 is better and should be incorporated into Mitigation Measure MM-3.1-1. Refer to response to comment 04-25 for more information regarding Mitigation Measures MM-3.3-7 and MM-3.1-1.
- 04-58** This comment suggests that the Draft EIR should impose height restrictions on night lighting to no greater than that which is needed to safely illuminate the working surface and evaluate use of motion sensors to activate night lighting only when needed. This comment provides a reference to additional feasible performance standards included in exhibit J and claims that these additional measures along with those in Mitigation Measure MM-3.3-7 should be added to Mitigation Measure MM-3.3-1. Refer to response to comment 04-25 for more information regarding Mitigation Measures MM-3.3-7 and MM-3.1-1.

Letter O5

Commenter: Shari Gardner, Friends of the Napa River

Date: November 4, 2015

- 05-1** This comment calls attention to the regulatory agency oversight of vessels accessing the project site, but does not address the adequacy or accuracy of the Draft EIR. No further response is needed.
- 05-2** This comment commends the proposed off-site mitigation. This comment is noted and no further response is needed.
- 05-3** This comment includes the “Napa River – Living River Objective.” This document is noted and no further response is needed.

Letter O6

Commenter: Julianne Maurseth, SAGE (Solano Advocates Green Environments)

Date: November 2, 2015

- O6-1** This comment expresses concern that the project would generate significant greater harm and long-term costs than it would provide any value or short-term benefit. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-2** This comment provides background on the organization and states that the project's associated harm to the environment and citizens is in direct contradiction to the SAGE mission. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-3** This comment expresses the opinion that a number of impacts are not adequately addressed in the Draft EIR and states that the organization has critiqued three major areas of the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-4** This comment quotes an excerpt of the Draft EIR cumulative impact discussion and alleges that inadequate attention was given to Vallejo's General Plan in the Draft EIR including the fact that a new General Plan is under development. The EIR includes a thorough analysis of the project's consistency with the current General Plan in Section 3.9.4, Land Use and Planning. The General Plan is also referenced in the regulatory setting sections throughout Chapter 3 of the EIR as it pertains to specific environmental topics. Until an updated General Plan is adopted by the City, the current General Plan is the guiding document for the City.
- The City is in the process of updating the General Plan that outlines a citywide vision for Vallejo over the next 25 years. Once approved, the Preferred Scenario will serve as the basis for the Draft General Plan Update. Although the final General Plan is expected to go before the City Council in April of 2017, it is premature to conduct a consistency analysis with the Draft General Plan Update since the Draft Preferred Scenario has not yet been adopted.
- O6-5** This comment states that on July 8, 2014 the Planning Commission voted to approve the guiding principles of the new General Plan which are in stark contradiction to the proposed project. Further, this comment states that the old General Plan allows for "intensive use" for industry while the new General Plan would allow "light industry", residential or mixed use. The proposed General Plan

Designation for the Site is Industrial which would allow the project. Also refer to response to comment O6-4 above.

- O6-6** This comment states that one of the themes for the new General Plan is the concept that healthy communities promote prosperity and the City's General Plan working group's efforts to create a healthy community element of the General Plan geared toward securing South Vallejo's future as a safe and healthy neighborhood which is in direct contrast to the placement of a cement plant in the neighborhood. Refer to response to comment O6-4 above.
- O6-7** This comment asks why the older General Plan with outdated and retrograde guidelines is being allowed to dominate the current process of Vallejo's citizens and their intent to implement a new General Plan. Refer to response to comment O6-4 above.
- O6-8** This comment asks why South Vallejo is being stopped in its tracks from implementing a better vision at the moment when the new General Plan could help make South Vallejo's vision a future reality. Refer to response to comment O6-4 above. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-9** This comment recommends that this project and all other projects under consideration are put on hold until the new General Plan is finished and the Draft EIRs are required to assess the project impacts in alignment with the new General Plan. Refer to response to comment O6-4 above. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-10** This comment expresses the opinion that the total estimated financial benefit to Vallejo is "pathetic" when weighed against the potential harm and that there would be disproportionate negative impacts on Vallejo citizens while estimated financial benefits would be distributed outside of Vallejo throughout Solano County. Please refer to the response to comment I252-1 for project benefits. This comment raises economic issues, which are not considered environmental effects under CEQA. Refer to CEQA Guidelines Section 15131.
- O6-11** This comment includes an excerpt from the Fiscal and Economic Impact Study of the proposed project and claims that the revenue wouldn't even pay for the repairs needed to Vallejo streets and other damage from truck traffic. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- O6-12** This comment includes another excerpt from the Fiscal and Economic Impact Study and claims that the fact that Vallejo would only receive 5.3% of the funds from property tax with the remainder being allocated to other agencies in Solano County represents a grossly inadequate benefit to Vallejo when Vallejo citizens are the ones bearing the burden of negative impacts. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-13** This comment asks when the Draft EIR would be required to propose adequate estimates of long-term costs to Vallejo and much higher-value benefits with greater distribution of such benefits to Vallejo and its citizens. As described in response to comment O6-10, economic issues are not considered environmental impacts under CEQA; therefore, the long-term economic costs of the project are not included in the EIR.
- O6-14** This comment asks if the City would require or provide a complete and accurate accounting of the actual projected long-term project costs to the City and its citizens. Refer to response to comment O6-13 above.
- O6-15** This comment asks what additional mitigation VMT plans to offer Vallejo to materially balance these costs. Refer to response to comment O6-13 above.
- O6-16** This comment asks how the City reconciles and justifies this gross imbalance between the long-term costs from harm and the supposed benefit. Refer to response to comment O6-13 above.
- O6-17** This comment references the project objectives and relevant Fiscal and Economic Impact Study to show that another “benefit” of the project is its potential to provide economic growth directly through increased commerce and job-creation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-18** This comment includes a conclusion from Chapter 5 of the Draft EIR that the project is not expected to directly induce growth by creating new housing, commercial or industrial developments. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-19** This comment asks how the Draft EIR reconciles the contradiction between the statement under Section 5.4, Growth Inducement, that the project would not directly induce growth and the emphasis under project objectives and the Economic report that the project would induce growth in other commercial and

industrial developments. As described in Section 5.4, Growth Inducement, of the EIR, the project would not include residential development nor would it expand infrastructure in a way that would facilitate direct population growth. Although the project is expected to create jobs, a high demand for those skilled jobs exists within the City and it is anticipated that the jobs generated as a result of the project could be filled by existing Vallejo residents without resulting in direct growth from an influx of labor.

- O6-20** This comment asks how the City intends to plan for long-term impacts and costs of the project resulting from its stated objectives to stimulate the international trade economy in Vallejo, especially when such objectives are not in line with the Guiding Principles approved by the Vallejo Planning Commission. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-21** This comment asks what body within the City of Vallejo would be responsible for ensuring that the induced commercial growth and supposed economic benefits will in fact exceed and far outweigh the potential costs and damages. Please refer to the response to comment I252-1 for project benefits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-22** This comment alleges that many of the impacts examined in the Draft EIR have been inadequately analyzed and/or the analysis offered is 7-8 years old. Additionally, this comment alleges that the analysis of marine impacts, in particular, is inadequate because the data in the analysis is not sufficient to assess current marine conditions or form an environmental baseline from which comparative analysis can be formed. The Draft EIR references reports prepared for the proposed project as well as reports prepared for previous projects proposed on the project site. Those studies completed for earlier projects were assessed for specific relevance to the proposed project. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. The assessment of marine biological impacts presented in Section 3.4.4 of the EIR is based on surveys and research that were conducted specifically for the proposed project and are provided in Appendices E-3 through E-7 of the EIR.
- O6-23** This comment asserts the Draft EIR does not analyze the threat of invasive species transported locally by ships and/or their cargo when ballast water is the most significant source of invasive species. This comment also contains information on invasive species in the San Francisco Bay and why invasive species are successful. The threat of invasive species as a result of the proposed

project is discussed in Section 3.3.4, Impact Discussion (E) of the EIR. As described in this section, the project would be required to comply with the Marine Invasive Species Act, which requires implementation of ballast water management practices, and mitigation measure MM-3.3-9, which would require that an Invasive Species Control Plan be developed and implemented prior to any in-water deconstruction activities. For these reasons, potential impacts related to threat of invasive species would be reduced to a less-than-significant level.

- O6-24** This comment asks when there would be a current study and analysis of the environmental impacts from this project and not a reliance on environmental data that is 7-8 years old. Refer to response to comment O6-22 above.
- O6-25** This comment asks when a specific study and analysis would be made of the potential environmental impacts of invasive species within ballast water from cargo ships entering Vallejo's harbors. Please refer to the response for comment O6-23.
- O6-26** This comment asks what VMT/Orcem's plan is for inspecting and monitoring the cargo ships on a regular basis for invasive species to prevent environmental harm. As discussed in the response to comment O6-23 above, the Draft EIR requires implementation of mitigation measure MM-3.3-9 to reduce impacts from invasive species.
- O6-27** This comment asks what VMT/Orcem will do to use environmentally sustainable resources and energy for operations such as solar power, recycled energy, hybrid vehicles and enforce requirements that their vendors use sustainable practices. Refer to Sections 3.2, Air Quality, and 3.6, Greenhouse Gas Emissions, of the Draft Final EIR for additional information regarding the use of sustainable resources and energy. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O6-28** Commenter states an expectation to receive thorough answers to each of their questions. Responses to each comment raised in this letter are provided in comments O4-1 through O4-27 above.
- O6-29** This comment expresses the opinion that Vallejo needs to raise the bar for development in Vallejo and adhere to the Guiding Principles of the new General Plan approved by the Planning Commission on July 8, 2014. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter O7

Commenter: Brianna Fairbanks, Sierra Club and Bay Area Baykeeper

Date: November 2, 2015

- O7-1** This comment describes the types of materials that may be transported through the proposed terminal. An updated list of materials that could be handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- O7-2** This comment summarizes the project site location and surroundings. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O7-3** This comment states that all potential impacts must be disclosed, analyzed, and mitigated in the EIR prior to project consideration. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O7-4** This comment requests clarification on the commodities that could be transported through the proposed terminal, specifically the potential for petroleum coke transport. Refer to response to comment O1-1 above.
- O7-5** This comment describes concerns related to the potential for water pollution due to proposed operations, including import and export of potentially hazardous materials, storage and handling of such materials, and trucks and trains accessing the site. The comment also states that the EIR fails to evaluate the treatment of stormwater and wastewater collected on the site and potential impacts to Mare Island Strait or San Pablo Bay. As described in response to comment O1-1, an updated list of materials that could be handled by VMT can be found in the Project Description under Section 2.4.2.1, VMT Operation, of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

As indicated in the comment, Draft EIR Appendix J-1 does not acknowledge the permit registration requirements of the Statewide Industrial General Permit (IGP). However, the IGP is described in the Draft EIR (pgs. 3.8-4 and 3.8-5), which indicates that required compliance with the provisions of the IGP, including

preparation of an industrial SWPPP, as one of the several reasons why long-term water quality impacts would be less than significant. To further clarify the requirements of the IGP, the description of the IGP has been supplemented on Draft EIR pgs. 3.8-4 and 3.8-21 to clarify its current status, purpose and what the applicant is required to do to obtain coverage. In addition, the description of operational impacts on Draft EIR pgs. 3.8-19 has been amended to acknowledge that transport of raw materials using “clamshell grabs” and conveyors from docking ships to mobile hoppers, and the use of open storage areas to store bulk materials could result in pollutant contributions to local receiving waters in absence of appropriate controls. Finally, additional details regarding specific methods of long-term water quality control on the project site has been added throughout the discussion (Draft Final EIR pgs. 3.8-21 through 3.8-24).

As indicated in Draft EIR Section 3.8.3, BMPs for the control of stormwater and prevention of pollutant discharges are assumed to be part of the project, and in accordance with NPDES permits (construction and industrial), General waste discharge requirements WDRs, and the regional municipal stormwater permit. The analysis recognizes that the development of stormwater control plans (i.e., Appendices J-1 and J-3) are an evolving process, and thus are subject to further refinements based on final designs and permitting requirements. This includes any changes required to comply with any more specific or stringent provisions of the IGP, and to address specific pollutants. An updated version of the Orcem Preliminary SWCP is included in the FEIR as Appendix J-4. Implementation of the stormwater control plan, as well as the industrial SWPPP would sufficiently address the potential for pollutants associated with industrial activity to adversely affect receiving waters (see Draft Final EIR pgs. 3.8-19 through 3.8-24).

The changes made to the Draft EIR in response to this comment are meant to further clarify the requirements of the IGP, the methods of post-construction stormwater control, and the process by which such controls are developed. These changes do not substantially change the project, add significant new information, or affect the significance conclusions as presented in the Draft EIR.

O7-6 This comment states that there is no discussion in the EIR regarding how the project would comply with the requirements of the Industrial Stormwater Permit. Refer to response to comment O1-5 above.

O7-7 This comment states that the EIR defers mitigation for significant water quality impacts related to contaminated stormwater and wastewater, dredging, removal of creosote piles, and reuse of materials on site. The analysis does not constitute deferral because the potential impacts have been disclosed, the various actions

required to obtain permits/approvals and meet associated performance criteria have been discussed, and mitigation measures have been proposed where impacts are determined to be significant.

The significance determination of potential impacts considers both the physical and the regulatory setting. Where water quality concerns are specifically addressed by NPDES permits (construction and/or industrial), WDRs or other permits, and such permits establish strict requirements to mitigate for the common impacts (of construction or industrial activities, for example) these are assumed to be part of the project, as stated in Draft EIR Section 3.8.3. Where relatively unique and/or unusual conditions of the site or specific aspects of the project indicate a significant impact could still occur, mitigation measures are included to address these. For example, Mitigation Measure MM-3.8-1, Dredged Material Management Plan, and Mitigation Measure MM-3.8-2, Riprap and Aggregate Sourcing, reflect site and project-specific concerns about “impacts on marine water quality from material dredging, removal of creosote pilings, reuse of materials from on-site demolition activities, and use of Class II aggregate for riprap” (Draft EIR Section 3.8.5).

As indicated by the commenter, the permit requirements and mitigation measures discussed in the Draft EIR involve the future preparation various management plans related to water quality, including various SWPPPs (in compliance with NPDES permits and MM-3.3-4), a Dredged Material Management Plan (MM-3.8-1), and a Piling Removal Plan (MM-3.3-3). The specifics of such management plans and mitigation measures are not controversial, new, or unusual, and all include performance criteria and effectiveness monitoring provisions. In addition, they must be submitted and approved prior to issuance of City permits for the proposed project. Therefore, they do not constitute deferral or require the DEIR to be recirculated. Administrative review and approval of plans by regulatory agencies (e.g., USACE, RWQCB, BCDC) ensures project compliance with regulatory requirements.

O7-8 This comment reiterates that the deficiencies in the hydrology and water quality section require revisions to the EIR and recirculation to allow public review and comment on the changes. Refer to responses to comments O1-5 through O1-7 which address the deficiencies raised by the commenter. Recirculation of a Draft EIR is not required when new information is added to an EIR that clarifies or makes insignificant modifications in an adequate EIR. Since the information added to the EIR in regards to comments O1-5 through O1-7 is not considered significant new information, recirculation is not required.

O7-9

This comment states that the EIR does not adequately address or mitigate for the loss of marine habitat. This commenter is correct that the proposed project will result in a net loss of Bay tidelands. As required by the San Francisco Bay Plan, as well as assorted State agency regulations, the “filling” of Bay tidelands is prohibited unless its occurrence meets very specific criteria. If these criteria are met, then the proposed project is required to provide compensatory mitigation that provides benefits to the public trust in excess of the potential environmental impact or loss resulting from the filling of Bay tidelands. Typical mitigation measures include, but are not limited to, restoration of a damaged or lost resource, creating a new resource in an area that does not currently or did not historically support that resource, enhancing the functions of an existing degraded resource, and preserving a resource through a legally enforceable mechanism. For applicable projects with extremely small fill requirements, it is not uncommon for the project to make a financial contribution to a habitat restoration fund. The amount and extent of mitigation required for a given project is typically determined and resolved during the permitting process and communications with key State and Federal agencies, such as BCDC, California Fish and Wildlife, State Water Quality Control Board, etc.

Since these permitting efforts are still underway between the Project Applicant and each respective regulatory agency for this Project, precisely what form of acceptable mitigation actions will be conducted, how extensive they might be, and where they might occur is unknown. Additional mitigation beyond that already identified in the DEIR will likely be required by multiple agencies as part of their permitting process. To specifically address the need for additional mitigation actions to compensate for Project infill of Bay subtidal and intertidal tidelands, mitigation measure MM-3.3-10 has been added to the Draft Final EIR.

O7-10

This comment questions the EIR determination regarding submerged aquatic vegetation based on conflicting information in the EIR and Appendix E-4. As accurately stated in the Draft EIR, “Several types of aquatic vegetation can also be found in or near the study area, including *Ulva/Enteromorpha* spp. on shallow mud flats and eelgrass (*Zostera marina*) (Merkel & Associates 2005). The largest eelgrass bed in San Francisco Bay is located between Point San Pablo and Point Pinole and covers more than 1,500 acres (Merkel & Associates 2010).” The referenced submerged aquatic vegetation bed is located between 6 and 12 miles southwest of the VMT Project site. This submerged aquatic vegetation bed and the others referenced in the section of the DEIR are all too far from the Project Area to be effected by any of the construction or operations of the proposed Project. The same Draft EIR section referred to by the commenter ends with the statement, “No submerged vegetation beds were observed in the subtidal or intertidal areas of the VMT Site.”

O7-11 This comment requests additional discussion of potential impacts from fill on Central Coast steelhead and other special status species present at the project site. Impacts to special status species, including Central Coast steelhead, are addressed in Section 3.3.4 of the Draft EIR, Biological Resources Impact Discussion.

O7-12 This comment questions inconsistencies in the EIR regarding the dredging methods and suggests that the City condition the VMT Projects to require the use of clamshell dredges for all dredging activities. The Draft EIR evaluates the potential impacts of both clamshell dredging and hydraulic suction dredging since the dredging method had not yet been determined at the time of preparation of the EIR. Since both methods have been evaluated, no further analysis is required. This comment has been noted and will be considered by the Planning Commission.

O7-13 This comment requests clarification of the proposed use of dredged material from the VMT Project and suggests that the City condition the project to require beneficial reuse of all sediment resulting from the project. The commenter asserts that the Draft EIR is flawed without this condition because it does not examine the direct and cumulative impacts of removing sediment from the bay. The impacts related to reuse of dredged materials for engineered fill are discussed in detail in the Draft EIR in Section 3.3.4 (which specifically addresses impacts to aquatic resources) and Section 3.8.4 (which discusses how such activities might violate water quality standards). Mitigation Measure MM-3.8.1 requires preparation of a dredged material management plan for the VMT project to ensure that dredged materials are handled in a manner that is consistent with the San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the San Francisco Regional Water Quality Control Board (RWQCB), and the Bay Conservation and Development Commission (BCDC).

O7-14 This comment states that both the increased rail traffic along the rail line could disrupt recreational users of the Bay Trail and loss of public access to the shoreline at the project site would cause impacts to public services and recreation.

Disruption to users of the Bay Trail from increased traffic was assessed as less than significant in that it would be short term. It should be noted that there is not currently access to the shoreline in this area. Section 3.11.4 Impact Discussion concluded all impacts to public services and recreation would be less than significant. Section 3.9.4 discusses the off-site improvements proposed at the City of Vallejo Municipal Marina. Final conditions and terms of the off-site improvements are subject to permit negotiations with BCDC.

O7-15 This comment asserts the DEIR fails to account for impacts to surrounding communities from fugitive dust and fails to quantify the amount of dust that would arise from open storage of materials.

As stated in Section 3.7 of the Draft Final EIR, all cargo received or shipped through the VMT Terminal would be handled through enclosed transport devices (with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open). In addition, dry soils would be wetted during loading operations, and any construction vehicles or equipment that may come in contact with potentially impacted materials shall be decontaminated prior to leaving the site. Section 3.2, Air Quality, describes the measures to be taken to eliminate or substantially reduce release of airborne contaminants.

O7-16 This comment asserts that the Draft Final EIR fails to acknowledge and assess the disproportionate impact of this project on the minority and low income communities that are directly adjacent to the proposed site.

Please refer to Master Response 9 for information regarding the Environmental Justice Analysis conducted for the project.

O7-17 This comment claims the Draft Final EIR fails to mitigate all significant impacts or explain why mitigation or avoidance of these impacts was not feasible.

The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter; however, not all of the impacts can be lessened by the mitigation proposed. If the proposed mitigation would not substantially lessen the impact to a degree where it less than significant, than the impact is considered significant and unavoidable. These impacts will be discussed in the Planning Commission Staff Report.

O7-18 This comment notes the project would result in significant and unavoidable impacts to air quality, as it will conflict with the Bay Area 2010 Clean Air Plan and would result in exceedances of the Bay Area Air Quality Management District's threshold for NOx. The comment describes the mitigation for the impact and notes the impacts will remain significant and unavoidable after mitigation.

Some changes in the project reflected in the Draft Final EIR would reduce some of these impacts, particularly regarding the Bay Area 2010 Clean Air Plan. However, other aspects of this comment are consistent with the analysis presented in the Draft Final EIR, although revised mitigation measure MM-3.2-1 specifies several additional conditions (over that proposed in the DEIR) including that 2010 model trucks or newer will be used at the start of facility operations for all vehicles (please refer to Master Response 2 and response to BAAQMD comment A1-1).

07-19 This comment notes the significant impacts to traffic due to the projected increase in rail traffic. The comment states the rail traffic impacts are not fully mitigated, other than restricting rail traffic to day time hours, which is contingent on California Northern Railroad cooperation.

This comment is consistent with the analysis presented in the Draft Final EIR.

07-20 This comment describes CEQA Section 21083, which requires cumulative analysis if the possible effects of a project are individually limited but cumulatively considerable. The comment questions the adequacy of the analysis of the potential cumulative impacts of the proposed project citing a lack of numerical or qualitative analysis of the potential cumulative impacts of this project combined with other proposed developments.

The cumulative impact is based on addressing other potential projects the details of which are quite speculative and unknown thus making numerical or quantitative analysis difficult. The only specific project mentioned in the comment is the Oakland Army Base redevelopment, which was not considered a relevant cumulative project due to its distance from the project site.

07-21 This comment asserts the DEIR failed to limit the commodities that may be moved through the VMT Terminal. The comment expresses the concern the VMT Terminal may transport coal and coal products, and that the impacts specific to the transportation of coal have not been analyzed in the DEIR.

Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed through the VMT Terminal and notes that any modifications to the list of commodities that could be handled in the future may require an amendment to the applicant's use permit, which could be subject to a discretionary process and subsequent environmental review under CEQA. This list of materials does not include pet coke, coal, or oil. Impacts from products that could be handled through VMT, including portland cement, were included in the analysis presented the Draft EIR.

07-22 The comment provides detailed potential impacts related to the production, transport, and export of fossil fuel projects.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

07-23 This comment provides background information on the legal requirement of analyzing impacts to air quality and climate.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-24 This comment notes a valid CEQA analysis should consider the climate and other air emissions of transporting large volumes of coal.

Please refer to the response to comment O7-21.

O7-25 This comment states the CEQA analysis should also include discussion of the impacts of mercury deposition that will be caused by the burning of this coal.

Please refer to the response to comment O7-21. Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials.

O7-26 This comment describes the environmental impacts of transporting coal over long distances via railroad, especially coal trains which lose large volumes of coal dust.

Please refer to the response to comment O7-21.

O7-27 This comment gives background information on particulate matter and the connection between coal and a variety of respiratory diseases.

Please refer to the response to comment O7-21 and to Master Response 1 for information regarding the Health Risk Assessment performed for the proposed project.

O7-28 This comment describes the volatility and safety hazard of coal stocks.

Please refer to the response to comment O7-21. Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials.

O7-29 This comment asserts a valid CEQA analysis must consider the impacts that would arise from the mining, transport, burning, and disposal of waste of the coal transported through the VMT Terminal.

Please refer to the response to comment O7-21. Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials.

O7-30 The comment notes that exporting coal internationally would increase the air quality impacts associated with its combustion because there is no guarantee that equivalent pollution-control regulations exist in the countries it would be burned. The comment also notes airborne byproducts of coal combustion can travel across the Pacific Ocean and affect the health of western states' ecosystems and residents.

Please refer to the response to comment O7-21 to Master Response 1 for information regarding the Health Risk Assessment performed for the proposed project. Overseas

operations are not required to be examined under CEQA and are not within the scope of this EIR.

O7-31 The comment urges agencies not to rely on the attainment status of an area alone when analyzing air pollution impacts. The comment states attainment designations do not tell us anything about future air quality impacts when a new source of pollution is added.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-32 The comment states the CEQA analysis must analyze all potential impacts to surface and groundwater resources in the project area from handling and exporting coal. The comment also states the EIR should describe the possible sources of water needed for the railroad and associated mining activities, as well as the potential for water pollution.

Please refer to the response to comment O7-21. Water and hydrology impacts are discussed in Section 3.3 Hydrology and Water Quality of the Draft Final EIR.

O7-33 This comment notes that through the use of uncovered rail cars, coal dust is primarily deposited through aerial deposition, which is exacerbated by poorly maintained rail tracks, uneven coal beds, and strong winds.

Please refer to the response to comment O7-21.

O7-34 This comments points out the various ways coal can enter the waters of the Bay.

Please refer to the response to comment O7-21. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-35 This comment notes exporting coal via rail increases the chances of a train derailment due to the accumulation of coal dust on the tracks.

Please refer to the response to comment O7-21. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-36 This comment describes the various pollutants that are present in coal.

Please refer to the response to comment O7-21. Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials.

O7-37 This comment describes the negative effects coal has on aquatic species.

Please refer to the response to comment O7-21. Section 3.3 Biological Resources examines the impacts of the proposed project on aquatic species.

O7-38 This comment outlines the effect coal has on aquatic ecosystems.

Please refer to the response to comment O7-21.

O7-39 This comment asserts the Draft Final EIR should assess impacts to water resources in other states, as well as how federal, state, and local water quality standards will be met, monitored, and maintained.

Impacts to water resources are examined in Section 3.3 Hydrology and Water Quality. Federal, state, and local regulations pertaining to water quality are listed in Section 3.8.1, Regulatory Setting. Compliance with regulations would be monitored by the individual entities responsible for implementation of each regulation.

O7-40 The comment describes the potential impacts to public safety from transporting coal.

Please refer to the response to comment O7-21. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-41 This comment asserts the Draft Final EIR should review the threats associated with coal train derailments, as it is a risk to human health and safety.

Please refer to the response to comment O7-21. Mitigation measure MM-3.7-4 requires both VMT and Orcem to prepare an Emergency Response Plan for project operations which establishes responsibilities, procedures, and a chain of command to follow in the event of a fire, vehicle/truck collision, train derailment, or cargo ship incident. The plan shall include general notification requirements to local and regional agencies with emergency response capabilities of the location and operational profile of the project, including address, directions, lists of hazardous materials stored on site, and access information. Information must be sufficient in detail to allow quick recognition and access in the event of an emergency. Additional requirements of the plan are provided in the full text of the mitigation measure in Section 3.7.5 of the Draft Final EIR.

O7-42 The comment describes the potential impacts coal dust can have on trains and railroad tracks.

Please refer to the response to comment O7-21. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

O7-43 This comment claims the Draft EIR should analyze the economic impacts of the proposed project export of coal with respect to real estate values, traffic delays, marine dependent industries, etc.

Please refer to the response to comment O7-21. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

O7-44 This comment notes the Draft Final EIR must consider a reasonable range of alternatives that would avoid or substantially lessen the project's environmental impacts while feasibly attaining most of the project's basic objectives.

Refer to Chapter 6 Alternatives for a discussion of the alternatives analyzed for the proposed project.

Letter O8

Commenter: Solano Sierra Club

Date: November 2, 2015

- O8-1** This comment describes the requirements for a draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O8-2** This comment states that the approval of the project would be a disaster and would favor the developer only. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O8-3** This comment asserts that the environmental assessment and field work from a previous EIR included in the Draft EIR is inadequate for purposes of CEQA analysis. The Draft EIR references reports prepared for the proposed project as well as reports prepared for previous projects proposed on the project site. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. For example, Section 3.7 Hazards and Hazardous Materials lists sources reviewed to prepare the EIR section, including documents prepared between 2006 and 2014. Please refer to Section 3.7.2 for in depth information on all reports used to determine impacts related to on-site hazards and hazardous materials.
- O8-4** This comment alleges that the Draft EIR does not analyze the threat of invasive species transported locally by ships or other cargo. The threat of invasive species as a result of the proposed project is discussed in Section 3.3.4, Impact Discussion (E) of the EIR. As described in this section, the project would be required to comply with the Marine Invasive Species Act, which requires implementation of ballast water management practices, and mitigation measure MM-3.3-9, which would require that an Invasive Species Control Plan be developed and implemented prior to any in-water deconstruction activities. For these reasons, potential impacts related to threat of invasive species would be reduced to a less-than-significant level.
- O8-5** This comment provides background information on how invasive species are transported, the number of invasive species currently found in the Bay and the kind of threat they pose to the Bay's ecosystem. Refer to response to comment O2-4 for more information regarding the analysis of impacts related to invasive species. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- O8-6** This comment provides background information on the overbite clam, which is suspected to have entered San Francisco Bay as larvae discharged with a ship's ballast water. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O8-7** This comment states that in 2008, the U.S. Court of Appeals for the Ninth Circuit ruled that the U.S. EPA must regulate ship discharges, including ballast water discharges containing invasive species that pollute U.S. waters under the Clean Water Act. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- O8-8** This comment claims that there are laws requiring mandatory ballast water treatment but the Draft EIR does not reference compliance with these laws and as a new significant impact requires supplemental review under CEQA. Please refer to the response to comment O2-4 above for information regarding potential impacts from invasive species and associated mitigation. Discussion of the federal National Invasive Species Act and state Marine Invasive Species Act is included in Section 3.3.1 of the EIR, Regulatory Setting.
- O8-9** This comment claims that the project would negatively affect the physical health of the people and would create a financial burden since street maintenance alone could outweigh the proposed economic benefit. Please refer to Master Response 1 and Section 3.2 Air Quality of the Draft Final EIR Draft Final EIR for information regarding the potential air quality impacts and associated health risks that could result from implementation of the proposed project. CEQA does not require the analysis of financial or economic costs associated with projects although the project applicant will be required to agree to street repair and maintenance conditions with the City prior to project approval.
- O8-10** This comment asserts that the use of future-tense descriptions in the DEIR is not CEQA compliant. Existing conditions are described in present tense in each environmental analysis section contained in Chapter 3 of the Draft EIR. Future tense is used to describe the proposed project and potential impacts that could occur in the future if the project is approved. The use of future tense to describe potential future conditions does not raise an issue of CEQA non-compliance.
- O8-11** This comment claims that the City of Vallejo General Plan would need to be amended to incorporate the proposed project and that the project is not compliant with the current General Plan. Please refer to Table 3.9-2 in Section 3.9 of the EIR, Land Use and Planning, for analysis of the project's consistency with the

City's current General Plan policies. As described in Section 3.9.4, the project would not conflict with the current General Plan.

- 08-12** This comment states that by the Draft EIR's own admission the negative impacts are substantial enough for an entire community to stand against the proposed development. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- 08-13** This comment alleges that when looking at environmental factors potentially affected, 64 out of 89 were Potentially Significant, 24 out of 25 are marked No Impact, one was marked Less than Significant and none were marked Less than Significant with Mitigation Incorporated. The commenter is referring to the checklist included in the Initial Study (Appendix A-1 of the EIR), which was used to focus the scope of the analysis included in the EIR. The Initial Study does not include any mitigation measures; rather topics that were determined to be potentially significant were deferred for analysis in the EIR, which includes mitigation measures.
- 08-14** This comment expresses the opinion that the former Concord marine terminal would be more capable of handling the deep water shipping terminal needs and omission of this alternative location is non-compliant with CEQA. As described in Section 6.3 of the EIR, Alternatives Considered But Rejected, "Alternatives whose implementation is remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126.6(f)(3))". In addition, CEQA Guidelines Section 15126.6(f)(1) state that one of the factors in determining the feasibility of an alternative includes whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. As described in Section 6.3.1 of the EIR, VMT currently owns the project site and Orcem is leasing the portion of the site for their proposed facilities from VMT; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal.
- 08-15** This comment alleges that the proposed location includes a nearby eelgrass colony and the project could have irreversible negative impacts on this underwater colony. As described in Section 3.3.2 of the EIR, no eelgrass was found along the shoreline of the VMT site that was surveyed. Refer to Appendix E-4 for additional information regarding the survey of aquatic habitat.
- 08-16** This comment questions if the proposed terminal is in compliance with international shipping standards. VMT would be regulated by a range of federal

and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

O8-17 This comment asks what type of shipping or marine terminal expertise the City of Vallejo has to be qualified for CEQA review. The City is the lead agency for the EIR because it is the public agency with the greatest responsibility for supervising or approving the project as a whole. The City hired Dudek, an environmental consulting firm with over 35 years of experience in California, to prepare the EIR based on Dudek's experience with similar projects throughout the state.

O8-18 This comment claims that for the sake of the environment and a healthy community the proposed project would be best suited for implementation through NEPA. The National Environmental Policy Act (NEPA) only applies to discretionary actions undertaken by a federal agency. Federal actions include actions funded by federal monies, actions on federal lands, actions requiring a discretionary federal permit, or actions proposed by a federal agency. The proposed project is not considered a federal action because it does not require action by a federal agency. CEQA is the appropriate review for this project.

O8-19 This comment states the Solano Sierra Club's recommendation for selecting the No Project Alternative since the risks associated are beyond responsible protection of human health and the environment. This comment is noted.

RTC.4 INDIVIDUALS

Letter I1

Commenter: Mustafa G.R.S. Abdul-Ghane

Date: November 2, 2015

I1-1 The commenter identifies that multiple significant and unavoidable impacts are listed in the Draft EIR and states that since no measures are given to substantially lessen those impacts the City's only legal alternative is the no project alternative. Project Alternatives are discussed in Chapter 6 of the EIR. As described in Section 6.6, Environmentally Superior Alternative, although the No Project Alternative would result in the least environmental impacts and would therefore be the environmentally superior alternative, the CEQA Guidelines Section 15126.6(e)(2) state that if the environmentally superior alternative is the No

Project Alternative the EIR shall also identify an environmentally superior alternative among the other alternatives. The Revised Operations Alternative would be the environmentally superior alternative in this case. For a full analysis of all alternatives considered for this project refer to Chapter 6 of the EIR. For a comparison of impacts under the No Project Alternative and the Revised Operations Alternative refer to Table 6-1.

- I1-2** The commenter identifies and asserts deficiencies in the Draft EIR regarding ethics and states that the project would have a substantial adverse effect on the behavior of community members. This comment does not raise a specific concern regarding the environmental analysis presented in the Draft EIR. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- I1-3** The commenter asserts that approval of this project would add to the belief that the City should not care for the needs of certain community members such as the low income and homeless. This comment does not raise a specific concern regarding the environmental analysis presented in the Draft EIR. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I1-4** The commenter alleges that the City has an obligation to require a revised Draft EIR to consider the impacts on mental, emotional, and moral health of community members when faced with significant opposition during the public comment period. The purpose of EIRs, as required under CEQA, is to identify a project's effects on the environment. CEQA does not require the evaluation of impacts on mental, emotional, and moral health.
- I1-5** Commenter asserts the Draft EIR fails to adequately define the community by referring to them as receptors. Additionally, the commenter asserts that failing to distinguish between plants, animals and people suggests a non-creation definition of the community. The use of the term "receptor" in the EIR refers to "sensitive receptors", which are defined in Section 3.2, Air Quality, as groups of individuals that may be most susceptible to health risks due to chemical exposure. Residences, schools, day care facilities, convalescent homes, and hospitals are of particular concern.
- I1-6** The commenter asserts that the Draft EIR fails to define revitalize in relation to the City's intent to revitalize and repurpose the site. The commenter gives a Merriam-Webster's definition and suggests that revitalization of the site has much to do with how you define revitalize. This comment does not include a specific

comment regarding the environmental analysis presented in the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I2

Commenter: Tony Adams

Planning Commission

Date: November 2, 2015

- I2-1** The commenter quotes CEQA Statute Section 21151.4 and asserts that compliance with this section would require the project not be approved since it is located within one-quarter mile of Grace Patterson Elementary School. Section 21151.4 of the CEQA Statute states that an EIR shall not be certified for any project involving the construction or alteration of a facility within one-quarter mile of a school that might be reasonably anticipated to emit hazardous air emissions or handle extremely hazardous substances unless both of the following occur: the lead agency has consulted with the school district regarding the potential impact of the project on the school, and the school district has been given written notification of the preparation of the EIR.
- I2-2** The commenter provides a definition of hazardous air emissions and references relevant Health and Safety Codes included as an attachment to this letter. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I2-3** The commenter refers to additional attached documents to illustrate the proximity of Grace Patterson Elementary School to the proposed project. This comment has been noted. Please refer to response I2-1 for more information regarding the project’s proximity to Grace Patterson Elementary School.

Letter I3

Commenter: Tony Adams

Date: September 22, 2015

- I3-1** Commenter requested a personal meeting with City staff to discuss details and aspects of the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I3-2** Commenter attached photographs of Lemon Street from various locations. The City appreciates these photos; however, this comment does not raise a specific concern related to the Draft EIR; therefore, no further response is included.
- I3-3** The commenter provides potential mitigation for public access and suggests construction of the Bay Trail to pass through the project site to safely accommodate pedestrian and bicycle traffic. As described in Section 2.4.4 of the EIR, Off-Site Improvements, the project site is required to be a secured site in accordance with Department of Homeland Security regulations, which would preclude the possibility of public access through the site on the Bay Trail. This section also provides a description of the off-site public access improvements that are proposed as part of the project.
- I3-4** Commenter provides a suggestion that the kayak ramp be expanded to accommodate all boats without keels and constructed with similar dimensions as the existing Brinkman boat launch. This recommendation is noted and is thus included in the Draft Final EIR for consideration by the Planning Commission.
- I3-5** Commenter proposes that new roadways are paved parallel to the railroad tracks for truck traffic to avoid the use of Lemon Street for inbound and outbound trucks. Commenter suggests this would require a new left-turn bay at the rail crossing location for inbound trucks and that southbound truck traffic could travel on Sonoma Boulevard from the train crossing point to access Interstate 80. This recommendation is noted and is thus included in the Draft Final EIR for consideration by the Planning Commission. Refer to Section 4.12 of the EIR, Transportation and Traffic, for a description of the future roadway network considered in the evaluation of impacts.
- I3-6** Commenter recommends that inbound and outbound trains be restricted to 35 cars maximum. This recommendation is noted and is thus included in the Draft Final EIR for consideration by the Planning Commission.
- I3-7** Commenter requests that a fee structure calculated on tonnage or on truck and rail loads be established for import and exports of cargo that would be payable to the City's general fund. This recommendation is noted and will be included in the Draft Final EIR for consideration by the Planning Commission.
- I3-8** The commenter suggests that restrictions be placed on cargo entering and exiting the port to exclude cargos such as solid waste and combustible products like oil and related fuels. Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project

Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

I3-9 The commenter recommends that all ships docked for loading and unloading be required to use shore power and not run onboard generators. Refer to Master Response 3 for more information regarding mitigation for ships.

I3-10 Commenter has included several pages of images of Orcem plant locations overseas. The City appreciates the submittal of these images and includes them in this document for consideration by the Planning Commission.

Letter I4

Commenter: Flora Agharanya

Date: September 30, 2015

I4-1 The commenter would like to know the project's health risks to children and expectant mothers. Please see Master Response 1 for information regarding the scope of the HRA.

Letter I5

Commenter: Alicia

Date: October 7, 2015

I5-1 The commenter asks what is the extent of the negative impact of the project on the public's health. Please see Master Response 1 and refer to Section 3.2 Air Quality of the Draft Final EIR for more information regarding potential health impacts associated with the project.

Letter I6

Commenter: Lorene Allio PhD

Date: November 2, 2015

I6-1 Commenter provides an introductory letter asserting that an Environmental Justice report is necessary for the project and urging the City to complete one as part of the review process. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

- I6-2** The commenter provides information on the rate of asthma, cancer and heart disease in the historic low income neighborhood of South Vallejo where the commenter states many vulnerable children under 5 years old live. The commenter asserts that project would reverse the recovery that this neighborhood has been making since the closing of the Mare Island shipyard and the old mill. The City appreciates this information and as noted in response to comment I6-1 above, has prepared an Environmental Justice report separate from this EIR, that will be available for the public on the City's website.
- I6-3** The commenter interprets the operations of VMT to include importing slag along with Portland cement, gypsum, and other materials. The commenter also asserts that diesel powered ships would idle for days during loading and unloading, 270 trucks per day would go in and out of the cement plant and several trains up to 77 cars long would go to and from the site each week. Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed through the VMT Terminal. Refer to Tables 2-3 and 2-4 in the Draft Final EIR for the details regarding the number of trucks and trains that would be traveling to and from the site. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I6-4** Commenter alleges that obvious impacts of project operations would include diesel particulate matter, greenhouse gases, safety, dust, noise and vibration and lighting. These impacts have been addressed in the following sections of the Draft Final EIR: 3.2 Air Quality (diesel particulate matter and dust), 3.6 Greenhouse Gas Emissions (greenhouse gases), 3.12 Transportation and Traffic (safety and emergency access), 3.10 Noise (noise and vibration), and 3.1 Aesthetics (lighting). Please refer to each of the specified sections of the Draft Final EIR for discussions of the potential impacts resulting from the proposed project.
- I6-5** The commenter quotes the California Attorney General regarding cumulative impacts and states that combined effects of VMT and Orcem should be examined along with existing, historical, and future environmental burdens in the area. The combined effects of the VMT and Orcem projects are evaluated in each resource section of the EIR. Where applicable, impacts of each project component are evaluated separately followed by a combined project analysis. Cumulative impacts of the proposed project along with other projects proposed or currently under construction are analyzed in Chapter 4, Cumulative Impacts of the EIR. A cumulative analysis for each topic covered in Sections 3.1 through 3.13 is provided in Chapter 4.0.

- I6-6** The commenter alleges the Draft EIR did not consider current and historical environmental burdens of nearby Interstate 80, Highway 780 and Highway 29 as sources of air pollution. The air quality analysis presented in Section 3.2 of the EIR is based on the existing air quality data available for the project area and region. Refer to Section 3.2.2 Existing Conditions of the EIR for more information.
- I6-7** The commenter claims the Draft EIR did not consider the historic exposure of residents to asbestos, chromium, and other contaminants resulting from operation of the Mare Island Shipyard and previous project impacts are reflected in the discussion of current conditions. The EIR evaluates potential impacts of the proposed project on the existing environment.
- I6-8** Commenter asserts that the Draft EIR did not consider the potential source of carcinogenic material in the sediments of the Napa River and Mare Island Strait which would be dredged as a result of the proposed project. Potential hazards related to dredged material are addressed in Sections 3.7 Hazards and Hazardous Materials, and 3.8 Hydrology and Water Quality, in the EIR. Mitigation measure MM-3.8-1, Dredged Material Management Plan, would be implemented to ensure hazards related to dredged materials would be reduced to below a level of significance.
- I6-9** Commenter alleges that historic exposure to toxins from the operation of the flour mill is not adequately considered in the Draft EIR. Section 3.7.2 Existing Conditions, in the Hazards and Hazardous Materials section of the EIR, provides a detailed description of the historic conditions on the site as determined through review of sources from 2006-2014 (included in Appendices I-1 through I-11 of the EIR). The hazards analysis in Section 3.7.5 (a) discusses all potential historic sources of toxins that could be encountered during construction and operation. The EIR determined that the risk of creating a significant hazard to the public or environment through routine use, transport or disposal of hazardous materials would be less-than-significant with implementation of mitigation measures MM-3.7-1a and b, MM-3.7-2a through c, MM-3.7-3, and MM-3.8-1 (from Section 3.8, Hydrology and Water Quality). Please refer to Draft Final EIR Section 3.7.4 for more information.
- I6-10** The commenter claims that the cumulative health impact analysis does not consider the Vallejo Sanitation and Flood District's Ryder Street Wastewater Treatment Facility which is adjacent to but not included in the study area. Please refer to Section 3.2 Air Quality of the Draft Final EIR for more information regarding potential health impacts associated with the project and describes how the study area is determined

for purposes of the air quality assessment. Please refer to Master Response 5 for information regarding cumulative air quality impacts.

- I6-11** The commenter asserts that the broad micro-region of the Carquinez shoreline corridor contains other highly polluting facilities and toxic sites that already affect the air quality in South Vallejo. Please refer to Section 3.2 Air Quality of the Draft Final EIR for more information regarding potential air quality impacts associated with the project and describes how the study area is determined for purposes of the air quality assessment. Please refer to Master Response 5 for information regarding cumulative air quality impacts.
- I6-12** Commenter suggests that failure to include an Environmental Justice report or review the cumulative effects of the above stated pollution sources (I6-6 through I6-11) renders the Draft EIR inadequate. Please refer to the responses to comments I6-6 through I6-11, above, and Chapter 4 of the EIR for the evaluation of cumulative impacts. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-13** This comment lists several other areas of impacts to the surrounding neighborhoods resulting from the proposed project, including reduced access to healthy foods and transportation, expansion of health conditions, declining home values, reduced walking safety and educational quality, reduced access to local natural resources, elimination of the proposed Bay Trail, increased physical and social isolation and impacted psychosocial health. The City appreciates this comment. These issues are not required by CEQA and are beyond the scope of the EIR.
- I6-14** Commenter discusses the incorporation of environmental justice concepts into federal law to prevent low income communities of color from bearing a larger share of environmental impacts and receiving a smaller share of the benefits. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-15** Commenter defines screening criteria for an environmental justice review and states how South Vallejo meets that criterion. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-16** The commenter identifies additional risks faced by low income children of color and increased lack of access to healthy food, housing and health care. A figure is included in the comment that details the percentiles for combined federal criteria of race and low income along with the number of children under 5 years old showing that most of the surrounding neighborhoods are in the 80-90, 90-95 or

95-100 percentiles. The City appreciates this comment; however, since this comment does not include a specific comment on the Draft EIR, no further response is included.

- I6-17** Commenter expresses concern for the lack of outreach to citizens of South Vallejo. The commenter included a definition of meaningful involvement and the commenter states that South Vallejo residents and families have a right to be able to participate in decisions regarding their future. Please refer to Master Response 10 for information regarding public outreach.
- I6-18** The commenter provides background information on the incorporation of environmental justice concepts into federal law. The City appreciates this comment; however, since this comment does not include a specific comment on the Draft EIR, no further response is included.
- I6-19** This comment outlines concerns regarding cumulative analysis and asserts that the Draft EIR does not adequately address cumulative pollution sources in the surrounding area including Mare Island, the local wastewater treatment plant, pollution from local highways and roads, and contaminated soils, riverbeds and wetlands. Please refer to Section 3.2 Air Quality of the Draft Final EIR for more information regarding the scope of the air quality analysis, including cumulative conditions considered. Please see response to comment I6-7.
- I6-20** Commenter again requests that an environmental justice report be completed and that there be a community and education process for the residents of South Vallejo. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-21** Commenter provides a list of five reasons supporting the assertion that South Vallejo would suffer disproportionate impacts of the project and fits the screening criteria to merit an environmental justice study. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-22** The commenter alleges that the process for community outreach and participation has been insufficient. Please refer to Master Response 10 for information regarding public outreach.
- I6-23** The commenter asserts that those close to the project are saying it is a “done deal” and requests that the City demonstrate this is an open, inclusive, and transparent decision making process by providing an environmental justice report along with

a community outreach and education process. Please refer to Master Response 10 for information regarding public outreach.

- I6-24** The commenter claims that the Draft EIR is presented in a way that is difficult for the people to understand and that no clear and accessible summary is provided that would educate the local community. The City appreciates this comment and understands that this is a complex project. The City has made every effort to prepare a document that the public can understand. In particular, the Executive Summary included at the beginning of the EIR, provides a summary of the project description and lists all of the potential impacts and mitigation measures associated with the project.
- I6-25** The commenter alleges that the outreach to the local community has been minimal and requests that an environmental justice analysis and a health impact analysis be conducted. Please refer to Master Response 10 for information regarding the public outreach process and response to Master Response 9 regarding the Environmental Justice Analysis.
- I6-26** The commenter claims that several California statutes require notices to be prepared in appropriate languages and requests that the Draft EIR and all meeting notices be printed in Tagalog and Spanish. Please refer to Master Response 10 for information regarding public outreach.
- I6-27** This comment raises concern about the timing of the project related to the General Plan update, the limited review period, and the lack of prior consultation with residents. The commenter requests that an environmental justice analysis be included, the review period be extended, and an analysis of the project's impacts on the feasibility of the General Plan scenarios be completed. The City is currently in the process of updating the General Plan, which was last updated in 1999. The General Plan Update is not applicable to the proposed project since it has not been adopted by the Planning Commission, nor has a draft General Plan Update been circulated for public review. The City extended the required public review period for the Draft EIR to 60 days and held two optional public hearings to receive comments on the Draft EIR. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-28** This comment provides background information on the Environmental Justice screening tool used to determine the need for an environmental justice analysis. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

- I6-29** The commenter again states that the project defined study area should trigger an environmental justice review. A figure is included in the comment showing that most of the surrounding neighborhoods are in the 80-90 or 90-95 percentiles for need for an environmental justice review. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-30** This comment incorporates a second figure to demonstrate additional factors including minorities, percent with less than high school education, percent linguistically isolated, percent under 5 years old and percent over 64 years old indicating that South Vallejo should require an environmental justice study. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-31** The commenter details methods used to draw the study area of the Draft EIR within the two maps discussed in the above comments and states that it would represent minority populations, high percentage of people who are linguistically isolated and a large percentage of children and senior citizens. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-32** This comment raises concerns regarding health risks to sensitive receptors from goods being transported through VMT and the lack of specificity as to what those goods might be. Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- I6-33** This comment states that individuals over the age of 65 make up approximately 12 percent of the population in the EIR study area and requests a description of the most severe health risks associated with the project for seniors. Please see Master Response 1 for information regarding the scope of the HRA prepared for the project.
- I6-34** This comment states that children and very young children are more vulnerable to health risks associated with the project and asserts that the site already exceeds the air quality limits and pollution limits of a number of statutes. Please see Master Response 1 for information regarding the scope of the HRA prepared for the project.

- I6-35** This comment provides another map to illustrate the presence of large numbers of young children both in the project area and outside the project area who attend the nearby Grace Patterson Elementary School. The commenter uses tables to show the high percentage of minority children in attendance at the school and high asthma rates in both children and adults. The commenter asserts that these facts demonstrate why an environmental justice report is required. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-36** The commenter alleges the Draft EIR is silent on the issue of children’s health and requests an analysis of potential health impacts to children. Please see Master Response 1 for information regarding the scope of the HRA prepared for the project.
- I6-37** The commenter claims that the Draft EIR must fully consider and analyze impacts on lung development and asthma in children and other sensitive receptors. Please see Master Response 1 for information regarding the scope of the HRA prepared for the project.
- I6-38** This comment discusses the potential harm that would come from diesel particulate matter and requests that an analysis of the local impact of diesel exposure be conducted. Diesel particulate matter is included as a toxic air contaminant in the HRA. Please refer to Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality impacts of the project. Please also see response to comment A1-2.
- I6-39** Commenter asserts that the project would not be in compliance with the California Air Resources Board (CARB) “Risk Reduction Plan to Reduce Particulate Emissions from Diesel Fueled Engines and Vehicles and Risk Management Guidance for the Permitting of New Stationary Diesel Fueled Engines” which aims to reduce emissions by 75 percent by 2010 and 85 percent by 2020 since this objective has not been met. Refer to Master Response 2 for more information regarding proposed mitigation for truck emissions.
- I6-40** This comment discusses NO_x emissions for which the area is already out of compliance and the associated negative health impacts including asthma and other lung diseases that would burden residents of South Vallejo. The area is in attainment with both federal and state NO₂ ambient air quality standards. Please refer to Table 3.2-2 for BAAQMD attainment status and Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality and associated health impacts of the project. Please also refer to Master Response 6 for a summary of NO₂

dispersion modeling results and Master Response 9 for information regarding the Environmental Justice Analysis.

- I6-41** This comment gives background of fugitive dust and requests that projections of dust exposure to sensitive receptors within one half mile, one mile and two miles of the plant be evaluated. The commenter also requests that wind patterns be accounted for and localized data used in the analysis. Further the commenter requests that data be segmented by children under five, children from 5-17, adults between ages of 18 and 96, and adults over 65 by ethnicity and income. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from fugitive dust have been evaluated in the HRA and incorporated into the health risk impact discussion in Section 3.2.4 (D) of the Draft Final EIR.
- I6-42** This comment presents background information on the importance of child brain development in the first 5 years and states that children in South Vallejo are already subject to stressors such as single parents, lack of healthy foods, violence, poor air quality and insufficient access to preschool. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I6-43** Commenter raises concerns regarding the delays in emergency services that would result from the closure of intersections due to rail traffic from the proposed project. Commenter requests that maximum potential impacts on fire and ambulance services and maximum delays experienced by patients on their way to Kaiser Hospital be described. Additionally, commenter requests confirmation that notice regarding the proposed project has been provided to Kaiser Hospital and other providers of emergency services. As described in Section 3.12.4 (d) of the EIR, impacts to emergency access due to delays at rail crossing railways would be significant for both projects individually and cumulatively. Mitigation Measures MM-3.12-2a and MM-3.12-2b would be implemented to address significant impacts of delays from railroad operations; however since the City cannot ensure that the California Northern Railroad would agree to the mitigation measures, delays due to railroad operation and subsequent impacts to emergency services would be significant and unavoidable.

- I6-44** The commenter requests a full list of commodities that would be transported through the port, including methods of transportation and potential health hazards. Additionally, the commenter would like to know if VMT would be able to handle materials not disclosed in the Draft EIR. Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- I6-45** The comment raises concerns regarding health impacts from particulate matter and fugitive dust that would be generated from plant operations, idling of large ships, diesel trucks and trains. Commenter would like to know how many people would be impacted by the release of diesel particulate matter and how many people in the study area have health conditions that could be exacerbated by pollutants generated by the project. CEQA requires that project impacts be compared to CEQA thresholds for determination of significance. CEQA thresholds for this project were developed based on BAAQMD CEQA thresholds, which the BAAQMD determined to be health-protective. Impacts below the CEQA thresholds are considered to result in impacts that are less than significant. Please refer to comment O4-48 for further discussion of particulates and Section 3.2 Air Quality of the Draft Final EIR for a discussion of CEQA thresholds and analysis of air quality and health impacts of the project.
- I6-46** The comment raises concerns regarding health impacts from idling ships. Commenter would like to know the estimated mortality and incidence of respiratory illness for populations exposed to idling ship engines. Additionally, commenter would like to know what reductions in emissions could be achieved by providing shore power. The EIR was prepared in accordance with BAAQMD CEQA Guidelines, which do not require calculation of mortality or morbidity. CEQA thresholds for this project were developed based on BAAQMD CEQA thresholds, which the BAAQMD determined to be health-protective. Impacts below the CEQA thresholds are considered to result in impacts that are less than significant. Please refer to Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality and health impacts of the project. Refer to Master Response 3 for more information on mitigation for ship emissions.
- I6-47** Commenter raises concerns regarding fugitive dust reaching schools, parks and homes nearby. Commenter would like to know the projection by weight of the potential quantity of fugitive dust annually in the project area and the cumulative

impact of dust and other pollutants on cancer and lung disease. Fugitive dust control mitigation aims for 95% capture at multiple transfer stages but commenter would like to know the quantity of fugitive dust emissions from the 5% that escapes at each step in the transfer process without any mitigation measures. Additionally, commenter requests to know what the baseline 100% quantity of potential fugitive dust by weight and volume generated by other slag cement plants in the U.S. and Orcem plants abroad. Please refer to Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality and health impacts of the project. Overseas operations of Orcem are not required to be examined under CEQA and are beyond the scope of this EIR.

I6-48

This comment is concerned with the import of industrial waste without a guarantee that sources and content of slag would not change over the years. Commenter would like to know the dangers of all potential components of GBFS and how would the project guarantee that water run-off from dust control would not end up in the marine environment. As described in Section 3.7.4 of the EIR, a laboratory analysis of a GBFS sample was undertaken by Weck Laboratories to analyze the potential hazards of GBFS, which is provided in Appendix I-9 of the EIR. GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. Appendix I-9 also includes material safety data sheets for limestone, pozzolan, and gypsum which are additional materials that may be used on site.

Water quality and runoff are discussed in Section 3.8 Hydrology and Water Quality. Impact Discussion (A) provides information regarding techniques for reducing soil erosion and stormwater runoff. The project would be required to develop and implement a SWPPP in accordance with the State Regional Water Quality Control Board and the San Francisco Regional Water Quality Control Board. Information on the requirements for an SWPPP can be found in Section 3.8.1 in the Draft Final EIR. The SWPPP would specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby waters. The BMPs would address potential release of all construction contaminants including runoff from dewatering activities. Typically, SWPPPs include BMPs for erosion control, sediment control, wind erosion control, tracking control, non-stormwater control, and waste management and materials pollution control. A list of the types of BMPs included in each of these categories is included in Section 3.8.4 Impact Discussion (A) in the Draft Final EIR.

- I6-49** Commenter would like to know if Orcem has made any commitment or guarantee for environmental remediation prior to inundation of the site and what guarantee there is that the City will not have to pay for such remediation. Refer to Section 3.7 of the EIR for the analysis of required environmental remediation, including mitigation measures that the applicants would be responsible for implementing.
- I6-50** This comment provides background on the Attorney General’s memorandum on environmental justice. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I6-51** Commenter asserts that the cumulative health impact analysis ignores local sources of contamination for being a few hundred feet away or regional in nature and is therefore deficient. Please refer to Master Response 1 for information regarding the scope of the HRA.
- I6-52** Commenter alleges that the study area considered in the health impact analysis is not reasonable. Please refer to Master Response 1 for information regarding the scope of the HRA and Master Response 4 for information regarding the study area for air quality analysis in general.
- I6-53** Commenter questions if notification to those who live along the rail lines throughout Vallejo has been provided and what other outreach has been done with them. Please refer to Master Response 10 for information regarding community outreach.
- I6-54** Commenter asserts that an appropriate unit of geographic analysis was not used for cumulative impacts and requests that a relevant geography where any impact, significant or otherwise would be felt is determined. Please refer to Chapter 4 of the EIR for the description of cumulative analysis under CEQA and the cumulative scenario that was included in the EIR. Please refer to Master Response 4 for information regarding the boundary selection for the air quality analysis.
- I6-55** This comment assumes that the study area for the cumulative impact analysis should have been expanded and requests that an expanded analysis be conducted. Refer to response to comment I6-54 above.
- I6-56** Commenter asks what the cumulative social, economic, and environmental effects and health impacts are of the project. Cumulative environmental effects are described in Chapter 4 of the EIR. As specified in CEQA Guidelines Section 15131, CEQA does not consider economic or social issues as significant effects on the environment. For detailed information regarding cumulative health impacts

please refer to Section 3.2 Air Quality of the Draft Final EIR. Please refer to Master Response 9 for reference to the environmental justice report.

- I6-57** This comment outlines background information from the Office of the California Attorney General regarding economic and social impacts, provides examples of social, physical and environmental health determinants and requests that impacts of Orcem and VMT on social, physical, and environmental health determinants be reviewed. Refer to response to comment I6-56 above.
- I6-58** This comment is concerned with the lack of healthy food available in the South Vallejo community. Commenter would like to know if Orcem/VMT is likely to damage La Rosa, the only local grocery store, and would like to see an analysis on the role of food insecurity on health for residents of South Vallejo. This comment raises issues that are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I6-59** This comment raises concerns about the lack of access to open space and recreation areas in South Vallejo. Specifically, commenter is concerned about the rezone of land currently zoned for use by GVRD to heavy industrial uses. As described in Section 3.11, Public Services and Recreation, of the EIR, the project is not anticipated to cause significant impacts to recreation. In addition, the project is no longer proposing to rezone the portion of the site that is currently zoned for open space, as described in Chapter 2, Project Description of the Draft Final EIR. This revision has been made throughout the Draft Final EIR.
- I6-60** This comment expresses concerns over the inadequacy of the provision of a kayak ramp as mitigation and concern for the potential impact to the planned Bay Trail expansion and public access to the river that would occur in that area. Commenter would like to know the estimated number of South Vallejo residents who would likely use a kayak launch. For information regarding the proposed off-site mitigation please refer to the responses to comment letter A2 above.
- I6-61** This comment expresses concern for school children at Grace Patterson Elementary and the potential for heavy pollution exposure. Commenter would like to pollutant exposure to be modeled utilizing wind speed data and including additional exposure for children who ride buses. Please refer to Master Response 1 for information regarding the scope of the HRA and Section 3.2 Air Quality of the Draft Final EIR for detailed air quality analysis. Also, please see Master Response 1, which addresses Grace Patterson Elementary school.

- I6-62** This comment expresses concern regarding property values and the potential for decline resulting from the proposed project. Commenter would like an estimate on the impact to home values in the South Vallejo neighborhood. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I6-63** Commenter raises concerns about the proximity of residents to other odors in the area including Mare Island Dry Docks and the sewage treatment plant and requests that cumulative odor impacts be analyzed. A full analysis of odor emissions is provided in Section 3.2.4 Impact Discussion (E) of the Draft Final EIR. The analysis for odor emissions sites that the BAAQMD has not adopted thresholds for odor emissions and that odor generating uses included in their screening criteria are not included in the operation of the proposed project. Refer to response to comment A9-8 above for more information regarding odors.
- I6-64** This comment outlines concerns about impacts on neighborhood stability and community health. Commenter would like to know the probability of deterioration of neighborhood conditions and business conditions in the neighborhood. This comment raises concerns regarding social and economic issues which are not within the scope of CEQA; therefore, no further response is included.
- I6-65** Commenter would like the community to be informed of the full and cumulative impacts of the proposed project and would like to see the responses to these observations and questions in the Draft Final EIR. All comments raised in this letter have been responded to in comments I6-1 through I6-64 above. Impacts of the proposed project are thoroughly evaluated in Sections 3.1 through 3.13 of the Draft Final EIR. Additionally, a cumulative analysis of each impact area is provided in Chapter 4 Cumulative Impacts of the Draft Final EIR.
- I6-66** Commenter would like to incorporate by reference articles and materials used to support discussion in the letter above to the record. Comment noted. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I7

Commenter: Lorene Allio PhD

Date: September 21, 2015

- I7-1** This comment thanks the City for its dedication and professionalism and highlights the importance of consideration all risks and benefits to residents of the project. Comment noted.
- I7-2** This comment expresses concern regarding equity and the potential for costs to be borne by the local neighborhood and its children without sufficient mitigation to reduce or avoid costs. Refer to Master Response 5, which describes the mechanism for implementation of required mitigation measures. As described in the EIR, not all impacts can be mitigated to below a level of significance. These significant and unavoidable impacts are clearly identified for the use by decision makers when determining whether or not to approve the project.
- I7-3** Commenter expresses concern about the lack of an environmental justice report in the Draft EIR. This comment summarizes what the requirements are for an environmental justice analysis. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I7-4** This comment provides information, including graphs of the Census data, to show that the proposed project site is in a low income minority neighborhood. Commenter includes the definition of minority persons and describes what is presented in the graphs to demonstrate that South Vallejo meets the 50 percent minority threshold and the low income threshold requiring an environmental justice analysis. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I7-5** Commenter expresses concern about the silence of the report regarding the presence of young children in such close proximity to the project site and the increased sensitivity of children to pollutants. The commenter has included Census data detailing the number of young children living within a 1-mile radius of the project site. Please refer to Master Response 1 for information regarding the scope of the HRA and to Master Response 4 for information regarding the geographic boundaries of the analysis.
- I7-6** This comment provides information on the number of children attending Grace Patterson Elementary School including those who do not live within a 1-mile radius of the project site. Commenter raises concerns regarding health impacts

from emissions of trucks entering the site and particle drift from raw and finished materials on site. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Please refer to Master Response 1 for more information regarding the scope of the HRA.

- I7-7** This comment requests that an environmental justice report be completed for the project. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I7-8** This comment requests that the Draft EIR review period be extended a minimum of 45 days beyond the date on which an environmental justice report is provided. As described in Master Response 9, CEQA does not require preparation of an environmental justice report and the report being prepared by the City is separate from this EIR. Therefore, no additional public review of the Draft EIR is required.
- I7-9** Comment requests that significant public outreach to the local community is undertaken for the Draft EIR and for the environmental justice report. For information regarding the outreach process undertaken by the City of Vallejo please refer to the Master Response 10.
- I7-10** This is a request for multiple public meetings to be held to gather input on the Draft EIR and environmental justice report at places convenient for the community. Please refer to Master Response 10 for information regarding the public outreach process and Master Response 9 for information regarding the environmental justice analysis.
- I7-11** This comment requests that materials, notices, reports and meetings are available in Spanish. Please refer to the Master Response 10 for information regarding Spanish outreach conducted by the City and the requirements to provide materials in other languages.
- I7-12** Comment requests that non-profits operating in Vallejo and countywide be notified and consulted on the project. The City followed all legal requirements for notification regarding the EIR. Refer to the response for comment I6-17 above for more information.
- I7-13** Commenter asks about potential cumulative health impacts from diesel fumes for children under 5 years old living near the project site. Please refer to Section 3.2, Air Quality, of the Draft Final EIR and Master Response 1.

- I7-14** Commenter asks about potential cumulative health impacts from diesel fumes for children from five to 11 years old living near the project site. Please refer to Section 3.2, Air Quality, of the Draft Final EIR and Master Response 1.
- I7-15** The commenter would like to know the highest wind speeds at the project site. General wind scenarios are discussed in Section 3.2. To the extent highest wind speeds are germane to impact assessment they are discussed in this Section. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I7-16** Commenter expresses concern about the potential for materials drift during loading and unloading of ships and trucks and asks what systems are proposed to reduce drift and if they would be effective at top local wind speeds. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2, Air Quality.
- I7-17** The commenter asks what the system is for capturing water runoff used to reduce materials drift. As described in Section 3.8.4 Hydrology and Water Quality of the EIR, the project would be required to develop and implement a SWPPP in accordance with the State Regional Water Quality Control Board and the San Francisco Regional Water Quality Control Board. Information on the requirements for a SWPPP can be found in Section 3.8.1 in the Draft Final EIR.
- I7-18** Commenter asks what the cumulative health impact is of drifting dust for children under 5 years old living near the project site. Health impacts associated with toxic air contaminants are addressed in Section 3.2 Air Quality of the Draft Final EIR and Master Response 1. Cumulative impacts are addressed in Master Response 5. Impacts associated with fugitive dust are addressed in Section 3.2 and were found to be below the level of CEQA significance.
- I7-19** Commenter asks what the cumulative health impact is of drifting dust for children from 5 to 1 years of age living near the project site. Please see response to comment I7-18.
- I7-20** The commenter asks what the cumulative health impacts are to all residents from emissions from the site. Please refer to Section 3.2 Air Quality of the Draft Final EIR and Master Response 5.
- I7-21** Commenter asks what the cumulative impact of emissions is on those with asthma, particularly children. Please refer to Section 3.2 Air Quality of the Draft Final EIR, Master Response 1, and Master Response 5.

- I7-22** The commenter asks about systems in place for residents and children to protect those walking or riding bikes from increased truck traffic in the area. As described in Section 3.12 Transportation and Traffic of the EIR, the project-added auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. However, implementation of mitigation measure MM-3.12-4, which requires the applicants to make improvements to Lemon Street to provide for safe movement of pedestrians and bicycles, would reduce impacts to a less-than-significant level.

Letter I8

Commenter: Lorie Allio, PhD

Date: September 30, 2015

- I8-1** This comment thanks the City for their ongoing dedication and service to the people of Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I8-2** This comment expresses concern for the omissions in the Orcem/VMT public outreach process and claims that this project would have a serious impact on community health as the project represents a significantly intensified use of the site and increase in pollutants. Please refer to Master Response 1 for information regarding community health.
- I8-3** This comment claims that CEQA requires an environmental justice analysis in cases where a low income, minority population would be negatively impacted and requests that a full environmental justice analysis be completed for this project. This comment also states that the area has double the asthma rates as the rest of California, existing intense pollution from Highways 80 and 29. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I8-4** This comment claims that there has been only one meeting notice which was confusing and included an unofficial open house. This comment respectfully requests that the Open House be cancelled or rescheduled to another date uncoupled from the official meeting, and that any additional meetings be held convenient to the neighborhoods. Two public hearings were held for the project on October 7, 2015 and October 25, 2015. These hearings were extended past their original times to allow for all people present to have a turn to voice their concerns and comments. All comments made at these hearings are part of the public record and have been responded to in the Draft Final EIR.

- I8-5** This comment claims that the meeting notice did not indicate whether a Spanish translator would be provided for the meeting on October 7th and that it is essential that their voices be heard since the project would so deeply impact their health and the health of their children. The City of Vallejo mailed notices in Spanish and English to all property owners and residents within 1,000 feet of the project site, all properties fronting Lemon Street from Derr Street to Curtola Boulevard and all properties fronting Sonoma from Lemon Street to Interstate 80. The City provided a translator at both public hearings held on October 7, 2015 and October 25, 2015. At both meetings, the translator introduced herself in Spanish, translated the introduction in Spanish and offered to translate if requested. She was only requested to translate at the second hearing held on October 25, 2015.

Letter I9

Commenter: Mark Altgelt

Date: October 29, 2015

- I9-1** Commenter states that he has heard discussions about the project having the capability to manufacture both portland cement and green cement. As described in the Draft Final EIR Project Description in Section 2.4.2.2 Orcem Operation, the Orcem component would operate in three modes including Mode 1 which would import GBFS and create GGBFS, Mode 2 which would import clinker and create portland cement and Mode 3 which would import portland cement in addition to producing GGBFS. See comment o4-44 for more information on this subject.
- I9-2** Commenter states that Richard Bohan at the Portland Cement Association explained there are extensive EPA regulations for new production facilities that prevent contaminants and toxins like nitrogen dioxide from being released. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-3** This comment states that Richard Bohan concluded from looking at the Orcem project website, that the facility is for processing slag and not for manufacturing portland cement which requires a massive kiln and limestone quarry. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-4** This comment states that the Vallejo Orcem facility would operate in a vacuum to prevent pollution which exemplifies the regulatory requirements. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I9-5** This comment claims that the Nevada Cement Company east of Reno has a closed system that filters out almost all of the particulate matter from the facility’s exhaust. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-6** This comment expresses the opinion that the mass hysteria about the project is being caused because basic information about the Orcem facility and manufacturing process has not been adequately explained and hopefully more information was provided by the Orcem representatives at the meeting. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-7** This comment expresses objection to putting the Orcem facility at the General Mills site due to its proximity to homes, excessive big rig and train traffic, noise and consequential pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-8** This comment expresses the opinion that the waterfront land should be developed with hotels, restaurants, retail stores and something like a small amusement park or an open air roller rink for kids and families. This comment also expresses an idea that the ferry to San Francisco, trains to Napa and the Vallejo transit terminal would all be connected to the “Vallejo Waterfront Promenade Park.” This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I9-9** This comment expresses the opinion that the north end of Mare Island would be a better place for the Orcem plant but for the benefit of Vallejo that vast space should be developed with a common theme like technology, science or medical hub, hydroponic vertical indoor farming or specialty auto manufacturing. Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site Alternative which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the combination of functional amenities suitable for accommodation of both VMT and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

I9-10 This comment expresses the opinion that the best place for the Orcem plant would be on the waterfront in Port Chicago or somewhere along Route 5. Refer to response to comment I9-9 above.

I9-11 This comment provides a phone number for Richard Bohan who could provide information about the cement manufacturing process and provides a website link for technical information about cement manufacturing. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I10

Commenter: Umma Amina

Date: October 12, 2015

I10-1 This comment expresses concern for traffic and water uses that would be affected by the proposed project. Traffic impacts are addressed in Section 3.12 of the Draft Final EIR and water quality issues are addressed in Section 3.8 of the Draft Final EIR.

I10-2 This comment asks if there will be future meetings with the City and the applicant so more questions can be asked. The first public hearing was held on October 7, 2015. An additional public hearing was held on October 25, 2015. Both hearings were extended beyond their scheduled times to allow for all present to have a turn to voice their comments and concerns.

Letter I11

Commenter: Neil Anderson

Date: October 7, 2015

I11-1 Commenter is concerned about pollution in his neighborhood. Detailed information regarding potential air pollution impacts is provided in Section 3.2 Air Quality of the Draft Final EIR. Please also refer to Master Responses 1 and 4.

Letter I12

Commenter: Shareen Anderson

Date: September 19, 2015

I12-1 This comment expresses concern for the Vallejo waterfront and the chance to make Vallejo a tourist destination. Commenter is opposed to the project. This comment does not include a specific comment on the Draft EIR; therefore, no

further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I13

Commenter: Susan B. Anthony

Date: November 2, 2015

I13-1 Commenter requests that a new EIR be prepared that would demonstrate independent review be accomplished under CEQA consistent with *Friends of LaVina vs. County of Los Angeles*. In *Friends of LaVina vs. County of Los Angeles* (1991) the California Court of Appeal held an agency may comply with CEQA by adopting an EIR prepared by a consultant retained by the applicant so long as the agency independently reviews, evaluates and exercises judgement over the issues raised and addressed in the EIR. The EIR was prepared by Dudek, an environmental consulting firm with over 35 years of experience in California. Dudek was retained and directed by the City of Vallejo. CEQA Guidelines Section 15084 (a) allows for preparation of the EIR directly by or under contract to the Lead Agency (City of Vallejo).

Letter I14

Commenter: Susan B. Anthony

Date: September 27, 2015

I14-1 This comment sites general community disapproval for the proposal to build a cement plant on the Napa River in Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I14-2 Commenter addresses safety concerns of the project related to heavy trucks using Lemon Street and Curtola Parkway which would produce congestion and pedestrian hazards. Safety concerns related to project-generated trucks using Lemon Street and Curtola Parkway are described in Section 3.12, Transportation and Traffic of the EIR. As described in Section 3.12.4, the project-added auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. However, implementation of mitigation measure MM-3.12-4, which requires the applicants to make improvements to Lemon Street to provide for safe movement of pedestrians and bicycles, would reduce impacts to a less-than-significant level.

- I14-3** This comment provides information on Lemon Street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I14-4** Commenter states commuters are routinely seen along Lemon Street accessing commuter services located on both sides of Lemon Street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I14-5** This comment provides information on Curtola Parkway. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I14-6** Commenter expresses concerns that pedestrians utilizing Lemon Street would not be able to see oncoming traffic due to trucks obstructing their view. Please refer to the response for comment I11-2 above for information on pedestrian safety.
- I14-7** This comment expresses the opinion that large cement trucks would create more confusion for commuters near the intersection of Lemon Street and Curtola Parkway. Refer to Section 3.12, Transportation and Traffic of the EIR for more information regarding potential impacts of the project on the surrounding roadway network.
- I14-8** This comment provides information on the I-780-80 interchange and expresses the opinion that it is dangerous for vehicles to exit while heavy trucks are merging onto the highway. Impacts to Transportation and Traffic are addressed in Section 3.12 of the EIR. Specifically, Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project study area. The EIR concluded that operational impacts to freeways would be less than significant for both projects individually and cumulatively. A full analysis supporting this finding is provided in Section 3.12.4 of the Draft Final EIR.
- I14-9** This comment expresses the opinion that without weigh stations to monitor compliance trucks may access local highways with loads exceeding the weight restrictions and cause deterioration of roadways. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I14-10** This comment expresses a concern that the lack of weigh stations west of Fairfield to verify loads would lead to trucks tearing up Bay Area bridges. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I14-11** Commenter expresses concern for degradation of the quality of roads and bridges in the area and the contribution to metal fatigue. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I14-12** This comment expresses concern for the potential for trucks to break down on the one lane Highway 37 or the two lane Interstate 780 causing a public safety concern. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I15

Commenter: Susan B. Anthony

Date: September 8, 2015

- I15-1** This comment is a notice of objection and summarizes the commenter's intent to sue if the project is approved for damages to present and future residents from dust, noise, traffic, run-off sediment, and vehicle collisions involving transport vessels owned or contracted by Orcem. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-2** This comment voices "We the People's" objection to the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-3** This comment summarizes a concern that an Orcem-owned or contracted vessel may collide with another vessel, the San Francisco Bridge or with a commuter ferry causing the City to be a litigant in another lawsuit. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-4** This comment raises concerns about congestion on the Bay. As discussed in the Project Description Section 2.4.2.1, an average of 7.5 vessels per month would utilize the VMT Terminal. This relatively low number of vessels is not expected to cause congestion on the waterways. As described in Section 3.7.5 Hazards and Hazardous Materials of the EIR, it is unlikely the structures would pose any navigation hazards in the immediate project area because they would be located adjacent to existing shoreline in the same general vicinity as the wharf and would not extend into Mare Island Strait. The limited number of vessels traveling through Mare Island Strait would not be navigating through the area where the proposed VMT wharf would be constructed further reducing the possibility for potential vessel collisions with the structures. A notice would be published in the Local Notice to Mariners in accordance with USACE requirements (33 CFR 66.01) notifying small pleasure crafts of changes in navigational hazards caused by the VMT project.

- I15-5** This comment expresses concerns about concrete dust. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust.
- I15-6** This comment raises concerns about lung conditions resulting from the winds along the waterfront carrying airborne dust. Information regarding dust emissions and mitigation is provided in the response to comment I15-5 above. Please also see Master Response 1.
- I15-7** This comment expresses concern for sediment run-off into the Napa River, the San Pablo Bay and surrounding estuaries. Water quality and runoff are discussed in Section 3.8 Hydrology and Water Quality. The project would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Regional Water Quality Control Board and the San Francisco Regional Water Quality Control Board. Information on the requirements for an SWPPP can be found in Section 3.8.1 in the Draft Final EIR. The SWPPP would specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby waters.
- I15-8** This comment raises concerns about lung damage to those living nearby and employees and demolition workers at the project site. Please see Master Response 1 for information of the scope of the HRA.
- I15-9** Commenter states that several concrete suppliers are already working in the area. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-10** Commenter expresses the opinion that something better could be used in this space. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-11** This comment states the commenter's intent to hold the City staff and employees individually and collectively accountable if the project is approved and reserve the right to sue for breach of fiduciary duty. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I15-12** This comment repeats the notice of objection and the commenter's intent to sue for damages to present and future residents from dust, noise, traffic, run-off sediment, and vehicle collisions involving transport vessels owned or contracted

by Orcem if the project is approved. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I15-13** Commenter states intent to sue for breach of fiduciary duty and disregard for potential detrimental effects from dust, noise, traffic, and collision hazards and hold all City staff liable separately and collectively for damages. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I16

Commenter: Susan B. Anthony

Date: October 26, 2015

- I16-1** This comment submits case law regarding the ability to have the record demonstrate that independent review would be accomplished under CEQA consistent with *Friends of LaVina vs. County of Los Angeles*. Please refer to the response to comment I13-1 for further information regarding *Friends of LaVina vs. County of Los Angeles*.

Letter I17

Commenter: Susan B. Anthony

Date: October 13, 2015

- I17-1** This comment expresses the opinion that the people represented by the City have spoken before the City and given a clear message of disapproval of turning the waterfront into a shipping terminal and commercial industrial zone. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I17-2** This comment claims that the three options to change the General Plan are unacceptable because the three separate General Plans all include one common attempt to produce legal paperwork for a foundation to circumvent the public's right to access along that section of the waterfront. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I17-3** This comment asserts that all three proposals presented to the City on October 13, 2015 would eliminate public access to the waterfront and cause damages to the quality of life for current and future residents. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-4 This comment claims that if any of these scenarios were approved and the original General Plan gets changed then damages to the people's interest and infringement of waterfront access would include the public's expressed concerns regarding the impacts of turning the waterfront into a shipping terminal or commercial/industrial zone. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-5 This comment claims that damages will not be limited to the change of the General Plan but also include damages from toxic and congestion issues not limited to infringements on quality of life for failure to anticipate the demand of an increase in population that will demand and require an increase in recreational space. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-6 This comment claims that the General Plan shows planned development with more residences in close proximity to the current mud filled inundated boat ramp that lacks dredge maintenance.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal. The Draft Final EIR concludes that impacts related to land use and consistency with applicable land use plans would be potentially significant (subject to final determination from BCDC). Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

I17-7 This comment claims that the General Plan shows planned development of expanding the waterfront promenade to extend south and provide a corridor for commuters, joggers, pet walking, biking, fishing and bird watching. Additionally, this comment claims that the corridor would provide access to the Ferry Terminal

and New Commuter Hub on Lemon Street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-8 This comment expresses opposition to turning the waterfront into a shipping terminal or commercial/industrial zone and eliminating the public’s access and right to recreational use.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-9 This comment alleges that the common change in all three of the proposals to update the General Plan is an attempt to conspire with the proponents of the project as a backdoor deal.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

I17-10 This comment claims to be an official notice that We the People – The Public’s intent to hold the City for “contempt of failure to listen to the people and uphold public interests” should this version of the General Plan be approved.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I17-11 This comment asks the City to please reject all three options.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I18

Commenter: Susan B. Anthony

Date: undated

I18-1 This comment asks what the status of the vessels themselves is and what kind of hazard insurance they would carry. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I18-2 This comment asks if the company is aware of the laws protecting any type of release of turbidity into the waterways.

All federal, state and local laws applicable to water quality are detailed in Hydrology and Water Quality Section 3.8.1, Regulatory Setting. The proposed project would be required to comply with all applicable regulations. Compliance with regulations would be monitored by the individual entities responsible for implementation of each regulation.

I18-3 This comment asks how Orcem would prevent silt from their plant entering the waterways during heavy rain events.

Water quality and runoff are discussed in Section 3.8, Hydrology and Water Quality. The project would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Regional Water Quality Control Board and the San Francisco Regional Water Quality Control Board. Information on the requirements for an SWPPP can be found in Section 3.8.1 in the Draft Final EIR. The Draft EIR concluded construction impacts from VMT would be less than significant with implementation of Mitigation Measures MM-3.8-1 and MM-3.8-2, and MM-3.3-3 and MM-3.3-4 from the Biological Resources Section 3.3.5. Construction impacts from the Orcem component, and operational impacts from both the VMT and Orcem components were determined to be less than significant and no mitigation was required. Please refer to Section 3.8.4 (A) for a full text of the analysis and to Section 3.8.5 and Section 3.3.5 for a full text of the mitigation measures.

I18-4 This comment asks if Orcem is aware that the EPA has designated the local inland bay waterways as a critical ecosystem.

Section 3.3.2 Existing Conditions, discusses the San Francisco Bay-Delta estuary and lists all sensitive biological communities found in the vicinity of the project area. Marine environments are also discussed in this section including pelagic,

soft-sediment benthic, hard-sediment benthic, designated critical habitat, designated essential fish habitat, and sensitive natural communities. Please refer to Section 3.3.2 for additional information.

I18-5 This comment asks if Orcem is aware that federal laws are in place applying to protection of waterways especially for health of the food chain for native salmon.

All federal, state, and local laws related to protection of biological resources are detailed in Biological Resources Section 3.3.1, Regulatory Setting. Federal, state, and local regulations pertaining to water quality are listed in Hydrology and Water Quality, Section 3.8.1, Regulatory Setting, of the EIR. Compliance with regulations would be monitored by the individual entities responsible for implementation of each regulation.

I18-6 This comment asks if Orcem is aware that endangered species and critical habitats of the San Pablo Bay, the Farallon Islands, and Fanny Shoals are protected under federal law.

Please refer to the response for comment I18-4 and I18-5 above.

I18-7 This comment asks if there are any federal laws imposed by the EPA that apply once a waterway and/or critical habitat has been deemed a critical ecosystem.

Please refer to the response for comment I18-5 above.

I18-8 This comment asks if the Napa River Watershed or the San Pablo Bay is included in this critical ecosystem.

Please refer to the response for comment I18-4 above.

I18-9 This comment asks if Orcem is aware that the San Francisco Bay Regional Water Quality Control Board is the controlling agency with regards to ground water runoff.

Please refer to the response for comment I18-3 above. Additional information can be found in the Regulatory Setting, Section 3.8.1 of the Draft Final EIR.

I18-10 This comment asks if the project has been presented to the San Francisco RWQCB.

The San Francisco Regional Water Quality Control Board is listed as a responsible agency for this project. Responsible agencies are state and local agencies, other than the lead agency, that have discretionary authority over a project or aspect of a project. Responsible agencies may use the EIR in their

consideration of various permits or other discretionary approvals of the proposed project and may have different monitoring or reporting programs. A list of Lead and Responsible agencies is provided in Section 1.6.2 of the EIR.

- I18-11** This comment asks if routine medical evaluations pertaining to the hearing capacity of the employees would be conducted. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I18-12** This comment asks what happens to employees when they can no longer breathe. Please refer to Section 3.2 Air Quality of the Draft Final EIR for information regarding potential air quality impacts and associated health risks. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I18-13** This comment asks what happens when employees no longer have the lung capacity to endure labor. Please refer to Section 3.2, Air Quality, of the Draft Final EIR for information regarding potential air quality impacts and associated health risks. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I188-14** This comment asks what compensation is given to employees' families when they can no longer be gainfully employed as a result of enduring exposure to dust. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I18-15** This comment asks if Orcem intends to use river water for maintenance, cleaning, fabrication or productivity. As described in Section 3.13, Utilities and Service Systems, of the Draft Final EIR, Orcem would connect to the City of Vallejo water system and would also collect rainwater to provide water necessary for operations. The project does not propose to use water from Mare Island Strait.
- I18-16** This comment asks if river water is going to be used, has CDFW been notified that this project intends to use water from the river. Refer to response to comment I18-15 above.
- I18-17** This comment asks if Fish and Wildlife has given guidelines to protect bait fish and crustaceans from being sucked up into their pumps. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I18-18** This comment asks if Fish and Wildlife provides applications to industries that plan to use water from the river. Please refer to the response for comment I18-15 above.

- I18-19** This comment asks if Fish and Wildlife provides applications for industries that plan to release water into the river. As described in Section 3.8, Hydrology and Water Quality, of the Draft Final EIR, discharge requirements are subject to compliance with NPDES programs for Construction and Industrial activities. Information on the NPDES program requirements is discussed in the Regulatory Setting, Section 3.8.1. Information regarding compliance with the water quality regulations is evaluated in Section 3.8.4 (A).
- I18-20** This comment asks if private industries are allowed to release water into the river. Please refer to the response for comment I18-19 above.
- I18-21** This comment asks if the EPA has been notified of this proposal for industry on the water. The EPA is listed as a responsible agency for this project. Responsible agencies are state and local agencies, other than the lead agency, that have discretionary authority over a project or aspect of a project. Responsible agencies may use the EIR in their consideration of various permits or other discretionary approvals of the proposed project and may have different monitoring or reporting programs. A list of Lead and Responsible agencies is provided in Section 1.6.2 of the EIR.
- I18-22** This comment asks if the EPA has been notified of Orcem and VMT's intent to procure/suck and/or discharge water into the waterway. Please refer to the responses to comments I18-15 and I18-21 above.

Letter I19

Commenter: Susan B. Anthony

Date: October 26, 2015

- I19-1** This comment asks for consideration to the topics in the letter on behalf of the 73% of Californians who are investing billions of dollars in protecting the environment. All comments in this letter have been addressed in the response to comments I19-2 through I19-23 below.
- I19-2** This comment asks if the lease agreement between Orcem and the City has conditions enabling the City to shut down Orcem operations and if the Orcem company will be allowed to operate under a fictitious name preventing lawsuits against the main concrete company. As discussed in Section 2.2, Existing Project Site, of the Draft Final EIR, Orcem leases a 4.88-acre piece of land from VMT. The land they lease is owned by VMT and there would be no lease agreement with the City of Vallejo for that land. Orcem is requesting a use permit to

construct and operation their proposed plan on the project site. The City has jurisdiction over the project site and therefore has the ability to impose conditions of approval and conditions of the use permit if approved.

I19-3 This comment asks who will pay for clean up when a spill occurs. Potential hazards associated with spills during construction and operation of the project are evaluated in Section 3.7 of the Draft Final EIR Hazards and Hazardous Materials. As described in Section 3.7.4, impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to less-than-significant with implementation of mitigation measure MM-3.7-4. Future accident conditions are speculative at this time, but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

I19-4 This comment asks if the project would be built to earthquake standards and if the old structures would be retrofitted to earthquake standards. Refer to Section 3.5, Geology and Soils, of the Draft Final EIR for the discussion of seismic hazards, potential impacts, and mitigation measures. For the existing buildings on the VMT site, the City's unreinforced masonry building (URM) ordinance would require an engineering report prior to occupancy to evaluate the structural integrity and recommend options to reduce the hazard of failure during an earthquake. If necessary, the applicant would undertake repairs and reinforcements necessary to allow the occupancy of the buildings per Section 12.07 of the City's municipal code. Specific parameters for seismic design, based on anticipated ground motions are also provided in Appendix H-2. In addition, geologic studies, evaluations, and/or geotechnical reports necessary to demonstrate the proposed project has properly assessed and mitigated for seismic hazards are mandated as a condition of grading and/or building permits, which the applicants and/or their contractors would need to obtain from Vallejo Building Division prior to start of construction.

I19-5 This comment asks if bulk liquids would be used and held on site in containers and if so, what additional safety features surrounding tanks containing liquid would be required. Liquid bulk cargoes or large-scale container operations are not envisioned to be handled through the VMT Terminal. Section 2.4 of the Project Description contains further information on commodities anticipated to be included in project operations.

- I19-6** This comment asks if the California Endangered Species Act covers native fish species and states that if so, the tax payers of California wish to include counsel on issues from an independent marine biologist. Independent marine biologists were included in the project team that completed the DEIR. Native fish, are not covered by the California Endangered Species Act if the species or their habitat is not currently endangered, however all species were considered in the impact analysis described in Section 3.3.
- I19-7** This comment asks if any of the listed conditions that may be present from cement operations cause harm or disruption to wildlife or fish. All potential conditions that could result from the project were considered in the biological impact analysis described in Section 3.3. This analysis thus included an examination of harm or disruption to wildlife or fish.
- I19-8** This comment asks if dust particulates from operations could settle into the water or by contaminated surface water runoff and would foreign particulate matter taint the PH or scent of the surrounding water in way that could cause salmon to become disoriented in determining the direction of their spawning grounds. As discussed in Chapter 2 (Project Description) and Section 3.8 (Hydrology and Water Quality) of the DEIR, the on-site stormwater management plan will have all surface water runoff directed away from the Napa River so that any stormwater or surface water cannot flow to the river and introduce any foreign particles or contaminants. Although it is impossible to state that no particulates from the operations could find their way into the Napa river, current Best Management Practices for the control of airborne particulates required by the BAAQMD, are expected to prevent the airborne movement of fine particulate matter at the site. Finally, there is no scientific evidence to indicate that silica sand can taint the pH or scent of water.
- I19-9** This comment asks what endangered species or endangered species habitat may be impacted by a collision with an oil tanker. The proposed project does not include use of oil tankers. For more information on endangered species and endangered species habitat in the project vicinity, refer to Section 3.3, Biological Resources, of the Draft Final EIR.
- I19-10** This comment asks what negative impacts would affect the wildlife and fish from the sound of the equipment used at plant operations. Potential noise impacts to wildlife are examined in Draft Final EIR Section 3.3.5 Impact Discussion (A) Construction Noise Impacts on Fish and Marine Mammals.

- I19-11** This comment asks if electrical grounding rods for the electrical service at the plant cause conductivity or electrical current to travel to the water's edge and if an electrical subsurface current could cause fish to become subjected to electrical current or become polarized by electrical current emitted along the shoreline. All electrical service is required by law to be grounded and controlled on site and would not travel to the water environment.
- I19-12** This comment asks if industrial ships emit electrical current and disturb or disorient fish in the water. Control of electrical current onboard all ships is a major issue. Because of the presence of stray current on vessels, the occurrence of cathodic decay of the ship itself must be controlled. That is the reason all vessels have active cathodic protection equipment and devices. There is no documented evidence of stray electric current from ships effecting fish.
- I19-13** This comment asks what negative effects occur to the fish if welding or fabrication goes on inside the cargo ship and the negative welding cable terminal is grounded to the hull and if electricity could pass on into the salt water through the hull. Refer to response to comment I19-12 above. However unlikely the occurrence of welding or fabrication occurring within the hull of a ship moored at the VMT facility, any current presented by the grounding cable could be expected to be indistinguishable from stray current already present.
- I19-14** This comment asks what effect constant transmission of sound through the cargo ships hull cause to the fish and wildlife in the area. Potential noise impacts to wildlife are examined in Draft Final EIR Section 3.3.5 Impact Discussion (A) Construction Noise Impacts on Fish and Marine Mammals.
- I19-15** This comment asks what wildlife and fish species are critically endangered that are residents and migratory inhabitants to the San Francisco Bay Delta Region. For more information on endangered species and endangered species habitat in the project vicinity, refer to Section 3.3, Biological Resources, of the Draft Final EIR.
- I19-16** This comment asks what the intended route of travel into the Bay would be and if ships would be restricted to the Central Shipping Lane or allowed to use the Northern route. Project ships would be required to follow all navigational rules when traveling within the Bay. The routes to be used by the ships are outside the scope of the EIR.
- I19-17** This comment claims that millions of tax payer dollars are at stake in the salmon restocking program of California's rivers and streams. This comment also requests a summary of the Economic Value of Striped Bass, Chinook Salmon and

Steelhead Trout of the Sacramento and San Joaquin River System of 1985 by Phill Meyeres Resources Incorporated, located in the City of Davis be included in the final decision. Although protection of these species was certainly considered in the analysis contained in Section 3.3, the economy of the fishery is not a CEQA issue. Therefore, no further response is included.

- I19-18** This comment asks if traffic studies have been done for both roadways and waterways and suggests a traffic study should be done of the Northern and Central shipping lanes. The proposed project would not cause a substantial increase in ship traffic in the bay. Therefore, no analysis is required in the EIR. Refer to Section 3.12 Transportation and Traffic of the Draft Final EIR for analysis of roadway traffic impacts.
- I19-19** This comment asks if a catastrophic spill were to occur, what the specific entity name is of the Orcem cement company responsible. Potential hazards associated with spills during construction and operation of the project are evaluated in Section 3.7 of the Draft Final EIR Hazards and Hazardous Materials. As described in Section 3.7.4, impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to less-than-significant with implementation of mitigation measure MM-3.7-4. Future accident conditions are speculative at this time, but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.
- I19-20** This comment asks what Orcem’s insurance carrier is. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I19-21** This comment asks if Orcem is required to carry insurance that will cover damages to the environment. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I19-22** This comment asks if Orcem’s insurance covers damages if their vessels hit a bridge or a commuter ferry. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I19-23** This comment asks if a current copy of Orcem’s insurance would be required to be filed with the City Clerk as a public record. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I20**Commenter: Susan B. Anthony****Date: undated**

- I20-1** This comment expresses opposition to the project and the opinion that with fog on the bay it is likely that a heavy load collision of concrete or slag could occur with a vehicle, a vessel, the San Francisco or San Rafael Bridge, a private or commercial fishing boat or even a commuter ferry. Potential hazards resulting from construction and operation of the project are assessed in Section 3.7, Hazards and Hazardous Materials, of the Draft Final EIR.
- I20-2** This comment claims Orcem would cause more congestion on already at capacity roadways. Roadway congestion impacts are addressed in Section 3.12, Transportation and Traffic, of the Draft Final EIR.
- I20-3** This comment asks how much Orcem trucks weight and claims there are no weigh stations to monitor or prevent overloaded cement trucks from crossing the Benicia-Martinez or the Vallejo-Crockett bridges. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I20-4** This comment asks what side effects to bridges would be directly caused by heavy loaded trucks. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I20-5** This comment expresses opposition to more traffic on roadways and waterways and asks what studies have been done to show evidence that traffic would not present safety hazards to the general public. Refer to Section 3.12, Transportation and Traffic, of the Draft Final EIR for analysis of traffic safety impacts.
- I20-6** This comment claims that some local highways are inadequate including Highway 37 which suffers severe congestion problems. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I20-7** This comment expresses the opinion that no paid consultants would ever propose a dust producing facility upwind of a community they represent. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I20-8** This comment states that if the Orcem project is approved and a permit is issued, We the People, The Public intends to hold each involved person accountable individually

and collectively for a breach of fiduciary duty. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I20-9 This comment states that if the Orcem project is issued a permit, We the People, The Public intends to hold Orcem representatives and City staff accountable individually and collectively for the detrimental effects the concrete plant would have on both present residents and future residents from dust, noise, traffic, runoff, and any damages related to collisions or ill effects. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I20-10 This comment states that in the event of a lawsuit ruled favorably regarding breach of fiduciary duty, We the People, The Public, intend to include in the settlement termination of employment or termination of city benefits for all city staff and/or representatives. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I21

Commenter: Bruce Balala

Date: October 28, 2015

I21-1 This comment expresses concern about who is responsible for ensuring that mitigation for air pollution would be followed and if they would have authority to shut the plant down if contaminants are too high. Refer to Master Response 7, which describes the mechanism for implementation of required mitigation measures. As described in the EIR, not all impacts can be mitigated to below a level of significance. These significant and unavoidable impacts are clearly identified for the use by decision makers when determining whether or not to approve the project.

I21-2 This comment expresses concern regarding the degradation to Lemon Street from trucks and suggests the developer should pay to make Lemon Street four lanes with sidewalks to enhance pedestrian safety. Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12, Transportation and Traffic, of the EIR. As described in Section 3.12.4, construction of the project would result in temporary impacts on traffic operations and non-vehicular mobility; refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

I21-3 This comment alleges that Orcem in Dublin has had trouble meeting air standards for the past 3 or 4 years. This comment does not include a specific comment on

the Draft EIR and does not pertain to the proposed project; therefore, no further response is included.

- I21-4** This comment expresses the opinion that a cement plant does not belong in a residential neighborhood. As described in the Project Description, Chapter 2 of the EIR, the project is located on a site zoned for heavy industrial uses. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I21-5** This comment expresses concern for the economic benefit this project would have to the City. Commenter asserts that the City must complete a financial analysis to show if the development would have a positive cash flow to the City. A financial analysis is not required under CEQA. Refer to CEQA Guidelines Section 15131, which states that economic or social issues shall not be treated as significant effects on the environment.
- I21-6** Commenter alleges that the City has been studying the waterfront for years and nowhere in the future was there a plan to allow a cement plant to operate there. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I21-7** Commenter believes that the project location is one of the nicest spots on the San Pablo Bay and expresses concern about the lack of public access and consideration for the future. As described in Section 2.4.2 of the EIR, the project site would be a Department of Homeland Security-controlled site and no public access would be permitted because the project would involve international freight movements. Since public access would not be permitted on the project site, the project includes proposed public access improvements as described in Section 2.4.4 of the EIR. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I21-8** This comment expresses the opinion that the citizen's time is being wasted. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I22

Commenter: Vincenza Balduno

Date: October 7, 2015

- I22-1** This comment asks if other locations away from residents could be used because there is a potential for health risks. As described in Section 6.3.1 of the Draft EIR, alternate sites were considered but ultimately rejected from evaluation as a project alternative because the applicants do not own any other waterfront property in the area and would not be able to easily acquire an alternate site with the combination of functional amenities needed to accommodate both the VMT and Orcem project components.

Letter I23

Commenter: Alan Barker

Date: November 2, 2015

- I23-1** This comment alleges that the Draft EIR is inadequate on emission mitigation associated with ships running 24/7 and shore power. Please refer to Master Response 3 for information regarding proposed mitigation for ship emissions.
- I23-2** This comment defines shore power and states that it eliminates emissions associated with running vessels in port. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I23-3** This comment provides information on the origin of cold ironing for cargo ships and states that shore power mitigates harmful emissions from diesel engines while in port. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. However, Master Response 3 further explores the issue of emissions from berthing ships.
- I23-4** This comment asserts that of the 31 states with anti-idling laws California has the most codes and regulations and that the California Air Resources Board (CARB) has enacted numerous laws that regulate idling. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I23-5** Commenter asks if shore power was determined to be infeasible from an economic perspective for VMT and Orcem. Please refer to Master Response 3 for information regarding mitigation for emissions from ships.

- I23-6** This comment expresses the opinion that the citizens are not okay with the lack of shore power mitigation due to high costs. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please refer to Master Response 3 for information regarding mitigation for emissions from ships.
- I23-7** Commenter asks how much money it would cost to add shore power to the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please refer to Master Response 3 for information regarding mitigation for emissions from ships.
- I23-8** Commenters questions if VMT and Orcem are aware of any federal, state or local anti-idling laws pertaining to vessels in port. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please refer to Master Response 3 for information regarding mitigation for emissions from ships.

Letter I24

Commenter: Alan Barker

Date: November 2, 2015

- I24-1** This comment alleges that the Draft EIR is inadequate regarding mitigation of LEED construction in Phase I with regard to GGBFS (ground-granulated blast furnace slag). The project does not propose to apply for LEED certification and is therefore not required to include mitigation related to LEED construction.
- I24-2** This comment provides information regarding LEED (Leadership in Energy and Environmental Design) certification. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I24-3** This comment provides information of GGBFS. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I24-4** Commenter asks what level of LEED certification would be achieved by the project in Phase I of construction. Refer to response to comment I24-1 above.
- I24-5** Commenter asks what percentage by volume will portland cement be replaced by GGBFS on average. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I24-6 Commenter asks where the GGBFS components come from for construction of the proposed project. GGBFS components are not proposed as part of project construction.

Letter I25

Commenter: Alan Barker

Date: October 29, 2015

I25-1 This comment alleges the Draft EIR is inadequate in addressing the environmental impact of tree planting on emission reduction benefits. The project does not consider the planting of trees as an emission reduction benefit. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I25-2 Commenter states that the tree survey included in Appendix E-2 was completed for the previous applicant not VMT and Orcem. As discussed in Section 3.3.2, Existing Conditions, an updated biological survey and site visit was completed by a Dudek biologist in April 2014. The Biological Resources Assessment (included as Appendix E-3) states that the tree survey completed in 2008 was subsequently reviewed by a Dudek arborist in 2014 and determined to be complete.

I25-3 This comment claims that the Tree Survey is inadequate for discussion on the addition of trees as mitigation since only the general area project description has not changed since the report was completed in 2008. Please refer to the response to comment I25-2 above.

I25-4 This comment asks about the emission reduction benefits of adding trees as mitigation. The Draft EIR does not consider the planting of trees as an emission reduction benefit as this particular mitigation is not suited for this project site. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I25-5 This comment requests that mitigation include replacement of dead trees and a 20% increase, minimum of 100 trees, be added. Refer to Section 3.3.4 Biological Resources for the discussion of the proposed project's impact on trees.

I25-6 This comment requests that the applicant fund a City-wide tree survey as part of mitigation because having an inventory allows for benefits to be quantified. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I25-7** Commenter asks if VMT/Orcem would be willing to fund a City-wide tree survey. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I25-8** Commenter asks if applicant would allow a public access trail across the hillside with trees between Sandy Beach Road and Lemon Street as part of BCDC mitigation. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.

Letter I26

Commenter: Alan Barker

Date: October 28, 2015

- I26-1** This comment expresses the opinion that the Draft EIR is inadequate dealing with the proposed VMT and Orcem 24/7 hours of operation. Concerns included in this letter regarding the proposed 24/7 hours of operation are addressed in responses to comments I26-3 through I26-10 below.
- I26-2** This comment quotes the Section 7.84.010 of the Vallejo Municipal Code regarding loud unnecessary and unusual noise. Refer to Noise Section 3.10.4 of the Draft Final EIR for further discussion of the Vallejo Municipal Code. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I26-3** This comment questions the adequacy and accuracy of the noise calculations done by AWN Consulting for the Draft EIR. The noise analysis prepared by AWN was peer-reviewed by Dudek and found to be adequate prior to inclusion in the EIR.
- I26-4** This comment provides an example from Appendix K-2 claiming that the VMT site incorrectly includes the Sandy Beach residences. The project boundary line on this Figure is meant to simply visually portray the general study area and does not refer to specific parcels, thus although it is adjacent to the Sandy Beach community it does not indicate that VMT owns any of these properties. The comment also states that preliminary independent decibel checks differ from AWN established DB baseline for this site (LT 1 Sandy Beach residences). These ‘preliminary independent decibel checks’ are not attached to the comment and thus cannot be considered.
- I26-5** This comment asserts that the Draft EIR should not view the adjustment of 24/7 noise as a reduction of the operation (such as the 25% reduction in production and

throughput volumes) as reflected in the Reduced Scale Alternative but rather should consider adjustment to the 24/7 noise as a scheduling issue to more accurately comply with City Municipal Guidelines and ordinances. This comment also notes that not all activities are 24/7 such as administrative, maintenance and some loading and unloading. As noted in the Project Description and in Section 3.10 of the FEIR, the loading and unloading of trains is no longer a 24/7 operation which reduces noise impacts from the project. Other operations were not found to have significant impacts and could still occur 2 hours a day.

- I26-6** This comment expresses the opinion that the noise effects related to 24/7 operation is the “elephant in the room.” This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I26-7** This comment suggests that the Draft EIR consider adding revised hours such as 6:00 a.m. to 10:00 p.m. to the 6.4.2 Revised Operations Alternative. This comment is noted.
- I26-8** This comment references the 25% Reduced Scale Alternative and asks what the dollar amount is that would make this infeasible. One of the factors that can be taken into account when determining feasibility of alternatives is economic viability. If the alternative is determined to not be economically viable then it is infeasible and is not required to be examined under CEQA. Please refer to Section 15126.6 of the CEQA Guidelines for additional information.
- I26-9** This comment asks if the applicants, Dudek or Awn are aware of any other guidelines, ordinances, or civil procedures related to noise management and 24/7 operations relating to CEQA. All relevant federal, state and local regulations and ordinances related to noise and applicable to the proposed project are discussed in Section 3.10.1 Regulatory Setting of the Draft Final EIR.
- I26-10** This comment asks if the applicant will redo the Draft EIR noise level testing for the LT 1 Sandy Beach area. Please refer to the response for comment I26-4 for information regarding the noise testing for LT-1 Sandy Beach residences.
- I26-11** This comment expresses appreciation for the opportunity for input on the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I27

Commenter: Alan Barker

Date: October 27, 2015

- I27-1** This comment alleges that the Draft EIR is inadequate in dealing with proposed annexation of land and its impact on the Public Trust Doctrine.
- Concerns included in this letter regarding the annexation of land in the Draft EIR are addressed in the response to comments I27-2 through I27-13 below.
- I27-2** This comment references Figure 2-2 of the Draft EIR and quotes information provided in the Draft EIR regarding the change of 5.25-acres of land from “Open Space Community Park” to a General Plan designation of “Employment” and zoning of “Intensive Use.” The information in this comment is consistent with what was written in the Draft EIR. However, in the Draft Final EIR the project proposes to relocate the storage shed to the northern portion of the project site and is no longer requesting the annexation and rezone of the 5.25 acres.
- I27-3** This comment quotes a portion of the Draft EIR discussion on cumulative impacts to land use and planning. This information is consistent with what was written in the Draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I27-4** This comment expresses the opinion that the cumulative impact from re-designation of land would be significant and claims the Draft EIR has not adequately addressed alternatives. Please refer to the response for comment I27-2 above.
- I27-5** This comment references Figure 1-3 and claims that the 5.25-acre parcel is property of the State of California and that the public currently has access to the tidelands laterally from the south consistent with the Public Trust Doctrine. This comment also claims that this property is used daily by the public for fishing, walking, bird watching, kayaking and other recreational activities and that no fence limiting public access to this property has been functional for the last decade. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone impacts determined to be significant and unavoidable due to this rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 (a) and (d) of the Draft Final EIR.

- I27-6** This comment suggests an alternative that does not annex this parcel of land. Please refer to the response for comment I27-2 above.
- I27-7** This comment claims that by moving the maintenance shed and outside storage to a different site within the project, it would free the 1.99-acres from Homeland Security restrictions which would be an improvement consistent with the Project Requirements and grant direct upland public access to the tidelands. Please refer to the response for comment I27-2 above.
- I27-8** This comment claims the 5.25-acre portion is subject to the California State Lands Commission Public Trust Doctrine and is also within the jurisdiction of BCDC, which are agencies subject to Executive Order S-13-08. Please refer to the response for comment I27-2 above.
- I27-9** This comment asks the applicant to consider one of the following ways to preserve the “Open Space Community Park” designation: a deed restriction on the property to grant public access, a land exchange with the California State Lands Commission, on-site mitigation for loss of public access to leasehold property with BCDC, or gifting land to Solano County Recreational District. Please refer to the response for comment I27-2 above.
- I27-10** This comment asks why there has been no other on-site mitigation alternative to the loss of public access to the leasehold parcel due to Homeland Security restrictions. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I27-11** This comment asks why the kayak launch discussed in the Draft EIR is possible off-site mitigation. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I27-12** This comment asks if the Draft EIR can advance to the Draft Final EIR without approved BCDC mitigation. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I27-13** This comment asks what mitigation would be proposed for Phase 2 of the project. Since the publication of the Draft EIR, VMT has removed Phase 2 from the proposed project. Section 2.4, Project Description, contains an updated description of both project components.

- I27-14** This comment states that questions have been forwarded to Lieutenant Governor Gavin Newsom of the State Lands Commission and expresses appreciation for the opportunity to provide comments on the Draft EIR. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

Letter I28

Commenter: Alan Barker

Date: October 26, 2015

- I28-1** This comment expresses the opinion that the Draft EIR is inadequate because two federal agencies are involved in the project and therefore the project should require a joint CEQA-NEPA review. The National Environmental Policy Act (NEPA) only applies to discretionary actions undertaken by a federal agency. Federal actions include actions funded by federal monies, actions on federal lands, actions requiring a discretionary federal permit, or actions proposed by a federal agency. The proposed project is not considered a federal action because it does not require action by a federal agency. CEQA is the appropriate review for this project.
- I28-2** This comment states that the first federal agency involved is the Department of Homeland Security, since VMT would be a controlled site and no public access is allowed. This information is consistent with what was written in the Draft EIR. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.
- I28-3** This comment claims that the EPA has the responsibility to prepare its own NEPA document for compliance under Section 309 of the Clean Air Act in order to review the environment impact statements of other federal agencies and to comment on the adequacy and acceptability of the environmental impacts of the proposed action. The EPA is a responsible agency for the proposed project. As discussed in Section 1.6.2 of the EIR a responsible agency is an agency, other than the lead agency, with discretionary authority over a project or aspect of a project. The responsible agencies may use the information contained in the EIR when considering authorization of permits for the proposed project. Please refer to Section 1.6.2 for additional information.
- I28-4** This comment claims the second federal agency involved is the parent agency U.S. Department of Defense, U.S. Department of the Navy who owns/controls a navigational jetty within one mile of the proposed project site. This comment also

claims the federal property is located adjacent to Sandy Beach area and that the jetty is in a state of disrepair which increased ship traffic would cause to fail creating an environmental impact. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I28-5 This comment expresses the opinion that a joint EIR-EIS should be prepared. Please refer to the response for comment I28-1 above.

I28-6 This comment quotes a Section 15170 of the CEQA Guidelines regarding the preparation of a joint EIR-EIS document. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I28-7 This comment asks that a new Draft EIR be implemented prior to proceeding to the Draft Final EIR and include NEPA. This comment also asks that the public review period for this EIR-EIS start over to allow for comments on the NEPA portion of the Draft. Please refer to the response for comment I28-1 above.

I28-8 This comment asks if a joint EIR-EIS will be filed and why, and if any other corrective actions will be taken to include NEPA review. Please refer to the response for comment I28-1 above.

I28-9 This comment states that questions have been forwarded to Congressman Mike Thompson and expresses appreciation for the opportunity to provide input on the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I29

Commenter: Alan Barker

Date: October 30, 2015

I29-1 This comment expresses the opinion that the Draft EIR is inadequate on mitigation associated with water use. Refer to response to comment A2-5 for more information regarding mitigation for fill.

I29-2 This comment summarizes information from the Draft EIR related to water demand including a statement that Orcem plans to recapture and reuse a substantial portion of processed water. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I29-3 This comment asks what VMT and Orcem's specific plans are to recapture and reuse water. Refer to Chapter 2 Project Description and Section

3.13 Utilities and Service Systems, of the Draft Final EIR for information on proposed water use and reuse.

- I29-4** This comment states that the project would require a combined maximum of 46,082 gallons of water per day and asks of that combined amount, how many gallons would be reclaimed water. Water recycling is not currently performed by Vallejo Sanitation and Flood Control District facilities. Refer to Section 3.13 Utilities and Service Systems, of the Draft Final EIR for information on proposed water use and reuse.
- I29-5** This comment summarizes information provided in the Draft EIR on the Ryder Street Wastewater Treatment Plant (WWTP). This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I29-6** This comment claims that the Ryder Street WWTP releases 6 million gallons of treated wastewater into the Napa River per day. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I29-7** This comment provides information on the three types of recycled water listed in the California Code of Regulations under Title 17 and Title 22 and states that currently the Ryder Street WWTP is unable to distribute water to Vallejo citizens because they are unable to meet the standards for unrestricted use. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I29-8** This comment summarizes information on recycled water that has been oxidized and disinfected to reduce median levels of coliform to below 23 per 100 milliliters stating that it can be used for irrigation of non-crop vegetation and must be used at times and places where public access is limited. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I29-9** This comment asks if the applicants would help Ryder Street WWTP develop a pilot site-specific plant to distribute secondary recycled wastewater. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I29-10** This comment asks if the applicants would consider using reclaimed wastewater for industrial use on the site where public access is limited. Please refer to the response to comment I29-4.

Letter I30

Commenter: Alan Barker

Date: October 29, 2015

- I30-1** This comment expresses the opinion that the Draft EIR is inadequate on mitigation associated with the future costs due to increased traffic. Please Refer to Section 3.12.5 of the Draft Final EIR for the full list of traffic mitigation measures and the proposed fair-share cost allocations for traffic improvements.
- I30-2** This comment provides the full text of mitigation measure MM-3.12-4. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I30-3** This comment expresses the opinion that it is going to cost a lot of money to improve roads and maintain them due to the increased traffic from the proposed project. Please Refer to Section 3.12.5 of the Draft Final EIR for the full list of traffic mitigation measures and the proposed fair-share cost allocations for traffic improvements.
- I30-4** This comment suggests that a fee/toll per truck be implemented instead of calculation of fair-share cost allocations for traffic improvements and provides examples of such a system could work. This suggestion is noted but since the comment does not include a specific comment on the adequacy or accuracy of the Draft EIR, no further response is included.
- I30-5** This comment expresses the opinion that a price per truck plan would be a negotiating point that would simplify the process and make it transparent to the public while offering economic incentives to the applicant to reduce truck traffic and utilize alternative methods such as rail or barge transport. This suggestion is noted but since the comment does not include a specific comment on the adequacy or accuracy of the Draft EIR, no further response is included.
- I30-6** This comment asks if the applicant would agree to a simplified cost per truck plan for road improvements and maintenance. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.
- I30-7** This comment asks if the applicant would recommend GGBFS be used for road improvements by the Vallejo Public Works Department. This comment does not

include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

Letter I31

Commenter: CJ Bartlett

Date: November 2, 2015

- I31-1** This comment asks why the commenter heard about the project through friends and not through the City. Please refer to Master Response 10 for information regarding community outreach.

Letter I32

Commenter: Gaylene Bartlett

Date: November 2, 2015

- I32-1** This comment asks what the plans are for handling traffic problems on Lemon Street. Please refer to Section 3.12 Transportation and Traffic of the Draft Final EIR for the discussion of traffic impacts and mitigation measures.

Letter I33

Commenter: Gaylene Bartlett

Date: October 5, 2015

- I33-1** Commenter states she moved to Vallejo to be closer to the thriving Bay Area art scene and she loves the Carnevale Fantastico Renaissance and Cultural Festival, the downtown art scene, and farmers market. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I33-2** This comment claims Orcem will bring water and air pollution and only a small return in employment opportunities. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I33-3** This comment asks for consideration of the impact of a facility such as Orcem on the National Landmark of the shipyard and the Mare Island Shoreline Preserve. Impacts to historic resources are examined in Section 3.4 Cultural Resources of the Draft Final EIR.

- I33-4** This comment asks for inclusion of the additional impact of the drought on Vallejo's water resources as well. Refer to Section 3.13 Utilities and Service Systems and analysis of impacts related to water supply.
- I33-5** Commenter expresses adoration for this area and questions if the environmental impact won't end up costing more in the long run than a cement factory. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I34

Commenter: Paula Bauer

Date: November 2, 2015

- I34-1** This comment questions why a separate Draft EIR was not prepared for the handling of portland cement. There is no separate Draft EIR for the production of portland cement because it is incorporated and analyzed throughout this EIR. In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The analysis of impacts includes Orcem operations in each of the three production modes or the worst-case scenario. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.
- I34-2** This comment alleges no consideration in the Draft EIR is given to the environmental hazards of portland cement and asks what factors went into determining not to include portland cement in the current Draft EIR. Please refer to the response for comment I34-1 above.

- I34-3** Commenter asserts that intent to mitigate is not sufficient for CEQA and requests that the Draft Final EIR includes actual mitigation measures for Impact 3.3-1 and others where the Draft EIR only provides a statement that mitigation will be created in the future. As discussed in Biological Resources Section 3.3.5 of the Draft EIR, mitigation measure MM-3.3-1, describes standard procedures for determining the presence of nesting birds and requires consultation with the California Department of Fish and Wildlife to determine appropriate buffers if birds are found. This does not represent intent to create mitigation in the future; however, the extent of mitigation would be dependent on the timing of construction and results of the pre-construction surveys.
- I34-4** This comment asks what procedures are in place to ensure that materials being transported to VMT are not polluted or contaminated. VMT would be regulated by federal, state, and local policies, and required to comply with regulations of the U.S. EPA and California EPA related to shipping, maritime security, and hazardous materials. Applicable regulations are described in Section 3.7.1 Regulatory Setting of the EIR. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.
- I34-5** This comment asks what procedures are in place to ensure that ships do not carry invasive species. The threat of invasive species as a result of the proposed project is discussed in Section 3.3.4, Impact Discussion (E) of the EIR. As described in this section, the project would be required to comply with the Marine Invasive Species Act, which requires implementation of ballast water management practices, and mitigation measure MM-3.3-9, which would require that an Invasive Species Control Plan be developed and implemented prior to any in-water deconstruction activities. For these reasons, potential impacts related to threat of invasive species would be reduced to a less-than-significant level.
- I34-6** Comment asks who at VMT/Orcem is responsible for ensuring the quality of materials, including slag, entering the port and what agency will oversee compliance. Please see the response to comment I20-4 above.
- I34-7** This comment questions the benefit of subsidizing bus passes when there are no bus routes to the project site. Subsidizing bus passes would be just one way that the project would encourage use of public transportation by employees. Additional methods could include notification of the RideMatch service, implementation of the project's own worker ridership program, and inclusion of adequate bike parking. Soltrans Route 3 provides bus service to the area

surrounding the project site. Multiple stops are available along Porter Street, with the stop at Porter and Winchester being the closest to the project site. For more information on mitigation measures encouraging commuting alternatives please refer to mitigation measure MM-3.6-2a in Section 3.6.5 Mitigation Measures of the Draft Final EIR.

- I34-8** This comment questions what mitigation benefits are accomplished by providing employee showers. Showers would be provided on site as part of the mitigation to encourage use of alternative transportation, such as biking or walking to work. For more information on mitigation measures encouraging commuting alternatives please refer to mitigation measure MM-3.6-2a in Section 3.6.5 Mitigation Measures of the Draft Final EIR.
- I34-9** Commenter questions why mitigation measures for impacts 3.2-1 and 3.2-5 were determined to be infeasible and who was consulted to arrive at that conclusion. Impacts 3.2-1 and 3.2-5 involve the proposed rezoning of the 5.25-acre portion of the site. The rezoning of this portion of the project site is no longer being proposed as part of the project in the Draft Final EIR. Without the proposed rezoning these impacts would be reduced from significant and unavoidable to less than significant. Updated conclusions are provided in Section 3.2.4 (A) and (C) of the Draft Final EIR.
- I34-10** Commenter references Table 3.9-2 and asks how increased capacity for cargo shipping is a substantial public benefit for Vallejo. Cargo shipping would bring business back to a site that is currently vacant. As stated in Chapter 2 Project Description of the EIR, the project would generate both short term construction jobs and long-term jobs in the project area.
- I34-11** This comment expresses concern for the lack of an environmental justice report. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I34-12** Commenter inquires who will determine who is hired and what is the hiring standard when an engineer, surveyor, biologist or other specialist is required for implementation of a mitigation measure. The City will be responsible for approving the professionals hired to implement the required mitigation measures for the project. Refer to Master Response 7 for more information regarding the MMRP for the EIR.
- I34-13** This comment expresses concern that conducting a survey is not sufficient mitigation for Impact 3.4-5 because there is no assurance that it will be used to

take any actions. As described in Section 3.4.5 of the EIR, mitigation measure MM-3.4-2a requires the completion of a Historic American Building Survey (HABS) prior to issuance of demolition or site permits. The purpose of the HABS is to prepare a written Narrative Report which includes measured drawings, photographs, and oral history in order to create and install the permanent interpretive exhibits as required by mitigation measure MM-3.4-2b. For a full text of both Mitigation Measures MM-3.4-2a and MM-3.4-2b please refer to Section 3.4.5 Mitigation Measures of the Draft Final EIR.

The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time.

I34-14 Commenter asks why restricting use of the hillside through a covenant is not a feasible mitigation strategy for impacts 3.2-1 and 3.2-5. Please refer to the response for comment I34-9 above.

I34-15 This comment requests that loss of revenue to the City due to decreased property values be included in the revised EIR. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I35

Commenter: Connie Beckmann

Date: October 20, 2015

I35-1 This comment alleges an error on page 136 of the EIR in the calculation of loads of aggregate per day during Mode 2 of operations when all raw materials would be delivered by truck. It is unclear from this comment where the information being questioned is found in the EIR. The EIR does not include a page 136.

Letter I36

Commenter: Connie Beckmann

Date: October 20, 2015

- I36-1** This comment asserts that the calculation error (comment I35-1) logarithmically affects all sound and traffic analysis in the study making all preliminary reviews worthless. Please refer the response for comment I35-1 above.

Letter I37

Commenter: Milagros Berrios

Date: October 1, 2015

- I37-1** This comment expresses the hope that Orcem will not open up in Vallejo because the commenter and his family live there, work, play and breathe in the area where the plant would open. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I37-2** Commenter states that he and his child already suffer from severe asthma and it would likely only worsen due to the effects of the plant output. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.
- I37-3** Commenter also states that he works at Grace Patterson and expresses concern for the effects the plant would have on the children and families that attend and work at the school. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter I38

Commenter: Melissa Bowman

Date: October 7, 2015

- I38-1** This comment expresses concern for hearing damage to marine animals during the initial stages of construction. As described in Section 3.3.5 of the Draft Final EIR, impacts from noise on marine life would be significant; however, implementation of mitigation measures MM-3.3-5 and MM-3.3-6 would reduce the impacts of noise from pile driving to below a level of significance.

Letter I39

Commenter: Melissa Bowman

Date: November 1, 2015

- I39-1** This comment requests that satellite photos of Orcem plants abroad and the surrounding environment be made available. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR.
- I39-2** This comment asks from which Asian countries will slag be imported and how their contents will be examined for legal, intended import. VMT would be regulated by a range of federal and state regulations and standards related to shipping, maritime security and hazardous materials. Compliance with required federal and state regulations is beyond the City's responsibility to monitor.
- I39-3** This comment questions if garbage coming from the Port of San Francisco would be coming through VMT. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Garbage from San Francisco is not listed as a commodity that could be imported or handled by VMT. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- I39-4** Commenter asks about the cancer risk from the proposed project compared to the cancer risk of eating bacon and red meats (17% as revealed recently by the World Health Organization). Please refer to Section 3.2 Air Quality and Appendix D-1 of the Draft Final EIR for more information on health impacts of the project.
- I39-5** This comment asks about benefits to South Vallejo. CEQA does not require the evaluation of environmental benefits of a proposed project.
- I39-6** This comment questions if Orcem would minimize or fully eliminate portland cement production in the products over the course of the 65-year rental term. As described in Chapter 2 of the Draft Final EIR, if the project is approved, Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. There is no requirement for Orcem to minimize or eliminate portland cement production as part of the project.

- I39-7** The commenter asks which historically significant structures would be open to the public. As described in Chapter 2, Project Description, of the Draft Final EIR, public access to the project site would not be permitted due to restrictions imposed by the U.S. Department of Homeland Security related to maritime shipping operations.

Letter I40

Commenter: Kathryn Brock

Date: October 26, 2015

- I40-1** This comment summarizes the commenter's main considerations when moving to Vallejo which were clean air and good quality drinking water. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-2** Commenter states personal history of living in an area where the rate of lung cancer and respiratory ailments was high due to operations of Port of Long Beach and the Port of Los Angeles. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-3** This comment states that diesel fuel soot and smell are hard to get rid of once it is in your living space and breathing it in will get it stuck in your lungs as well. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-4** This comment asks if the applicant is willing to install filtering systems in every home in Vallejo to clean air coming into homes from the windows. This is not a requirement identified in the Draft Final EIR and is not required to be implemented to reduce potential impacts.
- I40-5** This comment states that many workers at the Port of Long Beach don't spend money in Long Beach and don't live there because of the toxins in the air. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-6** This comment alleges that the project would result in toxic drift over all of Vallejo and the City and the cement company will be plagued by continuous lawsuits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I40-7** This comment asserts that once one toxic industry is approved in the neighborhood then a flood of other toxic industries will want to be in Vallejo as well. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-8** This comment expresses concern for ongoing lung damage from the proposed project and claims that Vallejo will require special respiratory clinics for residents. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-9** This comment expresses skepticism that jobs would be given to people of Vallejo since many don't graduate high school and lack basic skills. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-10** Commenter expresses intent to vote out all City officials who are in favor of this project and replace them with environmentally sensitive employees. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-11** This comment asserts that many Planning Commission members and employees in favor of the project do not live in Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I40-12** This comment expresses concern for real estate values dropping and not ever being able to reach their full bay area potential. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I40-13** This comment is concerned with how air quality will be monitored, by who, and if residents will be active participants in monitoring efforts. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.
- I40-14** This comment expresses concern for who is going to pay for air quality monitoring and what would happen if it is less than acceptable. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.
- I40-15** This comment questions what the process would be for shutting down an industry that does not meet air quality monitoring requirements. The process for

enforcement of noncompliance, including provisions for administrative appeal, is subject to individual lead and responsible agency discretion. In addition, as part of its permitting process, the BAAQMD stipulates operating, air quality monitoring, air quality measurement, recordkeeping conditions, and backstop measures, in accordance with its rules and regulations, and enforcement procedures. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

- I40-16** This comment expresses concern for if the City would support the citizens or the industry if air quality monitoring requirements are not met. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I41

Commenter: Stephen Brock

Date: September 29, 2015

- I41-1** This comment asks if there is a potential for the project to decrease home values. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I42

Commenter: Peter Brooks

Date November 2, 2015

- I42-1** This comment asks why the Appendix L.5.4 lists the jurisdiction as Sonoma County not Solano County. This is a typographical error in the source document that does not affect document conclusions.

- I42-2** This comment asks why the analysis year of 2040 was chosen for the traffic impact analysis. 20 – 25 years is commonly chosen as an appropriate planning horizon as it represents a balance between predictable conditions and future protection.

- I42-3** This comment asks about the location of the Glen Cove Parkway to Laurel Street segment analyzed for the project and how it is related to the analysis for Orcem and VMT. Several freeway facilities were chosen for analysis to represent the various distribution directions that could see impacts as a result of the project.

- I42-4** This comment questions what materials are needed to mix with slag to make GGBFS. As described in Project Description Section 2.4.2.2 Orcem Operation of

the Draft Final EIR, the final GGBFS product would be made with GBFS and a small quantity of anhydrite/gypsum.

- I42-5** This comment asks how raw materials would be brought to the site and how they will be stored on site. Please refer to Project Description Section 2.4.2.2, Orcem Operation, of the Draft Final EIR for this information.
- I42-6** This comment asks what the estimated annual tonnage would be of each material needed to mix with slag. Please refer to Project Description Section 2.4.2.2, Orcem Operation, of the Draft Final EIR for this information.
- I42-7** This comment asks what the estimated annual tonnage of portland cement stored on site would be. Please refer to Project Description Section 2.4.2.2, Orcem Operation, of the Draft Final EIR for this information.
- I42-8** This comment questions how portland cement would be brought to the site. Please refer to Project Description Section 2.4.2.2, Orcem Operation, of the Draft Final EIR for this information.
- I42-9** This comment asks how portland material would be used in the mixing process, how it would be stored on site, and what precautions would be taken to ensure it does not escape into the air or water. Please refer to Project Description Section 2.4.2.2, Orcem Operation, of the Draft Final EIR for this information. Also, please refer to response to comment O4-40. Additional information regarding potential impacts to air quality and water quality is provided in Sections 3.2 and 3.8 of the Draft Final EIR, respectively.
- I42-10** This comment questions how manufacturing, storage, handling and transportation operations would change if portland cement were manufactured. Operation of the plant would remain the same whether GGBFS or portland cement was being produced.
- I42-11** This comment asks if manufacturing of portland cement would require a new EIR. Manufacturing of portland cement would not require a new EIR because the impacts of manufacturing portland cement are thoroughly analyzed in the Draft Final EIR. Refer to Project Description Section 2.4.2.2 Orcem Operation of the Draft Final EIR for the discussion of Orcem’s operating modes that are evaluated in the EIR.

Letter I43

Commenter: Peter Brooks

Date: September 29, 2015

- I43-1** This comment asks if the 45-day comment period can be extended. The City extended the original 45-day public review period to 60 days based on the complexity of the project and the technical nature of the associated environmental issues.

Letter I44

Commenter: Peter Brooks

Date: October 7, 2015

- I44-1** This comment asks if VMT would bring in garbage from San Francisco. A list of materials that could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Garbage from San Francisco is not included in the list of materials that could be handled by VMT. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter I45

Commenter: Peter Brooks

Date: October 7, 2015

- I45-1** This comment asks if VMT/Orcem could reduce their hours of operation from 9:00 a.m. to 5 p.m. Monday through Friday. The Orcem facility will operate 24 hours a day as previously described, however the Draft Final EIR does describe reductions to reduce noise impacts. As discussed in Section 2.4.2.1 and Section 3.12.6 of the Draft Final EIR, the California Northern Railroad is independently owned and the City does not have jurisdiction over the railroad. All rail operations, including the loading and unloading of rail cars would be limited to the hours of 7:00 AM to 10:00 PM.

Letter I46

Commenter: Peter Brooks

Date: October 28, 2015

- I46-1** This comment summarizes the Draft EIR stating that peak runoff from the site would be reduced by a combination of three factors including the removal of the existing warehouse building at the site entry.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I46-2** This comment asks how runoff rates would be affected if the existing warehouse building at the site entry were not removed. This comment is not relevant to the proposed project because the existing warehouse building would be removed at buildout. As stated in Draft EIR pg. 2-9 “The existing 42,500 square foot Warehouse Building (No. 11 in Figure 2-1) and 4,700 square foot Bakery Bulkhouse (No. 12 in Figure 2-1) would be demolished in order to accommodate rail access and an area for transferring (transloading) goods and materials to or from rail cars, and to establish efficient terminal logistics.” The continued use of the Warehouse Building prior to construction of the rail access area would not conflict with stormwater collection, conveyance and treatment systems proposed under the VMT’s stormwater control plan. This is shown on the revised Figure 3.8-2.
- I46-3** This comment asks if the plan to direct runoff to the vegetated swales, storm drain system, and bio-basin would still work if the existing warehouse building at the site entry were not removed. As indicated in comment response I46-2, the bio-retention basin would not be located within the footprint of the existing warehouse and can be installed prior to its demolition.
- I46-4** This comment summarizes the Draft EIR stating that debris and pollutants from unloading and/or vehicle operations can be adequately filtered prior to discharge. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I46-5** This comment asks for examples of debris and pollutants and an explanation of how the filtration process works. Descriptions of the stormwater best management practices (BMPs) and their purpose and function are provided in Appendix J-1, Section 3, and description of the pollutant sources that would be exposed to stormwater are provided in Section 4. The primary method of stormwater filtration is use of a bio-retention basin, which allows stormwater to accumulate

and pond on-site, settles out suspended solids and infiltrates the stormwater through engineered soil media prior to discharge to the bay. Appendix J-1 addresses the requirements of the Municipal Regional Permit (MRP), though the project also must demonstrate compliance with the Statewide Industrial General Permit (IGP). The Applicant will not be authorized to construct and operate the facility without first obtaining coverage under the IGP. Draft EIR pgs. 3.8-20 through 3.8-22 has been amended to clarify the requirements of the IGP and discuss how the project would comply. The IGP emphasizes use of active treatment systems (e.g., pre-settlement tank and multiple filtration systems, as necessary) that target industry and site specific pollutants prior to discharge, as well as stormwater effluent testing during each qualifying rainfall event. The requirements of the IGP where more stringent than those of the MRP will govern.

I46-6 This comment asks how it is determined how much debris and pollutants would be entering the filtration system from the VMT operation vs. the Orcem operation. Appendix J-1 addressed the VMT operation only, whereas Appendices J-2 and J-3 address the Orcem operation. Appendix J-4 has been added to the Draft Final EIR to update and provide additional detail on the active stormwater treatment system to be provided for the Orcem Site. Each operation (VMT and Orcem) will have a separate stormwater collection, conveyance and treatment system designed to meet the water quality standards and performance criteria outlined in the MRP and IGP and protective of receiving water quality, including the Bay-Delta and the underlying groundwater.

I46-7 This comment summarizes the Draft EIR stating that the existing warehouse building would be removed and the area paved and topped with gravel and a bio-basin and vegetated swales would be added to the site to increase landscape pervious areas.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I46-8 This comment asks for an explanation of where the bio-basins and vegetated swales would be placed if the existing warehouse was not removed. As indicated in comment response I46-2, the bio-retention basin would not be located within the footprint of the existing warehouse and can be installed prior to its demolition.

I46-9 This comment summarizes the Draft EIR stating that gravel/stockpile area runoff has minor infiltration and the remainder is directed to the storm drain system or to the bio-basin. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I46-10** This comment asks for an explanation of why some gravel/stockpile runoff goes to the bio-basin while other runoff is diverted to the storm drain system. As indicated Section 3.8 of the EIR and Figure 3.8-2, all surface runoff on the VMT site is directed to the storm drain system, which collects runoff and delivers it to the bio-retention basin. In all but the most severe storms (i.e., those exceeding a 10-year recurrence interval), the bio-retention basin is the last stop in the storm drain system, not the bay.
- I46-11** This comment references Table 4-1 of Appendix J-1 which states that storm drain inlets would be marked with the words “No Dumping! Drains to Bay.” This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I46-12** This comment asks for an illustration on the site map which areas on the site “Drain to Bay” and which areas go to filtration and treatment. All areas would drain the stormwater quality BMPs described in Appendix J-1, namely the bio-retention basin; only in storms exceeding a 10-year recurrence interval would stormwater be discharge to the bay. The “Drain to Bay” is for public educational purposes to prevent unauthorized non-stormwater discharges.
- I46-13** This comment asks for an explanation why some storm drain inlets drain to the Bay without filtration and treatment. All areas would drain to the stormwater quality BMPs described in Appendix J-1, namely the bio-retention basin; only in storms exceeding a 10-year recurrence interval would stormwater be discharge to the bay. The “Drain to Bay” is for public educational purposes to prevent unauthorized non-stormwater discharges.

Letter I47

Commenter: Patricia Brown

Date: October 8, 2015

- I47-1** This comment states that Vallejo has a rich maritime heritage that has waned along with the middle class jobs it sustained. The commenter welcomes the marine terminal component of the proposed project that links to the rail lines as well as the Orcem plant project component. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I47-2** This comment expresses the commenters concerns about the truck traffic planned on Lemon Street. The commenter asks how residents and pedestrians will be protected from noise and dust stirred up by the trucks. Refer to Draft Final EIR

sections 3.2, Air Quality, and 3.10, Noise, for analysis of potential impacts associated with dust and noise from trucks.

I47-3 The commenter would like to know if the restriction of trucks to non-commute hours and the use of newer model lower emission trucks would apply to all the future VMT tenants. Future VMT tenants would be assessed individually to determine if their operation would require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

I47-4 This comment asks if it would be possible to create a physical separation from the project trucks. The commenter would like to know if Lemon Street could be lined with trees and if Sonoma Boulevard could be beautified. Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12 Transportation and Traffic of the EIR. As described in Section 3.12.4, construction of the project would result in temporary impacts on traffic operations and non-vehicular mobility; however, implementation of mitigation measure MM-3.12-1 would require the repair of any damage to the street caused by project construction vehicles at the expense of the applicants. In addition, mitigation measure MM-3.12-3 would require physical improvements to Lemon Street in order to provide safe and efficient vehicle movements during operation of the proposed project

Letter I48

Commenter: Alana Buck

Date: October 13, 2015

I48-1 This comment asks how many of the generated jobs would go to Vallejo residents. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I48-2 This comment asks what percentage of taxes from Orcem would go to the City. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I48-3 This comment questions what methods are in place to contain the contaminants from the cement processing to keep the air clean. Please refer to Section 2.4.2.2 Orcem Operations of the Draft Final EIR for this information. Each step of the

operation process would include measures to minimize fugitive dust emissions. Also, please refer to response to comment O4-40.

Letter I49

Commenter: Susan M. Burnside

Date: October 7, 2015

- I49-1** This comment questions what chemicals are being used and their level of toxicity for humans and animals. Please refer to Section 3.7 of the Draft Final EIR, Hazards and Hazardous Materials, and Appendix I-9 for more information regarding the potential hazards associated with the materials proposed to be used on the project site.

Letter I50

Commenter: Adam Butler

Date: November 2, 2015

- I50-1** This comment expresses concern for continuing with this project despite all the public outrage. The City is required to fully examine any application deemed complete and requiring environmental review under CEQA.
- I50-2** This comment asks if all the comments at the hearings would be addressed and where. All comments related to the EIR from the public hearings on October 7, 2015 and October 25, 2015 are addressed in this Chapter of the Draft Final EIR. Refer to Section 4.5, Public Hearings, for the full list of comments and responses.

Letter I51

Commenter: Julia Capistran

Date: October 19, 2015

- I51-1** This comment asks what impacts train traffic would have on main intersections and how long residents would have to wait for the trains to cross. This comment also claims that the Draft EIR should say more about this impact. Impacts from rail crossings on traffic and congestion are discussed in Section 3.12.4 of the Draft Final EIR. The proposed project would cause a significant and unavoidable impact due to delays at rail crossings.

Letter I52

Commenter: Jeff Carlson

Date: November 2, 2015

- I52-1** This comment claims that the description in Appendix K-1 of the planning for importing cargo in bulk points to inadequacies of the Draft EIR description of the range of VMT project operations. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- I52-2** This comment asks what materials in aggregate form would be handled by VMT. Please refer to the response for comment I34-1 above.
- I52-3** This comment questions what potential environmental impacts would be associated with the handling of these materials. Please refer to Section 3.7 of the Draft Final EIR, Hazards and Hazardous Materials, and Appendix I-9 for more information regarding the potential hazards associated with the materials proposed to be used on the project site.
- I52-4** This comment alleges that source information in Appendix K-1 for footnote 7 is missing and that Figures 6 and 7 are largely illegible. A specific reference to footnote 7 could not be found in this appendix. The small print on Figures 6 and 7 is not intended to be legible (as this information appears elsewhere where needed for analysis. These figures are included to depict larger routes and locations (clearly shown in red and blue) of project component
- I52-5** This comment cites a statement in Appendix K-1 regarding locomotive warning horns which do not need to be included in the noise assessment as it is considered to be a sound made in the interest of public safety and compliance with Chapter 16 of the Vallejo Municipal Code. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I52-6** This comment claims that in order to consider the full range of impacts and possible mitigation for the EIR, the project requires a noise impact analysis along the entire route of the rail line that would reopen. As described in Section 3.10 of the Draft Final EIR, significant noise impacts would occur as a result of the combined noise associated with on-site project operations and train movements along the rail line. When considered alone, train movements would not result in a

significant noise impact. Consequently, evaluation of noise impacts from project trains on the main rail line and beyond Chestnut Street, is not required.

I52-7 This comment summarizes a discussion from the U.S. Department of Transportation (DOT) about community annoyance due to noise. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I52-8 This comment sites the decibel level for rail transit horns as provided in Appendix K-1 (90 dBA) and states that DOT puts the baseline at 110 dBA for noise from locomotive horns. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I52-9 This comment expresses concern that the train would cross 16 at grade intersection and another 20 places where pedestrians or bicycles might cross the tracks which would require frequent use of warning horns. As noted in Section 3.10, the noise from locomotive warning horns was not included in the DEIR assessment as it is considered to be a sound made in the interest of public safety. Such sounds are considered to be exempt from noise impact assessments per the guidance contained within Chapter 16 of the City's Municipal Code regarding exceptions to the City's noise performance standards (City of Vallejo 2014).

I52-10 This comment alleges that the noise measures used to determine significance of noise impacts did not account for the intrusive impact from transient events much louder than ambient noise levels. The commenter does not include specific information regarding such transient events. Noise analysis is designed to use average ambient noise and cannot be based on infrequent events.

I52-11 This comment asserts that the Draft EIR does not sufficiently analyze impacts on sensitive receptors caused by transient spikes in noise levels related to project operations. Noise analysis must rely on averages, but does take into account any regular spikes (such as commuter traffic) to the extent that these events are known. Also please see response I52-9.

I52-12 This comment claims that the Draft EIR's analysis on increases to ambient levels overtime fails to capture the intrusive nature of noise related impacts from the project. In fact, the analysis in Section 3.10 of the DEIR (and the FEIR) is designed to specifically examine this impact using the following criteria (as described in the analysis:

- Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Please see Section 3.10 for the details of this analysis.

- I52-13** This comment references the Vallejo municipal code's noise performance standard of 60 dBA for residential zones and states from Appendix K-1 that the rail line, which would run through numerous neighborhoods, would have a noise level of 80 dBA. This impact is discussed in Section 3.10, particularly the discussion of operational noise from Rail Traffic.
- I52-14** Commenter references exceptions to the noise performance standards in the Vallejo municipal code and states that although transportation equipment used for the movement of goods would be considered an exception it does not exempt the project from impact analysis under CEQA. As described in Section 3.10, the City's noise ordinance only exempts noise from temporary transportation of goods or people to and from a given project site. This section also notes that noise generating activities (for example construction and maintenance activities and loading and unloading activities) are limited to the hours of 7:00 a.m. to 9:00 p.m. Therefore, short-term construction-related noise associated with worker and equipment transport to the proposed project site was found to be less than significant but this exception was not applied to other aspects of the project.
- I52-15** This comment states that Appendix K-1 lists the noise level from passing trucks at fifty feet as 75 dBA and OPR standards, which are adopted in the Vallejo General Plan, consider noise levels above 70 dBA to be normally unacceptable and should be discouraged. This impact is discussed in Section 3.10, particularly the discussion of operational noise from Truck Trips on Roadway Network.
- I52-16** This comment summarizes that OPR standards classify anything above 75 dBA as clearly unacceptable and asserts that analysis of noise contributions should not be averaged over time and should look at a larger set of receptors. Methods used to analyze noise impacts are clearly described in Section 3.10 and represent industry expected methods for analyzing noise impacts. In particular, Section 3.10.2 describes the selection of noise sensitive receptors for analysis.
- I52-17** This comment alleges that the analysis should include a complete inventory of sensitive receptors including those along the entire length of the rail line and include warning horns. Please see response I52-9 and I52-16.

- I52-18** This comment claims that the analysis should focus on measurements that capture the intrusive nature of transient sounds, like the L_{\max} for transient events, to inform decision makers of the full scope and nature of noise impacts and possible mitigation measures. Please see response I52-16.
- I52-19** This comment claims that the improvements to efficiency and compliance with regional standards presented in the Revised Operation Alternative should have been included in the main body of the Draft EIR. This comment is noted.
- I52-20** This comment expresses concern about the lack of consideration of real alternatives such as shore power and why cabling power from shore to ships is considered infeasible. Please refer to Master Response 3 for more information about additional mitigation measures to reduce emissions from ships that have been incorporated into the Draft Final EIR.

Letter I53

Commenter: Jeff Carlson

Date: October 30, 2015

- I53-1** This comment summarizes information in the asbestos survey report and claims that the lack of comprehensive examination of possible hazardous materials, such as lead based paint, mercury containing equipment and PCBs is a deficiency of the Draft EIR. As described in Section 3.7.4 of the Draft Final EIR, the project would have a potentially significant impact related to the disposal or transport of asbestos containing materials (ACMs), lead-based paints, PCB-containing equipment, mercury-containing equipment, mold growth and chemical supplies. However, implementation of mitigation measures, MM 3.7-2a through 3.7-2c would reduce this impact to below a level of significance by requiring an abatement work plan to be prepared in compliance with local, state and federal regulations.
- I53-2** This comment questions if the applicant would have control over the factors that result in the expected number of cars and times to load and unload the trains. As described in Chapter 2, Project Description, the proposed project includes an estimate of future cars and trains based on the proposed operations of the project. If approved, the applicants would have control over the operations of their project insofar as the operations are in compliance with all environmental mitigation measures and do not exceed the estimates included in the EIR analysis. The applicant is also constrained by the operating hours of the California Northern Railroad: 7:00am to 6:00pm, Monday to Friday. Under the changed project

described in the Project Description of the Draft Final EIR, the applicant will continue to load and unload trains until 10:00pm.

- I53-3** Commenter asks what evidence should be considered in evaluating the likelihood of the expected outcome being realized over the lifetime of the project operations with regards to traffic. The EIR evaluates the worst-case scenario from an environmental impact standpoint. However, the EIR is not required to include details regarding the likelihood of a specific outcome.
- I53-4** This comment asks what guarantees that locomotives would not idle in the yard waiting to be loaded. The EPA stipulates emission standards and idling requirements for locomotives. In addition, the 2005 CARB/Railroad Statewide Agreement includes a state-wide idling-reduction program, designed to eliminate all non-essential idling through the use of automatic shut-down devices and operational changes. Please refer to Section 3.2, Air Quality of the Draft Final EIR for more information regarding emissions from trains.
- I53-5** Commenter asks what factors would be considered in evaluating how likely the proposed low noise emission genset switcher is to be implemented. As described in Section 3.10 Noise of the Draft Final EIR, the project proposes to use a low noise emission genset switcher; therefore its use would be required as part of project approval.
- I53-6** This comment questions what guarantees that railcars would be sealed containers. The transport of materials by rail would be regulated by state and federal transportation agencies and the use of sealed containers would be subject to such regulations.
- I53-7** Commenter asks what the difference in decibel levels is for sealed and unsealed containers. A response to this question would require more detail regarding activity and type of container.
- I53-8** Commenter questions if there is any guarantee that rail activity would only take place during daylight hours and not any time during a 24-hour period. As stated in Section 3.12.6 of the Draft Final EIR, the California Northern Railroad is independently owned and the City does not have jurisdiction over the railroad. The hours of the railroad are from 7:00am until 6:00pm. While the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, as proposed in mitigation measure MM-3.12-2a, the City cannot ensure that the California Northern Railroad will agree to the desired hours of operation.

- I53-9** This comment states that the proposed VMT site would bar public access conflicting with General Plan Policy 6, which states trails and right-of-way linking recreational areas should be provided. As described in Section 2.4.2 of the Draft Final EIR, the project site would be a Department of Homeland Security-controlled site and no public access would be permitted because the project would involve international freight movements. Since public access would not be permitted on the project site, the project includes proposed in-lieu public access improvements as described in Section 2.4.4 of the Draft Final EIR. Additionally, the project site is not considered a recreational area and it would not provide a link to other recreational areas.
- I53-10** This comment summarizes the proposed Bay Trail Plan and asks what measures can be offered to mitigate the impact of blocking public access and interrupting the contiguous circuit of the San Pablo Bay. Refer to response to comments O1-4 and O1-5. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I53-11** This comment summarizes BCDC requirements for public access. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I53-12** This comment claims that the proposed off-site mitigation fails to meet the BCDC goals and objectives of maximizing public use. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I53-13** This comment requests that a project alternative be considered which allows the 5.25-acre portion of the site zoned for Open Space to be saved for future public use. The proposed project has been revised since the Draft EIR to no longer include the rezoning of the 5.25-acre portion of the site. Refer to Chapter 2, Project Description of the Draft Final EIR for these revisions. Although this portion of the site would not be rezoned, it would remain part of the overall project site and would be subject to the same public access restrictions as the remainder of the site.
- I53-14** This comment questions how a boat launch that would be duplicating an existing functional facility would be considered mitigation. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.

- I53-15** This comment expresses concern for the potential noise, air pollution and safety impacts to Lake Dalwigk Park along Lemon Street. Please refer to Section 3.10 of the Draft EIR for noise impacts, Section 3.2 for air quality impacts, and Section 3.12 for traffic-related safety impacts. As described in these sections, there would be significant and unavoidable impacts related to noise, air quality, and traffic safety even after mitigation.
- I53-16** This comment questions what precautions will be taken during installation to reduce fire danger from cabling, transformers and related equipment. The project would be subject to all federal, state, and local regulations pertaining to project construction and installation of utilities.
- I53-17** This comment asks what would be done to establish and maintain a defensible fire break over the life of the project to prevent a fire from spreading up the vegetated slopes to the neighborhoods above. As described in the Initial Study (Appendix A of the EIR), the project site is not located in a high fire hazard area and does not require any special fire considerations due to the proposed use of the site.
- I53-18** This comment claims that impacts to daily commuters would extend far beyond the study area and segments of freeway and roadways in other communities would be impacted by project related traffic. Please refer to Section 3.12 Transportation and Traffic of the Draft Final EIR for a full discussion of potential impacts of the project. There would be added delays related to project truck traffic on freeway segments outside the study area; however, the incremental delay is expected to be less than significant, based on the Draft EIR finding that the delays on segments closet to the project site, which were in the study area, were found to be less than significant. Please refer to Section 3.12.4 (A) for additional information regarding the intersection and freeway operations analysis.
- I53-19** Commenter asks how the project would impact motorists who commute using freeway segments and roadways outside the study area. Please refer to the response for comment I53-18 above for information regarding impacts to freeways outside of the study area.
- I53-20** This comment questions how trains passing through Vallejo, American Canyon and Napa would impact commute times. Please refer to Section 3.12, Transportation and Traffic of the Draft Final EIR for the discussion of potential traffic impacts due to trains associated with the proposed project. The traffic analysis evaluates impacts during “peak periods”, which in this case

were found to be consistent with typical commute times (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.).

I53-21 This comment asks how time would be added to daily commute routes when a 77 car train backs up traffic at all rail crossings. Please refer to the response to comment I53-20.

I53-22 This comment states that operational impacts of operational truck traffic in terms of movement and turn radius are not considered at the same level of detail as for construction truck impacts. Operational truck traffic impacts are described in Section 3.12 of the Draft Final EIR. The turning radius and other truck maneuvering considerations are addressed in Section 3.12.4 (C).

I53-23 This comment questions what physical characteristics of vehicle traffic affect the analysis of operational impacts. Please refer to section 3.12 of the Draft Final EIR for more information regarding the characteristics considered in the analysis of operational traffic impacts.

I53-24 This comment asks how physical characteristics of vehicle traffic affect noise impacts. Please refer to Section 3.10, Noise, of the Draft Final EIR for more information regarding the characteristics considered in the analysis of noise impacts from traffic.

I53-25 This comment asks if trucks would be required to use back-up warning signals which might have a noise impact on local residences. Trucks would be required to comply with standard regulations regarding truck operations, including the use of warning signals as necessary. Please refer to Section 3.10, Noise, of the Draft Final EIR for the full discussion of potential noise impacts from trucks.

I53-26 Commenter questions if there is a feasible alternative that would develop a new roadway through existing industrial development and avoid Lemon Street and residential areas. Project Alternatives are evaluated in Chapter 6 of the Draft Final EIR. A new roadway was not considered as an alternative because construction of a new roadway through existing industrial areas would not be a feasible alternative, nor would it be likely to reduce any project impacts, and would instead likely result in additional impacts beyond those identified in the Draft Final EIR for the proposed project.

I53-27 This comment asserts that the analysis for intersections does not include the impact of queues backed up at rail crossings and asks how long it would take for intersections impacted by rail backups to return the LOS levels modeling in the

traffic analysis. The “LOS recovery” time for upstream intersections was not calculated as part of the impact analysis of trains crossing the grade crossings; rather, an estimate of vehicle queues for the vehicles on the affected roadway network is presented in Table 3.12-11 of the Draft Final EIR. Given that upstream intersections would be blocked at many (not all) of the grade crossings, the time these intersections would take to recover to their typical LOS would be expected to be at least two signal cycles (signal cycles vary from one to two minutes, typically). In order to minimize the LOS recovery time, mitigation measure MM-3.12-2c has been prepared for inclusion in the in the Draft Final EIR:

Mitigation measure MM-3.12-2c: The applicants shall fund the design and implementation of a queue detection system with associated signal phasing plans that addresses post-train crossing periods, that will facilitate return to pre-train crossing operation levels as efficiently as possible.

The inclusion of this additional mitigation measure does not change the significance findings in Section 3.12, Transportation and Traffic; therefore, no other revisions have been made to Section 3.12 of the EIR in response to this comment.

I53-28 This comment asserts that intent to create a plan as mitigation for Impact 3.12-1 is not sufficient. As described in Section 3.12, mitigation measure MM-3.12-1 would require the applicants to prepare a Construction Traffic Management Plan as part of a larger Construction Management Plan to address potentially significant impacts during construction of the VMT and Orcem project components. The City would be responsible for review and approval of the Construction Traffic Management Plan to ensure that implementation of the plan would be sufficient to reduce impacts related to construction traffic to below a level of significance.

I53-29 Commenter asks what evidence supports the assertion that the proposed mitigation for Impacts 3.12-2, 3.12-3, and 3.12-5 would significantly alter the impacts. As described in Section 3.12.6 of the Draft Final EIR, mitigation measures MM-3.12-2a and MM-3.12-2b are identified as mitigation for these impacts and are mitigations widely used to increase pedestrian and bike safety. However, implementation of these measures would not be sufficient to reduce these impacts to below a level of significance. Therefore, Impacts 3.12-2, 3.12-3, and 3.12-5 would remain significant and unavoidable with mitigation.

- I53-30** This comment questions what safety hazards would be involved at the other 21 unmarked potential pedestrian and bicycle crossings. The comment is unclear as to what other crossings are being referenced in the comment. However, the Significant Thresholds in Section 3.12 state that "...for the purposes of this impact evaluation, an impact would be significant if the project does not conform to City street design standards; or if the added trucks or trains would result in unsafe vehicle, pedestrian, and bicycle movements without physical improvements to improve safety." This analysis includes an assessment as to whether there are adequate marked opportunities for pedestrian and bicycle crossings which discourage use of unmarked (and thus unsafe by common user standards) opportunities for pedestrian and bicycle crossings.
- I53-31** This comment questions what specific mitigation is proposed for Impact 3.12-4 because intent to plan is not sufficient mitigation. Mitigation measure MM-3.12-3 would require the applicants to identify, design, and construct improvements on Lemon Street. Since the project is not yet approved, the applicants are not yet required to construct improvements to mitigate potential impacts. However, if the project is approved the City would be responsible for ensuring that this mitigation measure is implemented and would approve all plans for improvements to ensure the mitigation is sufficient to reduce impacts.
- I53-32** This comment claims that the Draft EIR is lacking sufficient information regarding the specific road improvements cited as mitigation and requests specific road improvements be detailed. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.
- I53-33** This comment questions what evidence supports the assertion that a mitigation plan (as proposed for Impact 3.12-6) would be feasible. As described in the Draft Final EIR, mitigation measure MM-3.12-4, would require the project applicants to work with the City to identify, design, and construct improvements on Lemon Street between the project site and Curtola Parkway. The City would determine the project's fair-share allocation of costs in relationship to overall improvement costs and would ensure that this mitigation measure is implemented to adequately reduce impacts to below a level of significance.
- I53-34** This comment states that the project would require 46,082 gallons of water per day but only 2,400 gallons per day are going to wastewater discharge pipes and questions what will happen to the remaining 43,000 gallons.

The 2,400 gallons per day represents an estimate of the amount of sanitary wastewater discharges to the City's sewer system, i.e., the wastewater from employee use of bathroom facilities, sinks, and other office/administrative uses. The remainder would be used in the milling process, cooling circuit, and GBFS spraying. As this water is used to maintain the optimum moisture content, this water would remain within materials or would evaporate. Water to maintain optimum moisture and for dust control would not be applied in a manner that generates runoff. However, incidental runoff, for example from equipment washing, would go to floor drains and be treated on-site prior to discharge to the bay, as discussed in Draft EIR Section 3.8.4. In response to other comments on the Draft EIR, Draft EIR pgs. 3.8-20 through 3.8-22 has been amended to clarify the requirements of the Industrial General Permit (IGP) and discuss how the project would comply. The IGP emphasizes use of active treatment systems (e.g., pre-settlement tank and multiple filtration systems, as necessary) that target industry and site specific pollutants prior to discharge, as well as stormwater effluent testing during each qualifying rainfall event.

I53-35 This comment questions how much water may percolate into the soil and if it would be in contact with raw materials or fugitive dust.

It is anticipated that the amount of applied water to percolate into the soil would be minimal, because water would be applied to the milling process and Raw Materials Stockpiles in an amount necessary only to achieve the optimum moisture content. These water demands consume the water (e.g., staying in materials or evaporating) and do not result in appreciable runoff or infiltration.

I53-36 This comment expresses concerns regarding runoff from heavy rain events and questions if runoff would carry fugitive dust to coastal waters or alter the pH or turbidity. Additionally, this comment asks if project alterations could be done to prevent surface runoff and mitigate those impacts.

The commenter is referred to Draft EIR Section 3.8.4, including edits made in response to comments, for a discussion of the on-site stormwater treatment systems, including required compliance with the Industrial General Permit.

I53-37 This comment references Appendix J-3 and questions what data supports the effectiveness of sand filters for treating water contaminated with industrial sediments.

Note that Appendix J-3 has been updated by additional and more recent information in Appendix J-4 (Orcem Stormwater Control Plan). Compliance with the Industrial General Permit requires that permittees use best available

technology economically achievable and best conventional pollutant control technologies, and conduct long-term monitoring and reporting to demonstrate the objectives of the IGP are being met and the quality of receiving waters are not being degraded. The commenter is referred to Draft EIR Section 3.8.4, including edits made in response to comments, for a discussion of the on-site stormwater treatment systems, including required compliance with the Industrial General Permit. Sand filters are only one step in the treatment train; it also includes an oil-water separator, a pH adjuster, an underground weir tank, a granulated active carbon filter, and a final sampling/monitoring system. Sand filters are designed to remove sediment and smaller suspended solids (less than 10 microns) from the runoff prior to the granulated active carbon filter, which removes dissolved compounds. A sketch of the active treatment system can be found in the attachments to Draft EIR Appendix 4.

The Applicant will not be authorized to construct and operate the facility without first obtaining coverage under the IGP, which is accomplished by submitting to the San Francisco Bay RWQCB all required permit registration documents, including a Notice of Intent and an Industrial SWPPP. The permit registration documents will include the most current versions of stormwater control plans included as Appendices J-1 through J-4 of this EIR. The RWQCB has the authority and responsibility to require revisions to the proposed treatment systems if they find it inadequate to address industry-specific pollutants. There is no reason to believe the proposed system would not be effective, but the sampling and monitoring system, in conjunction with IGP requirements, would be able to detect whether target pollutants are not being effectively removed, and the applicable would subsequently be required to modify the system to be in compliance with the permit.

I53-38 This comment references Appendix J-3 and asks if water reuse for dust control would concentrate contaminants over time.

As discussed in the Draft EIR (Section 3.2, Air Quality, and Section 3.8, Hydrology and Water Quality), water used for dust control would not be applied in a manner that generates runoff, instead it would be applied in a volume necessary only to achieve optimum moisture content and to prevent generation of windborne dust.

I53-39 This comment references Appendix J-3 and questions what data supports the effectiveness of sand filters for treating water contaminated with known carcinogens.

Please see the response for comment I53-37 above.

I53-40 This comment questions what kind of maintenance would be required on the stormwater system over time to retain design functionality. Maintenance actions and requirements are described in Section VI of Draft EIR Appendix J-1 and J-4. Generally, maintenance activities include cleaning out accumulated sediment from bio-retention basins and storm drain pipes, verifying the bottom of basins have uniform percolation, vector control, cleaning media filters and removing accumulated material, regular sweeping of open paved areas, among others. Maintenance responsibilities are with the owner and are included in the execution of Codes, Covenants, or other agreements that run with the land. The Owner will submit, with the application for building or site permits, a draft Storm Water Facilities Operation and Maintenance Plan including detailed maintenance requirements and a maintenance schedule.

I53-41 This comment questions if already contaminated water is reapplied as dust control would the contaminants become more concentrated such that a storm event causing the release of untreated runoff would cause a significant environmental impact.

Please see the response for comment I53-38 above.

I53-42 This comment claims that the assumption of a 20% average grade for the hillside is inaccurate and questions how changing the slope to the actual 50% plus would alter the time of concentration variable and the ultimate result of the calculations.

The assumption is not inaccurate, as it relates to the slope of the flowlines, i.e., the lines that approximate the locations of channelized flow. The average grade does not refer to the steepest parts of the hillside.

I53-43 This comment questions if additional water would be required to irrigate vegetation on the slopes leading up to the residential neighborhoods in compliance with the City's General Plan Fire Hazards Goal, Policy 3 which states: "Continue irrigated, fire resistant landscape policy in new development."

The issue of fire hazards was scoped out the EIR in the Project's Initial Study. The project does not propose to irrigate the vegetation on the hillside outside of the site boundaries. Therefore, this comment does not relate to the adequacy of the EIR.

Letter I54**Commenter: Jeff Carlson****Date: October 27, 2015**

- I54-1** This comment asks how the applicants justify proposing a Community Benefits Agreement that would only last a fraction of the operational life of the project. This question is beyond the scope of a CEQA analysis.
- I54-2** This comment asks if the community need for such an agreement would diminish significantly over the 15 year life of the agreement and what factors would lead to this attenuation. This question is beyond the scope of a CEQA analysis.
- I54-3** This comment claims the Draft EIR does not including any information about the potential to ship garbage from San Francisco or other Bay Area cities and asks if it is possible that project operations would include transfer of municipal garbage in the future.
- Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. Municipal garbage is not included on this list of commodities that would be allowed through the VMT terminal.
- I54-4** This comment provides information on the litigation resulting from the agreement between Recology Inc. and the City of San Francisco and states that Mark Grisham was a principal at another California City when garbage barges were discussed is now a principal in VMT which proposes a port facility capable of handling a large amount of barge and ship traffic. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-5** This comment asks what the environmental impacts would be if the transfer of municipal garbage were allowed. Please refer to the response for comment I54-3 above.
- I54-6** This comment states that there are rail lines that run straight through Vallejo and asks if the municipal garbage or trash transfer were part of the port operation would they utilize these tracks as a service route and what environmental

impacts might result from those operations. Please refer to the response for comment I54-3 above.

I54-7 This comment asks if VMT has considered or will consider using their port for docking garbage barges or ships from other Bay Area cities. Please refer to the response for comment I54-3 above.

I54-8 This comment asks if VMT has considered or will consider utilizing their facility to unload garbage barges or ships and reload garbage onto trucks or trains for delivery to Recology landfills. Please refer to the response for comment I54-3 above.

I54-9 This comment asks if VMT would agree to a condition of approval to not accept such trash shipments and not arrange for trash shipments via truck or rail. Please refer to the response for comment I54-3 above.

I54-10 This comment asks if VMT would agree to prohibit handling materials with substances capable of creating health or environmental hazards in the event of accidents or errors.

impacts from all commodities that could be handled through VMT have been evaluated in Section 3.7 Hazards and Hazardous Materials. Section 3.7.4 (B) of the EIR determined that VMT and Orcem impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with implementation of mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP (see Master Response 7). Please refer to Section 3.7.4 (B) for a full text of the analysis and to Section 3.7.5 for a full text of the mitigation measure.

I54-11 This comment asks if such an agreement cannot be reached if reasons could be explained. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I54-12 This comment asks if the City would impose a requirement that shipments to VMT be restricted to prohibit shipments of garbage, coal, fuel of any type, and materials with any level of radioactive contamination, toxins or other hazardous substances. Please refer to response for comment I54-10 above.

- I54-13** This comment asks for an explanation if the City is unwilling to impose such restrictions. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-14** This comment provides background information on environmental justice as defined by state law. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I54-15** This comment claims the EIR fails to adequately analyze and identify mitigation measures for unequal burdens imposed on sensitive low income ethnic minority populations. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I54-16** This comment provides information on the importance of a healthy environment for residents and associated CEQA requirements for examining the significance of health impacts to people. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-17** This comment asks what the racial and income distribution is for South Vallejo and how it compares with the rest of Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-18** This comment asks what the current rates of respiratory illness are in South Vallejo and what their geographic distribution looks like. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project. Additional information is provided in the Health Risk Assessment prepared for the proposed project and included in Appendix D-1 of the Draft EIR.
- I54-19** This comment asks if school aged children are considered more sensitive than adults to the effects of increased nitrogen oxide and PM emissions. The emissions analysis and health risk assessment were conducted in accordance with BAAQMD CEQA guidelines and OEHHA Risk Assessment Guidelines, which includes age sensitivity factors. Please refer to Section 3.2 of the Draft Final EIR for the health risk assessment approach and results.
- I54-20** This comment asks how many school days are projected to be lost annually with the added airborne nitrogen oxide and PM pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I54-21** This comment asks what the cumulative effects of fugitive slag, clinker dust, nitrogen oxides and PM emissions would be on sensitive receptors. The health risk assessment was conducted in accordance with BAAQMD CEQA guidelines and OEHHA Risk Assessment Guidelines. Please refer to Master Response 1 and Section 3.2 of the Draft Final EIR for the health risk assessment approach and results.
- I54-22** This comment asks how the incidence of respiratory illness can be expected to increase over time as a result of the cumulative effects of various emissions resulting from project operation. Please see response to comment I6-46. Also, please refer to Master Response 5 for a description of cumulative effects methodology.
- I54-23** This comment asks what additional health burdens, in terms of patient load and cost, would be expected on local health care systems as a result of increased air pollution generated by project operation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-24** This comment expresses the opinion that the impact on scenic vistas would depend in part on the cargo of the VMT barge docking facility. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-25** This comment asks what would prevent a future VMT agreement to accept municipal garbage via barge to be loaded on trucks destined for landfills. Please refer to the response for comment I54-3 above.
- I54-26** This comment asks what the aesthetic impact would be for operations including the transfer of municipal garbage. Please refer to the response for comment I54-3 above.
- I54-27** This comment asks if there is a potential for particular types of cargo other than those listed in the document to come into the facility which might cause future significant odor or visual impacts. Please refer to the response for comment I54-3 above.
- I54-28** This comment expresses the opinion that the lighting section is incomplete because the intent to create a mitigation plan is not a mitigation measure that the public can evaluate. As described in Section 3.1, Aesthetics, mitigation measure MM-3.1-1 would require the applicants to submit final lighting plans for review approval by the City prior to issuance of a building permit. The City is responsible for ensuring that the final light plans are sufficient to reduce potential lighting impacts to below a level of significance.

I54-29 This comment claims there is insufficient evidence to determine if development of a plan that meets the stated set of goals is feasible. The Draft EIR does not contain any mitigation measures that are not feasible, since the EIR is only required to include feasible mitigation measures which could minimize significant adverse impacts. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

I54-30 This comment asks what specific shielding provisions would ensure that outdoor lighting is designed to minimize potential glare or light spillover. Mitigation measure MM-3.1-1 requires the completion of final lighting plans which would be subject to review and approval by the City prior to issuance of building permits. These lighting plans would contain the specific provisions for minimizing spillover and would demonstrate that the use of reflective exterior material is minimized. This mitigation measure would be enforced through the MMRP, included as Appendix M of this EIR, and approval by the City would be contingent on demonstration that stated goals of mitigation have been met. Please refer to Section 3.1.5 for a full text of the mitigation measure.

I54-31 This comment asks where the monitoring stations used to make the assessment would be located. Please refer to the response for comment I54-30 above.

I54-32 This comment asks how light spillover would be measured and what equipment would be used. Please refer to the response for comment I54-30 above.

I54-33 This comment asks what standards would be used to determine whether a mitigated impact has been reduced to less than significant.

Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines. Thresholds of significance are quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. Individual public agencies are encouraged to develop their own thresholds which must be adopted by ordinance, resolution, rule or regulation and developed through a public review process. Thresholds considered may be previously adopted or recommended by other public agencies or experts. Each Section of the Draft EIR contains a heading titled Thresholds of Significance which lists the thresholds and states that the project would result in a significant impact if any of the thresholds were exceeded. Additionally, this section states where those thresholds came from. Generally the thresholds adopted come from Appendix G of the CEQA Guidelines, but they can also come from other public agencies. The original

impact is compared to these thresholds to determine significance prior to mitigation. If mitigation is required, the mitigated impact is again compared to these thresholds to determine if the significance would be reduced to a level that is below the stated threshold. The thresholds for aesthetic impacts are listed in Section 3.1.3 of the EIR, and a conclusion of the significance after mitigation is provided in Section 3.1.6.

I54-34 This comment asks what measuring methodology would be used to determine if the proposed project would create additional daytime or nighttime glare. Please refer to the response for comment I54-33 above.

I54-35 This comment asks what type of reflective material would remain on the exterior surfaces of buildings. Please refer to the response for comment I54-30 above.

I54-36 This comment asks what percentage of surface area would consist of reflective materials and how the plan defines reflective materials. Please refer to the response for comment I54-30 above.

I54-37 This comment asks how the placement of reflective materials relative to the location of light sources interact to affect light spillover to surrounding communities and sensitive biological resources.

As discussed in Section 3.1.4 (C) placement of lighting fixtures would minimize overspill onto water and adjacent areas and all proposed lighting would be shielded or designed to prevent off-site glare. This would be accomplished through implementation of mitigation measure MM-3.1-1 which would be enforced through the MMRP, included as Appendix M of this EIR. Please refer to Sections 3.1.4 (C) and 3.1.5 for a text of the analysis and a full text of the required mitigation.

I54-38 This comment asks what type of landscape screening would be employed to shield neighboring properties from light spillover and where it would be placed. Please refer to the response for comment I54-37 above.

I54-39 This comment asks how 24 hour lighting would affect local bird and animal populations, specifically osprey nesting sites.

Impacts to special-status birds and terrestrial species were examined in Section 3.3.4 (A) of the EIR. The EIR determined that due to operations including ship, rail cars, trucks and heavy equipment it is anticipated that disturbance associated with project operations would deter special-status species from using the project site. Any use of the site by special-status species would be by species adapted to

human presence and disturbance or within portions of the project site farther from project activities. The EIR concluded that impacts to special status species from project operation would be less than significant. Please refer to the analysis in Section 3.3.4 (A) for additional information.

I54-40 This comment asks what surface area of coastal water would experience above ambient nighttime lighting from the project and what the impacts of 24 hour lighting would be on fish and populations of benthic organisms.

Potential lighting impacts are examined in Section 3.3.5 Impact Discussion (A) Increased Nighttime Artificial Illumination of Water. The EIR determined that this impact would be less than significant with the incorporation of mitigation measure MM-3.3-7. A full text of the impact analysis is provided in Section 3.3.4 (A) and a full text of the mitigation is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR.

I54-41 This comment quotes the California Health and Safety Code Section 41700. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I54-42 This comment asks how the project proposes to comply with Section 41700 given the significant and unavoidable release of nitrogen oxides. Please refer to the response for comment I54-18 above.

I54-43 This comment asks how many people would be impacted by the unavoidable release of nitrogen oxides and what the project considers to be a “considerable number” of impacted persons under Section 41700. All impacts for air quality are assessed against the defined City of Vallejo and Bay Area Air Quality Management District’s Thresholds of Significance defined in Section 3.2.3. Please see response to comment I6-46.

I54-44 This comment asks how many people would be impacted by the release of diesel particulate matter. Please see response to comment I6-46. Please also refer to Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality and health impacts of the project.

I54-45 This comment asks how many people in the project area currently suffer from respiratory ailments or other health conditions that would be exacerbated by the project. Please refer to the response for comment I54-18 above.

- I54-46** This comment asks what the age profile of people in the impacted area is and how age is likely to effect the overall cumulative project impact on individual health. Please refer to the response for comment I54-18 above.
- I246-47** This comment asks what methodology would be used to determine the geographic distribution of persons likely to be impacted by nitrogen dioxides and PM emissions. Please refer to Master Response 1 for details regarding the health risk assessment and information on sensitive receptors considered for the project. Master Response 4 contains information on the geographic boundaries considered for the air quality analysis. Also please see response to comment OCH27-2 for an explanation of geographic distribution of affected persons
- I54-48** This comment asks why there is no project alternative considered which provides shore power to eliminate the need to idle ship engines in port. Please refer to Master Response 3 for information regarding shore power and mitigation measures targeting ships.
- I54-49** This comment asks what the additional estimates to mortality would result from idling ship engines. Please refer to the response for comment I54-48 above.
- I54-50** This comment asks what the incidence of respiratory illness would be initiated or aggravated by allowing ships to idle in port to generate power. Please see response to comment I6-46. Please also refer to Section 3.2, Air Quality, of the Draft Final EIR for analysis of air quality and health impacts of the project.
- I54-51** This comment asks what quantity of air pollutants would be saved by cabling power from land to ships. Please refer to Master Response 3 for mitigation measures regarding ships.
- I54-52** This comment references the Draft EIR's description of the monitoring station used to quantify existing ambient air quality and claims that if the monitoring station in downtown is where maximum emissions would occur, that would put a large residential area in the zone where maximum impacts would occur. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-53** This comment asks why there is no evaluation of cumulative impacts to these residents that would result from adding the proposed project air emissions to existing concentrations of pollutants. Please refer to Master Response 5.

I54-54 This comment asks what data was used to support the contention that 2.5 miles away would lead to an overestimation of background levels of PM_{2.5}.

The Draft EIR quantified the existing background air quality from the station on Tuolumne Street in Vallejo. In Section 3.2.2 Existing Conditions, the EIR notes that this station is likely to overestimate the background levels of fugitive PM_{2.5} due to the remote nature of the project site relative to the ambient monitoring station.

I54-55 This comment asks if the monitoring location station representative of the area is subject to maximum impacts from nitrogen dioxide emissions and ozone concentrations emitted daily during project operation. In Section 3.2.2 Existing Conditions, the EIR explains that the station located downwind of the facility, based on the wind data for both Vallejo and Conoco-Phillips Rodeo meteorological stations, and thus is broadly representative of the location at which the maximum emissions from the facilities will occur. Also, please note that ozone is a secondary pollutant, formed from precursor pollutants VOC and NO_x. VOC and NO_x react to form ozone in the presence of sunlight through a complex series of photochemical reactions. As a result, unlike inert pollutants, ozone levels usually peak several hours after the precursors are emitted and many miles downwind of the source.

I54-56 This comment asks what modeling assumptions were used to determine the dispersal and concentration of nitrogen oxide emission and resulting ozone.

Details regarding methodology, emissions calculations and model outputs is provided in Appendix D-1 of the Draft EIR.

I54-57 This impact asks what the health profile demographic is of the population in the zone expected to experience impacts from air pollutants.

Please refer to the response for comment I54-47 above. Also please refer to response to comment I6-46.

I54-58 This comment asks what the cumulative effect to residents would be from PM emissions, nitrogen oxide emissions and fugitive dust generated over the lifetime of the project.

Please refer to the response for comment I54-18 above. Please refer to Master Response 5 for cumulative effects.

- I54-59** This comment asks how the PM₁₀ data from the Vacaville monitoring station is considered representative of the neighborhoods most impacted by the project given the differences in wind patterns. Pollution and air quality are addressed in Section 3.2 of the EIR. As discussed in Section 3.2.2 Existing Conditions, the BAAQMD operates a regional 32-station monitoring network which measures the ambient concentration of criteria pollutants. The background concentrations of criteria pollutants was determined utilizing data from the ambient monitoring station located on Tuolumne Street (Station No. 06-095-0004). The station is designated as a neighborhood scale station and is suitable for assigning a background concentration. This monitoring stations account for all sources of air pollution within the project area and measures the overall background concentration of criteria pollutants including ozone, NO₂, SO₂, CO, O₃, and PM_{2.5}. It is mentioned here that the Tuolumne Street station ceased collection of PM₁₀ data in 2008 and so as an alternative the concentrations of PM₁₀ outlined in the Bay Area Air Quality Management District publication “2013 Air Monitoring Network Plan” have been used. Impacts to air quality are further discussed in Section 3.2.4 Impact Discussion. Please refer to Master Response 5 for more information regarding cumulative potential air quality impacts resulting from implementation of the proposed project.
- I54-60** This comment claims that cement dust and dust from other project raw materials are highly alkaline and have the potential to alter pH when leached into soils and water. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-61** This comment asks how much water applied for dust control would evaporate.
- Please see the response for comment I53-34 and I53-35 above.
- I54-62** This comment asks how much of the water used for dust control would enter the soil and ultimately the coastal waters.
- Please see the response for comment I53-34 and I53-35 above.
- I54-63** This comment asks what the potential for altering soil pH on site would be and what would be the potential environmental impacts over decades.
- Please see the response for comment I53-36 and I53-37 above.
- I54-64** This comment asks what the potential for contamination or alteration of pH would be from runoff from dust control combined with heavy rain events.

Please see the response for comment I53-34 and I53-35 above.

I54-65 This comment asks what the threshold levels are for significant impacts to marine organisms from changes in pH levels.

Section 3.3.4 (A) of the Draft EIR examined the potential impact to special status species through stormwater runoff. The EIR concluded that impacts would be less than significant since the planned stormwater control plans for VMT and Orcem would direct all stormwater away from the Napa River to be contained in a retention pond. More information is provided in Hydrology and Water Quality Section 3.8.4 (A) of the EIR. Additional information regarding runoff and leaching potential is provided in the response to comment I53-34 and I53-35 above.

I54-66 This comment asks what the ultimate fate of fugitive dust is since watering of roadways would not remove the material which will accumulate over time.

Dust would either stay in place on the roads, or end up in the stormwater drainage system for the project. These systems will be regularly maintained and accumulated sediment removed as necessary, in accordance with the MS4 Permit and the Industrial General Permit, as described in Draft EIR Section 3.8, Hydrology and Water Quality.

I54-67 This comment asks how much fugitive dust would leach into soils on the project site per year.

Please see the response for comment I54-62 above.

I54-68 This comment asks what the composition of the dust would be for the different modes of operation for the project. The primary raw material is similar to coarse sand. Grinding operations will occur indoors and controlled via ventilation systems, as discussed in the Project Description of the Draft EIR.

I54-69 This comment asks if fugitive dust would be transported on vehicle tires leaving the loading facilities.

The project's SWPPP and stormwater control plan will include tracking controls for vehicles leaving the site, as well as regular cleaning and sweeping, as described in Draft EIR Section 3.8, Hydrology and Water Quality and Appendix H-1 and H-4.

I54-70 This comment asks what dust control measures would prevent fugitive dust from escaping the clamshell cranes during the first stage of offloading ships.

As indicated in Draft EIR Pg. 3.7-18, “with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open, all cargo received or shipped through the VMT Terminal will be handled through enclosed transport devices (for example, the granulated blast furnace slag (GBFS) material received and transported directly to the Orcem Site).” Some escape of material from the clamshells is possible as material is loaded into hoppers, but ships would be flush with the docks, enclosed transport devices would be used, and the dock will be designed to drain inward and toward storm drain lines that deliver runoff to the bio-retention basin (which allows entrained sediment to settle out). Estimates of PM₁₀ and PM_{2.5}, provided in Draft EIR Table 3.2-9 and Table 3.2-10 include fugitive dust.

I54-71 This comment asks if the dispersal distance of fugitive dust during material transfer would be influenced by height above sea level which could result in an impact on downwind residential areas and schools. Rate of dispersal is primarily influenced by wind speed and direction which is only influenced by sea level height in cases of significant variance. As the project site is only slightly sloping, this would not be an influence.

I54-72 This comment claims that the Material Safety Data Sheets (MSDS) for blast furnace slag consistently advise to keep the material dry and asks how addition of large quantities of water would chemically react with this material and what impacts that might have.

Water would be added to maintain the optimum moisture content of materials on-site, and would not be added in sufficient quantities to make the material wet or saturated. The operator would follow all health and safety protocols, as described in Draft EIR Section 3.7.

I54-73 This comment summarizes the Draft EIR’s intent to capture 95% of fugitive dust at each material transfer stage and asks what the actual cumulative quantity of dust would be for the 5% that escapes at each step.

This is not possible to measure due to the high number of variables involved (i.e., locations of operations, daily weather and wind, effectiveness of sediment and air quality best management practices, among others). Any predictions or estimates of such a number will be inaccurate, and would not appreciably affect the validity of the analysis or conclusions in the EIR. The goal of 95% implicitly recognizes that dust control measures cannot be 100% effective even with all the precautionary measures, such as watering, covering,

and locating grinding/industrial operations indoors. Estimates of PM₁₀ and PM_{2.5}, provided in Draft EIR Table 3.2-9 and Table 3.2-10 include fugitive dust.

I54-74 This comment asks what the baseline 100% quantity by weight is for fugitive dust generated at each step without control measures. Controls are part of the permit and part of the regulatory requirements, so a project would never operate without the controls, specified in the permit. For CEQA, BAAQMD does not require quantification of fugitive dust emissions for construction or operation. For construction, fugitive dust is addressed with BAAQMD-specified BMPs. Although BAAQMD does not require quantification of fugitive dust for operation, unmitigated operational emissions of fugitive dust (i.e., emissions with regulatory controls but without mitigation) are presented in Section 3.2, Table 3.2-13 without a determination of significance.

I54-75 This comment claims that MSDS data sheets for blast furnace slag from different sources and regions reveals variation in the content of known environmentally hazardous and carcinogenic substances and alleges that the Draft EIR does not adequately consider the variation in source composition.

The blast furnace slag would be handled and processed in compliance with applicable laws and regulations, including the most recent and appropriate MSDS sheets for the material being handled, as described in Draft EIR Section 3.7.

I54-76 This comment asks what standards would be used to prevent import of known environmentally hazardous materials with the GGBFS and how the composition of individual batches of material would be determined.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1, Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

I54-77 This comment references PDF-AQ 1, 2, and 3 and asks how often filters would need replacing. Filters would be replaced in accordance with manufacturer's specifications.

I54-78 This comment references PDF-AQ 1, 2, and 3 and asks what filter maintenance procedures would ensure that filters are replaced before air leaving the building

exceeds targets for particulates. Filters would be maintained in accordance with manufacturer's specifications.

- I54-79** This comment references PDF-AQ 1, 2, and 3 and asks how the public is guaranteed that proper maintenance procedures would be followed over the life of the project. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.
- I54-80** This comment references PDF-AQ 1, 2, and 3 and asks how the airflow exiting the building would be monitored to ensure that filters are operating properly. Filters would be maintained and replaced in accordance with manufacturer's specifications. In addition, the BAAQMD may impose additional monitoring as part of the operating permit conditions.
- I54-81** This comment references PDF-AQ-4 and asks how moisture content is determined to be adequate for 95% control. PDF-AQ-4 identifies that this level of control was determined by the South Coast Air Quality Management District's Particulate Matter Emission Factors for Processes/Equipment at Asphalt, Cement, Concrete and Aggregate Product Plants in 2007.
- I54-82** This comment references PDF-AQ-4 and asks how water is applied and how often. Please refer to response to comment I54-81.
- I54-83** This comment references PDF-AQ-4 and asks what measuring equipment would be used to determine moisture content. Please refer to response to comment I54-81.
- I54-84** This comment references PDF-AQ-4 and asks how much material would be released into the air on a weekly or monthly basis with 95% control. PDF-AQ-1 through PDF-AQ-4 are considered project design features. Fugitive dust emissions are addressed in Section 3.2 of the Draft Final EIR. Please refer to Table 3.2-13.
- I54-85** This comment references PDF-AQ-4 and asks what the physical characteristics are of the 5% total dust generated at each transfer and why it is not considered a significant impact. Fugitive dust emissions and associated impacts are addressed in Section 3.2 of the Draft Final EIR. Please refer to Table 3.2-13 of the Draft Final EIR.
- I54-86** This comment references PDF-AQ-4 and asks what guarantees that dust control measures will continue throughout operational life of the facility. Please refer to the response for comment I54-79 above.

I54-87 This comment expresses the opinion that since the Bay Area Clean Air Plan’s goal is to protect public health, the current health levels of the population should be considered just as ambient air levels are considered to gauge the impact of additional pollutant emissions.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please see Master Response 1 and 4 for information regarding cumulative potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

I54-88 This comment asks what the rates of respiratory illness are among youth of South Vallejo.

Please refer to the response for comment I54-18 above.

I54-89 This comment asks if a survey has been conducted to determine the number of local residents suffering illnesses like asthma and emphysema.

Please refer to the response for comment I54-18 above.

I54-90 This comment asks what the wear of truck tires traveling through Vallejo would contribute to the PM count.

Please refer to the response for comment I54-18 above.

I54-91 This comment asks how the implementation schedule requirements related to equipment upgrades meets the primary goal of protecting public health when the EIR clearly identifies significant and unavoidable impacts to air quality.

Mitigation measure MM-3.2-1 would be implemented to reduce impacts from NOx emissions. While this measure would reduce impacts, the EIR determined that it would be a significant and unavoidable impact. Significant and unavoidable impacts are those that cannot be substantially lessened the by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of this EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, than the impact is considered significant and unavoidable. The EIR is required to

propose feasible mitigation measures for every significant impact even if the impact is determined to be significant and unavoidable.

I54-92 This comment asks why the release of significant amounts of pollutants would not be considered to be in opposition of the primary goal of the BAAQMD Clean Air Plan to protect public health.

Consistency with the BAAQMD Clean Air Plan is not determined based on emission impacts of a proposed project. The BAAQMD adopts Clean Air Plan control measures into the BAAQMD rules and regulations, which are then used to regulate sources of air pollution in the SFBAAB. Therefore, compliance with these requirements would ensure that the proposed project would not obstruct implementation of the Clean Air Plan. The BAAQMD is expected to issue operating permits for proposed operating sources. The BAAQMD, as part of its permitting process, ensures that projects that are granted operating permits would not obstruct implementation of the Clean Air Plan.

In addition, the attainment strategies in the Clean Air Plan include standards for new engines and cleanup of existing fleets, including measures for port trucks, statewide truck fleets, ships traveling and in port, locomotives, and harbor craft that are enforced at the state and federal level on engine manufacturers and petroleum refiners and retailers; as a result, proposed project operation would comply with these control measures.

I54-93 This comment asks what other air quality standard violations besides GHG the project might make a substantial contribution to and how is substantial defined.

Air quality impacts are analyzed in Section 3.2.4 of the EIR. Cumulative impacts for air quality are evaluated in Section 4.3.2 of the EIR. Cumulative impacts are considered significant if the project's contribution would be cumulatively considerable. CEQA Guidelines Section 15065 (a)(3) defines "cumulative considerable" as an incremental increase of an individual project is significant when viewed in connection with the effects of past projects, other current projects and probable future projects. Please see Master Response 4 for further information regarding potential cumulative air quality impacts that could result from implementation of the proposed project.

I54-94 This comment asks how sensitive the number of work days assumptions are to the model since the combined emissions of nitrogen oxides are barely under the threshold of significance. A sensitivity analysis is not within the purview of the

EIR. However, details regarding methodology, emissions calculations and model outputs are provided in Appendix D-1 of the Draft EIR.

- I54-95** This comment asks how much difference between the modeled number of work days and actual time spent in construction phases would be required to exceed the nitrogen oxides threshold. Please refer to the response for comment I54-94.
- I54-96** This comment asks what other assumptions would lead to a cumulative model output over the 54 pounds per day level of significance. Please refer to the response for comment I54-94.
- I54-97** This comment states that Phase 2 of Orcem is expected put nine tons of particulate matter into the air per year and asks what the project distribution over time would be given the local weather pattern and settling rates. Please refer to Master Response 1 for details regarding the health risk assessment and Master Response 4 for information on the geographic boundaries of the air quality analysis.
- I54-98** This comment asks what the geographic distribution of DPM deposition over time would be given the projected truck and train routes and local weather patterns. Please refer to the response for comment I54-97.
- I54-99** This comment claims that the data sheet for blast furnace slag lists it as a class 1A carcinogen in addition to a source of damage to skin and lungs. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I54-100** This comment asks how clamshell crane operations controls fugitive dust as GBFS is offloaded from ships and transferred to covered conveyors. Please refer to the response for comment I54-70 above.
- I54-101** This comment asks how much of this dust would be transported off site by vehicle tires under wet or dry weather conditions. Please refer to the response for comment I54-69 above.
- I54-102** This comment asks what guarantees that fugitive dust control measures will continue throughout the operational life of Orcem. Please refer to the response for comment I54-79 above. Please refer to Master Response 7 for a summary of the MMRP process.

I54-103 This comment claims that without a baseline that attaches unit of measurement to a condition of control, it is impossible to evaluate the quantity or impact of the 5% of fugitive dust not captured at each point of material transfer. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I54-104 This comment asks what the cumulative quantity of fugitive dust would be that would result from the loss of the 5% at each point of transfer. Please refer to the response for comment I54-73 above.

I54-105 This comment asks what the characteristics of dust are that escapes in terms of mass and particle size that would influence distribution into the environment under various wind conditions. Please refer to the response for comment I54-68 above. Please refer to Section 3.2, which discusses PM₁₀ and PM_{2.4} impacts.

I54-106 This comment claims that prevailing wind conditions on the site come across the large fetch of water and run into the steep slope creating a major updraft. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I54-107 This comment asks how the topography of the project site under various wind conditions affects the distance and distribution of fugitive dust particles. Please refer to the response for comment I54-71 above.

I54-108 This comment asks how the distribution of fugitive dust is affected by the height at which particles are released combined with wind conditions and site topography. Please refer to the response for comment I54-71 above.

I54-109 This comment states that the Draft EIR mentions pet coke might be handled in the future and asks if pet coke would be burned in the facility's hot air generator or other plant operations.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. The list of materials that could be handled through VMT does not include pet coke.

I54-110 This comment asks if the use of pet coke has been analyzed with regard to the effect on emissions from plant operations. Please refer to the response for comment I54-109.

I54-111 This comment asks how pet coke compares to other fuel sources in terms of environmental impacts. Please refer to the response for comment I54-109.

Letter I55

Commenter: Jeff Carlson

Date: October 28, 2015

I55-1 The commenter would like to know that given the projected sea level rise over the decades of the project life, would sections of the site be eligible for classification as wetlands in the future with the proposed project. Section 3.6.4 of the Draft Final EIR and Appendix D-2 provide information on sea level rise.

I55-2 The commenter would like to know what baseline topographic information and sea level calculations are used to make the determination of the effects of sea level rise on the project site over the life of the project? Section 3.6.4 of the Draft Final EIR and Appendix D-2 provide the requested information. The State of California Sea-Level Rise Guidance Document produced by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team and a Technical Memorandum on Sea Level developed specifically for this project by Moffatt & Nichol in 2015 were the primary sources used for analysis.

I55-3 This comment states that the biological assessment site survey information is outdated and no longer reflects conditions extant at the site. The commenter expresses that the intervening 8 years have seen some of the driest on record and the composition of the plant and animal community may have changed significantly as a result. A biological resources assessment was conducted in 2008 by WRA (Appendix E-1). An updated biological survey and site visit was subsequently performed by a Dudek biologist in April 2014 (Appendix E-3). Marine and inertial surveys and site visits were performed by Applied Marine Sciences Inc. in June – August 2014 (Appendices E-5, E-6, E-7)

I55-4 The commenter states that the site was being mowed and disked annually at the time of the 2008 biological survey information was collected. The commenter quotes the Draft EIR as stating that “Regular disking reduces the suitability of the grassland habitat for special-status wildlife species.” The commenter believes that

the practice of regular disking ceased years ago and the plant and animal community has changed significantly as a result. As noted above, an updated biological survey and site visit was subsequently performed by a Dudek biologist in April 2014 (Appendix E-3).

- I55-5** The commenter would like to know what is the current status of biological resources at project site that might be impacted by the proposed project following a decade of human inactivity and climate change. See response I55-3 above.
- I55-6** The commenter states that Appendix E-3 documents that the site has been without human activity for the past 10 years in contrast to the conditions extant in the original survey. See response I55-3 above
- I55-7** The commenter states that Appendix E-3 found that an osprey nest had been established on one of the buildings and that colonization of the buildings by Townsend's bats would be likely and would require further evaluation. The commenter would like to know since Appendix E-3 documents changes that have occurred relative to the buildings, why would changes to the plant and animal communities across the rest of the site following a decade without disturbance not reflect the same propensity to change. Dudek biologists observed all plants and wildlife on the property in 2015. DEIR analysis was focused on those species that could be impacted by the project.
- I55-8** The commenter would like to know why no transect surveys were conducted to update the biological assessment in a comprehensive manner. Impact is assessed on a community level and transect surveys were not required to determine community impact.
- I55-9** This comment states that Table 3.3-1 documents sightings of Caspian terns flying overhead and notes suitable habitat consists of undisturbed shoreline locations that are nearly barren. The commenter states that while that description did not apply during the 2007 survey because of the human activity, the lack of disturbance in the years since make it likely that the site has become suitable habitat and may support reproduction by Caspian Terns, which is a USFWS Bird of Conservation Concern. The commenter would like to know if Caspian Terns have used the site for reproduction in the years since the 2007 evaluation. This has not been determined, but the DEIR states there is low potential for this species to breed on the site. Furthermore, this information is not necessary to require and apply Mitigation 3.3-1 which would protect this (and other) nesting species if found in pre-construction surveys.

- I55-10** This comment states that the 2014 visit to update the biological assessment information does not indicate that a walking transect was performed of the former disturbed grassland or the sloped section of the site that was previously being mowed annually but has now been left undisturbed for years. The commenter believes that it would be expected that once regular disturbance ceased the composition of the plant and animal communities would change significantly. The environmental impacts to biological resources cannot be identified and mitigated without current full season surveys to establish baseline information. The commenter would like to know what is the current composition of plant and animal communities at the project site. See Response I55-8
- I55-11** The commenter would like to know if any species of concern have established at the project site since the last transect surveys. See Response I55-8. Furthermore pre-construction surveys would determine if any species that could be impacted by project construction (and operation) had established on site since the publication of the CEQA document.
- I55-12** This comment states that after a decade with little human activity, the peer review of the Biological Resources Assessment points to the high potential for existing conditions to differ significantly from the biological assessment data contained in the Draft EIR. Peer review includes visiting the site to determine if conditions have changed and if so how. Also see Response I55-8
- I55-13** This comment states that the peer review of the Biological Resources Assessment points to the example of the Townsend's big-eared bat which may well have established itself in the project site for reproduction. The commenter believes the same could be possible for the plant and animal community. See Response I55-7.
- I55-14** This comment quotes Appendix E-3's analysis of the Townsend's big-eared bat states that the Townsend's big-eared bat is commonly found in buildings and although this species is sensitive to disturbance, the site has been vacant for 10 years and has had little to no disturbance. The commenter then states that in Appendix E-3, Dudek recommends that a habitat assessment and pre-construction survey be performed to assess whether roosting bats occur in the buildings on the project site. If bats are detected, consultation with CDFW is recommended to identify appropriate measures to be taken to avoid/minimize impacts to the species. The commenter states that an agency fails its CEQA duties when it simply requires an applicant to obtain a biological report and requires the applicant to comply with any recommendations that may be made in the report (commenter cites *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359.

Mitigation measures established in Section 3.3 include specific proven protection measures commonly used at construction sites

- I55-15** This comment states that the well-documented potential for large ocean-going cargo vessels to spread invasive marine species has not been addressed in the Draft EIR. The commenter would like to know what impacts to the local marine environment are associated with ocean-going vessels. The DEIR discusses the National Invasive Species Act of 1996 (16 U.S.C. 4701), wherein the U.S. Coast Guard established national voluntary ballast water guidelines and regulations that require ships to maintain and implement vessel-specific ballast water management plans. The project would be subject to these regulations.
- I55-16** This comment asks what measures can be taken to avoid the transfer of invasive marine species by ships docking at the proposed facility. The commenter is correct in mentioned that the introduction of invasive marine species is a concern for any ship entering San Francisco Bay. Currently the U. S. Coast Guard and the California State Lands Commission have jurisdiction for implementing regulations to control the spread of invasive marine species in US and State of California waters, respectively. At present, the California State Lands Commission has regulations in place to prevent the introduction of invasive species to State waters from Ballast waters and from ship hulls. Additional regulations are currently under development. Any vessel entering the Bay and using the VMT facility will be required to comply with these regulations.
- I55-17** This comment states that the City of Vallejo has historically conducted no eelgrass surveys. The comment states that eelgrass is a submerged aquatic plant of ecological importance in San Francisco Bay and identified by the National Marine Fisheries Service as essential fish habitat. The commenter states that without a survey of the site and surrounding for essential fish habitat, the potential for significant environmental impacts related to the dredging operation cannot be assessed or mitigated. The commenter asks would any stands of eelgrass be disturbed directly by dredging for the project. As part of the CEQA assessment, an intertidal and shallow subtidal survey was performed at the Project Site by experienced and knowledgeable marine biologists. No eelgrass or other submerged aquatic vegetation were observed during those surveys, as indicated in the Draft Final EIR.
- I55-18** This comment asks would any off-site stands of eelgrass be subject to damage from increased turbidity or siltation as a result of dredging or project operations.

See response to comment O1-10 above. The closest known eelgrass beds to the project site are approximately 6 miles away.

- I55-19** This comment quotes a 2003 CalEPA Department of Toxic Substances Control Report about how Winter run Chinook Salmon appear in the Carquinez Strait as escaping (prespawning) adults and smolts moving into the ocean. The commenter states that Table 3.3-2 states that there is no evidence of this species even though such migrating fish would necessarily pass within close proximity of the site. The commenter asks if there is no evidence because there has been inadequate sampling of the waters adjacent to the proposed project site. Once winter-run and spring run Chinook salmon begin their migration through the Bay-Delta, they are not known to deviate significantly from the known migration corridor. The main channel through the Carquinez Strait is over 1.5 miles to the south of the project site.
- I55-20** This comment quotes a 2003 CalEPA Department of Toxic Substances Control Report as saying the west shore of Mare Island constitutes the bulk of the most important green sturgeon nursery in San Francisco Bay. The commenter states that given the proximity to the project site and the critical importance to continued propagation, the Draft EIR fails to adequately examine possible impacts to this green sturgeon species, which is a Species of Special Concern. The Proposed project is located adjacent to the East side of Mare Island along the Napa River. The west shore of Mare Island mentioned in the cited CalEPA report lies adjacent to San Pablo Bay. The closest distance between the west shore of Mare Island and the project site is more than 4 miles.
- I55-21** This comment asks why there is no assessment of the contribution of the site and adjacent waters to the reproductive success of the green sturgeon when it is known they are known to be present. Spawning of southern distinct population segment green sturgeon occurs in the upper reaches of the Sacramento River. Although green sturgeon have been reported transiting up the Napa River and past the Project site, there is no reported scientific evidence that they congregate or utilize the waters and habitat adjacent to the Project site. Potential project impacts on all special status species, including green sturgeon, are assessed in the Draft and Draft Final EIR.
- I55-22** This comment asks why does Table 3.3-2 cite no evidence for steelhead near the site even though their presence was recently reported near the mouth of the Napa River. As indicated in the response to Comments I55-19 and I55-23, the mouth of the Napa River as it enters San Pablo Bay is over 1.5 miles south of the Project

Site. Although there is sampling evidence that Central California Coast DPS steelhead migrates up the Napa River and past the Project site, there is no evidence that Central Valley DPS steelhead deviate their migration path from the lower Delta, through the Carquinez Straight and into San Francisco Bay. Regardless of whether both DPS steelhead are present in the waters adjacent to the Project Site, the DEIR assumed that steelhead are present and that potential Project effects, impacts and proposed mitigation actions addressed their presence.

I55-23 This comment asks is the lack of evidence for steelhead directly related to a lack of adequate sampling efforts to find this rare and genetically important species. The variety of steelhead referenced by the Commenter is the Central Valley DPS steelhead that migrates through the Carquinez Straight to the San Joaquin and Sacramento Rivers to spawn. Central California Coast DPS steelhead migrate up the Napa River, past the Project site, as presented in the DEIR. There is no evidence that steelhead spend any substantial time in the lower Napa River during their migration period.

I55-24 This comments states that regarding Impact 3.3-7, considering the ecological significance and protected status of a number of fish species known to inhabit or transit the waters adjacent to the site, the mitigation consisting of an intent to form a plan is insufficient to determine whether the impacts of night lighting marine waters can be mitigated to a level of less-than-significant impact. As presented in the DEIR, night lighting of near-water and over-water structures can present a deleterious effect on some marine organisms. Most notably fish who are attracted to the light and swim near the surface of the water and therein are subject to increased predation by birds, seals and sea lions. It is common practice for marine terminals, docks, wharfs, etc. to shield lighting such that the light itself is restricted to illuminating the wharf or dock and not the water. Other Best Management Practices include using sodium and LED lights that cast lower intensity and different light spectra than traditional incandescent lights. The intent of mitigation measure MM-3.3-7 is to require the project sponsor to not only develop a wharf lighting plan that will minimize the amount of light cast over Napa River waters and reduce the intensity and magnitude of facility lighting to the minimum levels required, but also to require the Project applicant to implement the plan. It is the implementation of the plan that will result in a reduction of light intensity, and of potential risk to special status fish species, to less-than-significant levels.

I55-25 This comment states that given the known presence of threatened pelagic prey species like delta and longfin smelt along with predatory fish and pinnipeds, the

risk that minimum light levels necessary for project operations at night would facilitate predation remains a significant risk. The commenter believes there is not sufficient evidence to determine whether such mitigation is known to be feasible even with the suggested elements listed in the Draft EIR when the performance standard is lack of significant impact to threatened species. The elements and requirements of mitigation measure MM-3.3-7 are routinely required of all Bay waterfront projects because they have been documented to work. For example, recent relighting of the Chevron Long-Wharf in Richmond has resulted in a significant reduction in overall lighting of the wharf and access pier, maintain necessary light levels for safe 24-hour marine terminal operations, and reduce to nearly non-detectable levels light transmittance over the water. It is the reduction of over-water light presence and intensity to almost non-detectable levels is what reduces the potential effect to fish (including special status species) inhabiting the Napa River adjacent to the Project site to less-than-significant impact. Chevron implemented the same lighting approach and goals as required in mitigation measure MM-3.3-7. Additionally, relative to the proposed Project, lighting of the wharf area will only be necessary when ships are docked at the facility, which will only be a few times per month.

I55-26 This comment asks can any level of lighting necessary for workers to function safely fail to significantly impact the behavior of local marine species. Please refer to response to comments I55-24 and 25.

I55-27 This comment asks what data are used to support the claim that such a plan for a project on this scale is known to be feasible. Please refer to response to comments I55-24 and 25.

I55-28 This comment asks how much variation in behavioral response to elevated light levels among pelagic species has been documented. Unfortunately, it is unclear specifically what species or taxa the commenter is inquiring about. The behavioral response of assorted marine species has and continues to be a well-researched area of scientific study. The response of plankton, fish, and invertebrates to light has been extensively studied. As stated in the DEIR, those pelagic taxa that have the greatest potential to be affected by elevated light levels, primarily during the night, are fish species such as herring and anchovies, which together accounted for over 90% of the pelagic fish species documented to occur near the Project site. How much variation in the individual response of these fish species, or for that matter other fish, invertebrate and mammal species potentially present in the waters adjacent to the Project site is of minor importance to the assessment made in the DEIR that nighttime light levels over the water above ambient conditions is

a potential concern and that mitigation actions (mitigation measure MM-3.3-7) needed to be imposed have a known potential to reduce the expected impact to less than significant.

I55-29 This comment asks would other factors associated with elevated overnight light levels tend to congregate pelagic prey species and increase predation rates, such as attracting insects and other food sources to the project area. Although any nighttime lighting can be expected to attract insects, when attracted, they typically congregate around the artificial light itself, not generally over the larger illuminated area. So overall, general illumination of the onshore components and the wharf areas of the Project site is not anticipated to result in any increase in airborne insects over the water which could increase nighttime attraction and predation of fish. Finally, the entire intent of mitigation measure MM-3.3-7 is to ensure that nighttime light levels over the water are reduced to levels that do not result in increased attraction of fish and the potential for predation on those fish greater than is currently occurring in the area. The entire east and west banks of the lower Napa River above the proposed Project site are heavily urbanized and industrialized areas of Vallejo in which water related activities are occurring including ship repair and dismantling, ferry operations, lighted pedestrian walkways along the riverfront, etc. All of these activities have nighttime lighting that is cast over the water. Implementation of mitigation measure MM-3.3-7 and the utilization of modern lighting technology are expected to result in much lower overwater light levels than currently exists along the Napa River in Vallejo.

I55-30 This comment quotes a 404 Determination Study of the proposed project site as saying a small seasonal wetland identified as a potentially jurisdictional wetland is present at the base of a hillside in the southern portion of the study area. The quote describes the potential wetland and points to a section of the report (Section 4.1.2) that again states it is present on the project area. This comment does not raise a specific concern or question regarding the EIR, therefore no response is necessary.

I55-31 The commenter quotes Section 3.2.2.2 Special Status Species with High Potential to Occur of Appendix E-1 showing how it was determined that the Project Area does not provide a winter roost site for the Monarch Butterfly. The commenter states that that conclusion is largely based on a lack of fresh water and dense understory; yet, a late June survey found open ponded water on the site. The commenter would like to know why the open water source cited as still present on the site in June would not support a winter roosting monarch population. In 2008 a protocol level monarch winter roost survey was completed during the winter of

2007-2008, and no monarchs were observed in the project area. Therefore, it was determined at that time that the project area does not provide a winter roost site for the monarch butterfly. For the DEIR the results of the nine-quad California Natural Diversity Database (CNDDDB) search which would include any recent sightings of the species in the area did not include the butterfly in species with even a low potential to occur. In addition, ponded water in a coastal location does not constitute viable habitat.

- I55-32** The commenter states that the survey data in Appendix E-1 is insufficient to gauge the potential impact on the monarch butterfly. See Response I55-31.
- I55-33** The commenter would like to know how the intervening drought years have affected monarch butterfly roosting distributions. See Response I55-31.
- I55-34** The commenter asks does the ponding at the base of the slope continue through dry years after other sites that would be suitable in normal years have dried up. See Response I55-31.
- I55-35** The commenter asks how do rainfall patterns affect the suitability of the proposed project site relative to nearby alternative roosting sites for the Monarch butterfly. See Response I55-31.
- I55-36** This comment states that the person responsible for annual mowing of the understory reports that the practice was abandoned years ago, so the lack of a dense understory cited and photographically documented in the Draft EIR no longer describes actual site conditions. See Response I55-3.
- I55-37** This comment states that the combination of historic records of use as a monarch roosting site, the documented presence of open ponded water, and a dense understory all call into question the conclusion that the project site does not provide suitable habitat for winter roosting of monarch. The commenter believes this potential impact requires further study of the project site status because the information used to reach the conclusion is outdated and incomplete. See Response I55-31.
- I55-38** This comment asks has the fill material deposited on the site in the past been tested for hazardous materials. Please refer to Section 3.7, Hazards and Hazardous Materials, of the Draft Final EIR for a full description of the existing setting of the site in terms of hazardous materials and the extent of testing performed on the site.

I55-39 This comment asks does the watering for dust control measures and the collection and reuse of runoff water have the potential to redistribute hazardous material contained in the fill material into the environment. Dust control would not be applied in such excessive amounts as to generate runoff. Incidental/residual contaminants would be handled as described in water quality control plans (Appendices J-1 and J-3), and in accordance with the operational SWPPP which must be consistent with the Industrial General Permit. Stormwater that falls on site will be directed through a series of treatment facilities to control pH and reduce turbidity, sediment, heavy metals, and other targeted pollutants.

The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase in compliance with the Industrial General Permit, the Orcem portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant (see Draft Final EIR pgs. 3.8-19 through 3.8-21).

I55-40 This comment asks what is the source of topographical baseline datum for the site used to determine potential flooding effects on project infrastructure and evaluate possible environmental impacts related to project operations and components when the site is inundated.

The project's risk of inundation from flooding was examined in Section 3.8.4 (I). The Draft EIR concluded that the extent of inundation from a tsunami was expected to be less than that of a 100-year flood (as discussed in Section 3.8.2). Section 3.8.2 discusses existing conditions related to flooding, dam inundation and coastal hazards. This section states that a majority of the VMT site is located within a Special Flood Hazard Area (Zone AE; at or below 9 feet above mean sea level) but the Orcem site is not located within a Special Flood Hazard Area. Impacts related to placing structures within a Special Flood Hazard Area are addressed in Section 3.8.4 (G).

I55-41 comment states that the Material Safety Data Sheets for blast furnace slag reveal a variety of hazardous materials and calcium sulfide, which is highly toxic to aquatic life, may occur in significant amounts. The commenter states that the composition of the source material that would be imported to the site and the potential for differing batches of slag to impact the environment differently has not been given due consideration in the Draft EIR. The DEIR, through all sections, used the Material Safety Data Sheets to define the range of materials that could impact the environment, both marine and terrestrial.

I55-42 This comment asks what would guarantee that some of the water used in dust control would not make its way into the marine environment carrying toxic or hazardous materials from the blast furnace slag along with fugitive dust.

Dust control would not be applied in such excessive amounts as to generate runoff. Incidental/residual contaminants would be handled as described in water quality control plans (Appendices J-1 and J-3), and in accordance with the operational SWPPP which must be consistent with the Industrial General Permit. Stormwater that falls on site will be directed through a series of treatment facilities to control pH and reduce turbidity, sediment, heavy metals, and other targeted pollutants.

The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase in compliance with the Industrial General Permit, the Orcem portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant (see Draft Final EIR pgs. 3.8-19 through 3.8-21).

Potential hazards resulting from construction and operation of the project are assessed in Section 3.7 Hazards and Hazardous Materials. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to the response to comment OCH4-2 for a detailed description of the measures in place to prevent the fugitive dust becoming airborne.

I55-43 This comment asks how can the public be sure that fugitive dust emissions will not be carrying carcinogens from slag material along with the caustic respiratory irritants. Please refer to the response to comment OCH4-2 for a detailed description of the measures in place to prevent the fugitive dust becoming airborne.

I55-44 This comment asks how much does the chemical composition of blast furnace slag vary in the regions that will be sourced for the Vallejo plant. Please refer to the response to comment OCH4-22.

I55-45 This comment asks do steel plants in the regions that would provide the slag for this project add steel scrap to their kettles which can result in hazardous materials ending up in the blast furnace slag. Please refer to the response to comment OCH4-22.

- I55-46** This comment asks what measures could prevent significant environmental impacts resulting from hazardous materials imported in batches of blast furnace slag over the operational life of the facility. Please refer to the response to comment OCH4-22.
- I55-47** This comment asks what is the potential for inundation according to Inundation Maps produced by the State of California.
- Section 3.6.4 of the Draft Final EIR and Appendix D-2 provide the requested information. The State of California Sea-Level Rise Guidance Document produced by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team and a Technical Memorandum on Sea Level were developed specifically for this project by Moffatt & Nichol in 2015. Section 3.8.4 analyzed all potential water quality issues including inundation by seiche, tsunami or mudflow. Mitigation measures for all significant impacts are provided in Section 3.8.5 and a conclusion on the significance after mitigation is provided in Section 3.8.6.
- I55-48** The comment asks if some or all of the site is projected to be inundated, what is the projected timeline for that.
- Please refer to the response to comment I55-47.
- I55-49** This comment asks what is the source of the topographic site data used to determine the likelihood of future inundation of all or a portion of the site.
- Please refer to the response to comment I55-47.
- I55-50** This comment asks if the site were to be inundated either through sea level rise, tsunami or extraordinary weather event, what environmental impacts would result.
- Please refer to the response to comment I55-47.
- I55-51** The commenter states that the Draft EIR only has one paragraph in Section 3.8 about landslide potential from the hill above the old General Mills site. The commenter states that Micki Kelly, a plant ecologist, conducted a reconnaissance plant survey of the site in 2007 and reported a recent landslide adjacent to the General Mills mill. The commenter states that the lack of detailed analysis of the landslide potential suggests that the Draft EIR has an inadequate system of berms and landfill designed to stop polluting runoff from the site into the Mare Island Strait, Carquinez Strait and San Pablo Bay. The commenter is concerned

pollutants stockpiled against the hill could pollute these waterways and states that this issue has not been sufficiently examined in the Draft EIR.

Section 3.5.4 (B) analyzed all potential for geotechnical issues including landslides. The Draft EIR concluded that although slope stability evaluations have already been prepared for the project and have concluded the risk of landslides is low, these conclusions are preliminary in nature. Proper design of remedial systems will require more detailed study as design of the project proceeds to final stages. Therefore, impacts would be significant prior to mitigation measures. A mitigation measures for this impact is provided in Section 3.5.5 and a conclusion on the significance after mitigation is provided in Section 3.5.6.

I55-52 This comment asks were those involved in the preparation of the Draft EIR aware of the long history of mud and rock-slides off the hillside, which runs from above the General Mills site south above adjacent Sandy Beach to the western edge of the California Maritime Academy?

Please refer to response to comment I55-51. This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

I55-53 This comment states that residents of the adjacent Sandy Beach neighborhood can describe how landslides have come down the hill during heavy rains and covered their boardwalk, decking and yards with tons of debris. The commenter is concerned that such slides could overwhelm the runoff control system described in the Draft EIR. Given the documented history of landslide events, the commenter believes the potential for landslides during extreme weather events to impact project operation and the environment has not been sufficiently analyzed in the Draft EIR.

Please refer to response to comment I55-51.

I55-54 The commenter notes that the DEIR states that 2.74 acres of potential foraging habitat for sensitive fish species would be lost due to shoreline modifications, and another 12.1 acres would be temporarily degraded due mainly to dredging. Further the EIR concludes that the area at the site “is not considered to be of high quality as a foraging habitat and the incidence of sensitive fish species at the site is low.” The commenter states that people who fish in this immediate area catch striped bass, sturgeon and other types of fish and that small mud sharks are known to enter the river from San Pablo Bay. Commenter notes that Delta and longfin smelt are documented in the adjacent waters, seals come up river from the bay

and grass shrimp thrive in the Mare Island Strait. Commenter asks for further explanation regarding the determination that the incidence of sensitive fish species at the site is low, and that the site is not considered to be of high quality as a foraging habitat.

Although many fish, invertebrate, and shark species can be found in the lower reaches of the Napa River, only a few of these species, including special status species, would be potentially effected by proposed Project dredging activities. These would primarily be those species that feed on benthic organisms. These include sturgeon, assorted flatfish species, gobies, etc. Section 3.3 of the DEIR and its associated appendices documents and discusses in detail all of the fish, invertebrate, and marine mammal species known to occur within the lower stretches of the Napa River. Additionally, assessments of both the intertidal region of the Project area and the subtidal benthic infaunal community were conducted in order to accurately describe and assess potential Project effects on the marine biological community. The results of these site-specific studies and literature reviews were presented in the DEIR. The determination that the potentially dredged sediment locations and the presence of special status species who rely on benthic infauna inhabiting the sediment was based on multiple years of fish occurrence data collected monthly by the CDFW and an assessment of the actual benthic infauna species present in the sediments proposed to be dredged by knowledgeable and experienced marine biologists. See the response to Comment I55-55 for additional information on the temporary loss of benthic foraging habitat during dredging.

I55-55

This comment says that the Draft EIR states that the VMT project component would require a small amount of filling, diking and dredging, but page 3.9-17 of the Draft Final EIR states that nearly 89,800 cubic yards of material would be dredged – this number was reduced due to the project change that eliminated the Phase 2 dike. The commenter would like to know what is the Draft EIR's definition of a small amount and would this amount of dredging really have not harmful effects on marine life in the area. In assessing the potential effects of dredging on marine biota and habitat, it is not the volume of material being dredged that is important but rather the areal extent of the seafloor surface area where dredging will occur. Invertebrate benthic infauna only occupy the upper few centimeters of sediment. During dredging these organisms are removed with the dredged sediment and until the newly exposed sediment surface is recolonized, the area is temporarily lost to benthic production and as a food source for benthic fish species. The proposed VMT Terminal would dredge approximately 9.5 acres, a relatively small surface area of subtidal soft substrate

habitat currently present along the lower Napa River and regionally within San Pablo and Suisun Bays. Additionally, the loss of the benthic taxa in the dredged area of the Project site will be temporary with re-colonization occurring almost immediately and predicted to recover to pre-dredging conditions within 1 year to 2 years, depending on when actual dredging occurs.

In total, the relatively small area being dredged when considered against the areal extent of undisturbed areas of the Napa River and upper San Francisco Bay-Delta when combined with the short term loss of the benthic community, the overall effect on lost fish foraging habitat for all fish species, including special status species is less than significant.

I55-56 The commenter asks how the estimated dredged material was calculated. The estimated amount of dredged material was calculated by using current bathymetric maps/charts, plotting and calculating the surface area of the subtidal region that will need to be dredged, and then calculating the depth to which the location will need to be dredged to achieve the targeted water depth.

I55-57 The commenter states that given the several hundred feet of shoreline to be utilized for the piers, it appears that the calculation of 140,000 cubic yards of dredged material might be too low. Refer to Section 2.4.1 of the Project Description for further information regarding dredging. The existing river channel is located very close to the wharf location so the amount of dredging and dredged material required is fairly low. The volumes provided in the Draft Final EIR are accurate; however, they have been changed from the Draft EIR numbers to reflect the elimination of the proposed Phase 2 dike.

I55-58 This comment asks if dredging to 35 feet below mean lower low water would go beyond the removal of silt and require removal of bedrock. As updated in Section 3.8, Hydrology and Water Quality, of the Draft Final EIR, the channel would be dredged to a depth of 38.0 feet below mean lower low water. The project would not require the removal of bedrock to reach the depth required.

I55-59 This comment asks what the depth of the main river channel is now and if it is less than 35 feet mean lower low water. NOAA Navigation Chart 18655 indicated that the main channel of the Napa River adjacent to the Project site ranges between 35 and 39 feet in depth mean lower low water.

I55-60 This comment asks regarding pollution, what may be in the silt as a result of more than 150 years of water-based activity on both sides of Mare Island Strait. Potential hazards related to dredged material are addressed in Section 3.7,

Hazards and Hazardous Materials, and Section 3.8, Hydrology and Water Quality, in the EIR. Mitigation measure MM-3.8-1, Dredged Material Management Plan, would be implemented to ensure hazards related to dredged materials would be reduced to below a level of significance.

I55-61 This comment asks what samples have been collected and analyzed for substances that would contaminate the water column to the full depth of the proposed dredging. Please refer to response to comment I55-60.

I55-62 This comment states that the Draft EIR says only shallow sediment samples were taken and that this appears to be inadequate. This comment asks if samples were taken to bedrock levels. Potential hazards related to dredged material are addressed in Sections 3.7 Hazards and Hazardous Materials. Section 3.7.2, Existing Conditions, discusses the sediment sampling and Table 3.8-3 in Section 3.8 provides water quality monitoring results in the Mare Island Strait for selected contaminants. Mitigation measures for all significant impacts are provided in Section 3.7.5 and Section 3.8.5 and a conclusion on the significance after mitigation is provided in Section 3.7.6 and Section 3.8.6.

I55-63 This comment states that for many years the Army Corps of Engineers ran a large dredging ship in the Mare Island Strait to keep the water deep enough for Navy ship traffic. The commenter asks if the Army Corps of Engineers records were reviewed to see whether the Army Corps of Engineers conducted sampling of dredged material in the river. The commenter would like to know if not, why not. The CEQA environmental assessment is based on conditions seen at the time when the CEQA analysis begins (the date of issuance of the Notice of Intent to prepare a CEQA analysis, thus current conditions were assessed but historic records were not germane to this analysis.

Letter I56

Commenter: 733 Carolina Street

Date: November 6, 2015

I56-1 This comment questions how the proposed project is in alignment with the new Vallejo General Plan. The City is currently in the process of updating the General Plan; however, until the updated General Plan is adopted, the existing General Plan remains in effect. Therefore, the updated General Plan is not applicable to the proposed project.

Letter I57**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I57-1** This comment questions why the public couldn't be notified sooner rather than later of the proposed project. This project was officially noticed in May 2014 when the NOP was circulated for the required 30-day review period. During this period the NOP was mailed to various federal, state and local agencies, environmental groups, other organizations and other interested individuals and groups. In addition, the NOP was published in the *Vallejo Times-Herald* on May 20, 2014. A public scoping meeting was held on May 29, 2014 to help identify potential environmental issues that should be considered in the Draft EIR. For more information please refer to Section 1.6, CEQA Process, in the Draft Final EIR.

Letter I58**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I58-1** This comment questions if the City of Vallejo monitors the level of success for public outreach. This comment does not raise an issue related to the Draft EIR; therefore, no additional response is included.

Letter I59**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I59-1** This comment questions why there are so many "to be determined" in the Draft EIR. This comment is not clear in terms of the specific concern regarding the Draft EIR.

Letter I60**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I60-1** This comment asks why there is no environmental justice report. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter I61**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I61-1** This comment asks why there is no list of potential alternative business proposals for the Sperry Mill Site. At the time of preparation of the EIR, there were no alternative business proposals submitted to the City for consideration; therefore, the EIR does not include a list of such proposals.

Letter I62**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I62-1** This comment questions why the Draft EIR does not consider potential real estate devaluation. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I63**Commenter: 733 Carolina Street****Date: November 6, 2015**

- I63-1** This comment asks why there are so many significant and unavoidable impacts found in the Draft EIR. Significant and unavoidable impacts are those that cannot be substantially lessened the by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The EIR discloses the potential impacts of the proposed project and identifies mitigation measures to reduce such impacts. However, in some cases, there are not sufficient feasible mitigation measures to reduce impacts to below a level of significance, which results in significant and unavoidable impacts.

Letter I64**Commenter: Ann Carr****Date: September 28, 2015**

- I64-1** This comment summarizes concerns that one two-hour public meeting would not be sufficient to address all the concerns of the citizens given the amount of time the City has been working on this project. The City held two public hearings for

the project during the 45-day Draft EIR review period, on October 7 and 25, 2015. Both hearings were extended past their original 2-hour time limits to allow for all attendees to present their comments, questions and concerns.

- I64-2** This comment requests the review period for the Draft EIR be extended due to the size and complexity of the report. The City extended the original 45-day public review period to 60 days based on the complexity of the project and the technical nature of the associated environmental issues.
- I64-3** This comment requests that one hearing be held in South Vallejo given the potential impacts of the project on the South Vallejo community. A public hearing was held on October 25, 2015 in South Vallejo.
- I64-4** This comment requests that the “Open House” on the project occur after the close of the Draft EIR comment period because hosting it before would suggest a bias and prejudice on the City’s part since questions raised would not be part of the public record or the Draft Final EIR. The applicants hosted an open house for the project during the public review period; however, this open house was in no way sponsored by the City.
- I64-5** This comment expresses concern with the lack of outreach and claims that a single two-hour hearing is not adequate. Please refer to Master Response 10 for information regarding community outreach.

Letter I65

Commenter: Ann Carr
Date: November 2, 2015

- I65-1** This comment summarizes that initial impressions of the proposed project were positive due to the applicant’s promise of jobs and a green product. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I65-2** This comment expresses the opinion that this project would be catastrophic for South Vallejo and that the Draft EIR is so flawed and inadequate that it does not allow proper evaluation of the environmental and health impacts of the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I65-3** This comment alleges that the Draft EIR fails to adequately evaluate the health and environmental impact of portland cement and claims that unless the project sponsors are willing to agree to a deed restriction and prohibition of milling portland cement the Draft EIR needs to be redone and recirculated. As described in Chapter 2, Project Description, of the Draft Final EIR, Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The impact analysis throughout the EIR considers all three modes of operation and focuses on impacts from the most impactful mode depending on the issue. No additional analysis is required to evaluate portland cement since it is already included in the EIR.
- I65-4** This comment requests further discussion of potential carcinogenic materials that would be handled on the project site. Please refer to Section 3.2, Air Quality, and Section 3.7, Hazards and Hazardous Materials, of the Draft Final EIR for more information regarding potentially carcinogenic materials associated with the proposed project. Material safety data sheets for the materials proposed to be used on site are provided in Appendix I-9.
- I65-5** This comment asks how the potential CO₂ impact of portland cement and GGBFS cement translates into the dust and hazards present at the project site. Please refer to Response A1-5 for further detailed information regarding this issue.
- I65-6** This comment requests material safety data sheets for portland cement and GGBFS cement and information on the hazardous component and potential health hazards of dust for each. Please refer to Appendix I-9 of the Draft Final EIR for material safety data sheets for portland cement and GGBFS. Additional information on potential health hazards can be found in Section 3.2, Air Quality, of the Draft Final EIR.
- I65-7** This comment expresses concern with the lack of an environmental justice report for the project area given the large number of low income families and racial and ethnic minorities in the area. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- I65-8** This comment expresses concern with the complexity of the language in the Draft EIR. Due to the complex nature of the project the use of technical language is required to adequately analyze potential impacts. Section 2.4, Proposed Project, clearly defines the two components of the project and thoroughly details the

construction and operation processes for each. This information is used throughout the analysis in the Draft EIR. Throughout the analysis technical terms are defined to assist the reader with understanding how the analysis was conducted.

I65-9 This comment expresses concern with the lack of effective outreach to Spanish speaking and Tagalog speaking communities. Please refer to Master Response 10 for information regarding community outreach.

I65-10 This comment summarizes the number of pages and appendices of the Draft EIR and states that downloading the information in the library was slow and many of the data tables in the appendices were not in an accessible digital format. This comment is noted.

I65-11 This comment requests that the Draft Final EIR be made available in downloadable chapters as well as a complete document. This comment is noted.

I65-12 This comment details the high cost of printing the Draft EIR and requests that the Draft Final EIR be made available in black and white as well as color, with binding and the appendices DVD optional. This comment is noted.

I65-13 This comment expresses the opinion that the City knows how to conduct public outreach if it wants to and that the further outreach needs to be done pro-actively to the South Vallejo community. Please refer to Master Response 10 for information regarding community outreach.

I65-14 This comment questions if VMT is willing to prohibit the shipping and receiving of coal, coke, tar sands, oil and or petroleum products, garbage, nuclear waste, and explosives. If VMT is not willing to prohibit these materials, the commenter requests that potential health and environmental hazards of these materials be disclosed. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1, VMT Operation, of the Draft Final EIR. Section 2.4, Project Description, notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

I65-15 This comment questions what procedures would be utilized to monitor incoming materials and what precautions would be taken to prevent hazardous materials from being shipped to VMT. VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California

EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1, Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

- I65-16** This comment questions how often a U.S. customs official would inspect incoming shipments and if there would be a full time customs official at the VMT pier. Please refer the response provided for comment I65-15 above.
- I65-17** Commenter asks what the penalties and fines are for shipping hazardous materials. Please refer the response provided for comment I65-15 above.
- I65-18** This comment questions what precautions will be taken to ensure nuclear wastes aren't shipped. Please refer to the responses for comments I65-14 and 15 above.
- I65-19** This comment questions if restrictions would be in place to prevent Orcem from importing slag from China or India or other countries with lax environmental standards. Please refer to the response for comment I65-15 above.
- I65-20** This comment asks if the applicants would pay Vallejo port fees and what ports in Richmond, Stockton and Oakland charge for port and cargo fees. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I65-21** This comment asks for an elaboration on market conditions and the current and anticipated market relative to other local suppliers, since Orcem would operate in one of three modes dependent on market conditions. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I65-22** This comment questions under what market conditions Orcem would also grind portland cement and the associated impacts on air, water and health if portland cement were produced. Market conditions are beyond the scope of the EIR; however, impacts from portland cement have been evaluated throughout the Draft EIR.
- I65-23** This comment expresses that many peak noise level increases would occur during the early hours of the morning and requests that baseline measurements be provided for 1 am, 3 am, and 5 am. Following the preparation of the Draft EIR, the California Northern Railroad has confirmed the proposed project will be served by the normal operating hours of the railroad from 7:00 a.m. to 6:00 p.m. Monday to Friday. Given this change, mitigation has been incorporated to account

for a shift in train arrivals and departures time. Rail activity (including loading and unloading of trains, which is relatively noise intensive), will not occur between 10:00 p.m. and 7:00 a.m.

I65-24 This comment states that Vallejo statutes prohibit unloading between 9pm and 7am, yet Orcem would operate 24/7. Commenter would like mitigation proposed that would prohibit loading between 9:00 p.m. and 7:00 p.m. See Response I65-23.

I65-25 Commenter states that page 490 of the Draft EIR says noise from trucks is exempt but 276 trucks per day would cause a substantial noise impact and asks that these noise impacts be analyzed. Please refer to Section 3.10, Noise, of the Draft Final EIR for the full discussion of potential noise impacts from trucks.

I65-26 This comment asks for assurance that the railroads would operate when the applicants want and what upgrades would be done to the train tracks.

Mitigation Measures for noise impacts are identified in Section 3.10.5. Mitigation measure MM-3.10-1a would require VMT to work with the California Northern Railroad to upgrade existing track and any new track to a continuous welded rail which would remove the joints and provide a smooth continuous surface for rolling stock. Mitigation measure MM-3.10-1b would require that hoppers be lined with rubber wearing sheets to reduce noise associated with loading material into rails and barges. Compliance with these mitigation measures would be required through a Mitigation Monitoring and Reporting Program. However, as noted in Section 3.10.6, mitigation measure MM-3.10-1a would be dependent on the California Northern Railroad since the City does not have jurisdiction over the railroad. While the City can require that the applicants work with the California Northern Railroad they cannot ensure that the California Northern Railroad will agree to make the improvements. For this reason, impacts associated with rail noise and vibration were determined to be significant and unavoidable. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

I65-27 This comment requests the equation used to predict operational noise. The noise analysis is presented in Section 3.10 of the EIR and additional detail regarding the noise modeling conducted for the project is provided in Appendices K-1 through K-3.

I65-28 This comment questions how much mitigation of noise would actually occur from rubber sheets lining the hoppers. As discussed in Section 3.10.5, application of mitigation measure MM-3.10-1b would reduce hopper noise by 10 decibels.

I65-29 This comment asks what the total noise level inside the cement mills without attenuation would be with all equipment operating at full production levels with full loads and what the combined total noise level is in the plant with attenuation. Noise modeling was not done without the assumption of attenuation as the plant will be required to operate in this manner. Noise model results for the Orcem fixed and mobile operations are presented in Section 3.10 - Table 3.10-14 (Phase 1) and Table 3.10-15.

I65-30 Commenter asks how proximity to water and the hillside affects the transmission of sound. Specific site features will affect sound transmission in different ways. Relevant to this project, the proximity to water and the hillside were taken into account during project assessment.

I65-31 Commenter requests noise impact results for all NSLs in the body of the report and not the appendix.

Noise-sensitive locations (NSL) closest to the project are identified in Table 3.10-4. These NSLs represent the worst-case scenario for receptors in the project area because they are located closest to the project and would be most heavily impacted by noise. The combined analysis for VMT and Orcem utilizes a worst case-scenario for noise generation which would include Orcem production, rail and truck movements on the local road network, plus noise generated by VMT unloading a vessel and transporting material by truck, rail, and barge. Table 3.10-28 shows the results of the combined noise levels from all VMT and Orcem operational activities. According to the table, increases in the total noise level for residents at NSL-1 through NSL-10 would vary from 1 dB to 10 dB. Noise impacts were only determined to be exceed allowable increases at four locations NSL2 (Bay Village Apartments), NSL5 (Colt Court residences), NSL7 (Sonoma Boulevard residences) and NSL9 (Lemon Street residences east of Sonoma Boulevard). The Draft EIR discusses that the increase at these locations would be a very slight increase of less than 1 dBA above the allowable increase of 3 to 5 dBA. The actual exceedance is of the order of 0.5 dBA and due to rounding, a slight exceedance is identified. However, an exceedance of this magnitude is considered imperceptible and it is considered impractical to provide mitigation for such a small amount. Other residences are not considered in the analysis because they are located further away from the project site than the NSLs listed in Table 3.10-4 and therefore the noise impact would be less than what is determined for the NSLs in the Draft EIR. Noise impacts were determined to be imperceptible at residences closest to the project and therefore noise impacts would be both imperceptible and insignificant for residences located further

away from the project. For more information please refer to Section 3.10.4 (A) in the Draft Final EIR.

I65-32 This comment questions if the Ln levels noted in the noise charts already includes the 10 dB addition to reflect the perceived intensity of nighttime noise. Yes this is taken into account.

I65-33 This comment claims the report indicate NSL6 as an intensive use designation despite the fact that the area mainly contains low-density single family homes. This designation reflects historic and planned uses for this area.

I65-34 This comment expresses the opinion that traffic and noise at Sonoma Boulevard and Lemon Street is more representative of the area than the intersection at Sonoma Boulevard and Solano which is used in the analysis. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I65-35 This comment alleges that the Draft EIR does not properly cover cumulative impacts in the area including the noise and traffic from Interstate 80, pollution from ships in the Carquinez Strait, odors and gasses from nearby water treatment plants and pollution from Mare Island.

CEQA does not require evaluation of historic exposure that is not related to the proposed project. The EIR evaluates potential impacts of the proposed project on the existing environment.

Noise impacts are addressed in Section 3.10 of the EIR. Section 3.10.2 Existing Conditions, gives the location of all noise measurements taken to quantify short term and long term noise levels in the project region. Of the five long term (LT) monitoring locations, three locations (LT 1, LT 2, and LT 3) are all within close proximity to I-80. The noise measurements in these areas accounts for all sources of noise to determine average noise conditions in the vicinity. Potential noise impacts are analyzed further using these measurements in Section 3.10.4 Impact Discussion. Please refer to Section 3.10.2, Existing Conditions, and Section 3.10.4, Impact Discussion, for additional information.

Transportation and Traffic are addressed in the Section 3.12 of the EIR. Section 3.12.2, Existing Conditions, lists roadways within the traffic study area considered in the analysis. As discussed in the Existing Conditions, I-80 from north of I-780 to south of Sonoma Boulevard is included in the study area and all traffic impacts within the study area are analyzed in Section

3.12.4, Impact Discussion. Section 3.12.2, Existing Freeway Operations, lists current Levels of Service for each of the freeway segments analyzed and describes the methodology utilized in the analysis of traffic impacts to freeways. Please refer to Section 3.12.2, Existing Conditions, and Section 3.12.4, Impact Discussion, for additional information.

Pollution and air quality are addressed in Section 3.2 of the EIR. As discussed in Section 3.2.2, Existing Conditions, the BAAQMD operates a regional 32-station monitoring network which measures the ambient concentration of criteria pollutants. The background concentrations of criteria pollutants was determined utilizing data from the ambient monitoring station located on Tuolumne Street (Station No. 06-095-0004). The station is designated as a neighborhood scale station and is suitable for assigning a background concentration. This monitoring station accounts for all sources of air pollution within the project area and measures the overall background concentration of criteria pollutants including ozone, NO₂, SO₂, CO, O₃, and PM_{2.5}. Impacts to air quality are further discussed in Section 3.2.4, Impact Discussion. Please refer to Master Response 5 for more information regarding cumulative potential air quality impacts resulting from implementation of the proposed project.

I65-36

This comment questions the composition of GGBFS and portland cement, the potential hazardous components of each and the risks of combining fugitive dust with diesel particulate matter.

GBFS is the raw material that would be used to produce GGBFS at the Orcem plant. As discussed in Section 3.7.4 Impact Discussion (A), Operational Impacts Orcem Project Component, a laboratory analysis of a GBFS sample was undertaken by Weck Laboratories to analyze the potential hazards of GBFS. GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. Results of the lab analysis are provided as Attachment A in Appendix I-9 of the Draft EIR. The finished product, GGBFS, is a finely ground powder capable of emitting fugitive dust particles if not properly contained within closed processing, storage and loading facilities. Appendix I-9 also includes material safety data sheets for limestone, pozzolan and gypsum which are additional materials that may be used on site.

Portland cement clinker is a common construction material manufactured by blending materials including limestone, shale and clay in a kiln and processing at temperatures in excess of 1800° Fahrenheit (°F). Portland cement clinker is

classified as a hazardous substance. The MSDS for portland cement notes that it contains a known carcinogen, crystalline silica. An analytical laboratory report (included in Appendix I-9) was prepared for a portland cement sample which also indicated the presence of hexavalent chromium, another known human carcinogen. More information can be found in Draft Final EIR Section 3.7.4 (A) and in Appendix I-9 and Response A1-5 above.

I65-37

This comment expresses concerns for impacts of moisture and wind on drift patterns of particulate matter and fugitive dust.

Each step of the operation process has measures in place intended to minimize fugitive dust emissions, as discussed in Section 2.4.2.2 Orcem Operations Production Process. Raw materials would be transported from ships on continuous covered conveyor belts that would deliver materials to their respective storage spaces. Clinker would be stored in a designated enclosed storage building (Raw Material Storage Building). The Raw Material Storage building would be equipped with an air filtration system to ensure that any particulate emissions created by either the stockpiling or reclaim process would be captured in the filters, and fugitive particulate emissions would be maintained within agreed permit limits, thereby allowing only clean air to leave the building. GBFS and other raw materials would be stored in open stockpile areas. Since the material is natural coarse and moist there is no need to take any special precautions with respect to fugitive dust emissions. Covered conveyor belts are also used to transport materials from the storage facility to the processing mill. The processing mills are equipped with filter bags that separate air utilized in the milling and drying process and the final product. Clean air is drawn through the filter unit by an induced draft fan, also called the main mill fan. The outlet of the main mill fan leads to a vertical vent stack where the air leaves the processing plant along with any moisture evaporated from the raw materials. The finished product collected in the main bag filter is transported by an enclosed air-slide conveyor to a bucket elevator which lifts the product and discharges it to the product Storage Silos. The finished product would be stored in three large sealed finished product Storage Silos, each with a capacity of up to 5,000 metric tons. When the finished product is withdrawn from the Storage Silos, it would be transported in enclosed conveyor systems into smaller loading silos of approximately 80-metric ton capacity each for loading of tanker trucks and rail tankers. For a complete detailed description of the Orcem Operation process please refer to Section 2.4.2.2 of the Draft Final EIR.

I65-38 This comment questions where excess water from dewatering goes and asks how much dust would escape as fugitive dust if 80-95% containment was achieved. Please see the response for comment I53-34 and I53-35 above.

I65-39 This comment questions what percentage of asbestos containing materials would be present in the property after remediation and what measures would be taken to prevent fugitive dust from asbestos during demolition.

Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials. As noted in Section 3.7.4, Impact Discussion (A), disposal or transport of asbestos containing materials (ACMs), lead-based paints, PCB-containing equipment, mercury-containing equipment, mold growth and chemical supplies could result in a significant hazard to the public or environment. Three mitigation measures, MM-3.7-2a, MM-3.7-2b and MM-3.7-2c are provided in Section 3.7.5, Mitigation Measures. Implementation of mitigation measure MM-3.7-2a would require an abatement work plan to be prepared in compliance with local, state and federal regulations. The work plan would include a monitoring plan conducted by a qualified consultant during abatement activities to ensure compliance with all requirements. Additionally, demolitions plans would incorporate necessary abatement measures for removing ACMs in accordance with the BAAQMD District Regulation 11-2-401.3. Mitigation measure MM-3.7-2b would require a survey be performed to determine presence of PCBs, mercury or other hazardous building materials prior to demolition. If found, these materials would be managed in accordance with the Metallic Discards Act and other applicable state and federal regulations. Necessary abatement measures would be incorporated as required by the Metallic Discards Act, especially Section 42175, Materials Requiring Special Handling for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Lead abatement would be conducted in accordance with California DHS requirements. Lastly, implementation of mitigation measure MM-3.7-2c would require a Waste Management and Reuse Plan be prepared for the project which would include waste handling procedures, waste storage locations, inspection procedures and waste disposal. For a full text of all mitigation measures please refer to Section 3.7.5, Mitigation Measures, of the Draft Final EIR.

I65-40 This comment alleges that the Orcem president stated one can safely eat the slag cement powder and asks what the impact is of slag cement on mucous membranes of the eyes, nose, throat and respiratory system.

Please refer to Master Response 1 for detailed information on potential health impacts resulting from implementation of the proposed project.

I65-41 This comment questions how much catchment would be required to supply the demand for 9,922,840 million gallons of water per year from recycled water and rainwater.

This comment is not related to the adequacy of the analysis in the EIR and thus no response is required. Please refer to Draft EIR Section 3.13, which describes the water use proposed for the project.

However, for reference, the project does not propose to supply the entire water demand from recycled water. As indicated in Draft EIR Appendix J-4 (pg. 3), the project is proposing the use of an underground tank to provide a portion of the demand for the dust suppression system. Based on a 72 hour drawdown time for clearing the minimum storage volume, this harvesting and reuse will account for 8% of the project's stormwater treatment volume as determined by the Municipal Regional Permit.

I65-42 This comment requests that annual water needs be compared with sizes of local water bodies such as Lake Chabot or Cunningham Pool.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. However, for reference, the estimated project water demand is 4,950,000 gallons per year for VMT, and 9,922,840 gallons per year for Orcem, for a grand total of 14,872,840 gallons per year, or about 46 acre-feet per year. As a point of comparison, this volume is equivalent to about 0.4% of the capacity of Lake Chabot (which can store up to 10,400 acre-feet), or about 21 Cunningham Pools (which has 700,000 gallons).

I65-43 This comment questions how much catchment would be required to supply stormwater to dampen piles and where they would be located on the property.

This comment is not related to the adequacy of the analysis in the EIR and thus no response is required. Please refer to Draft EIR Section 3.13, which describes the water use proposed for the project. The rainwater system would be used during the winter only for this purpose.

I65-44 This comment asks what the minimum number of full time permanent employees is anticipated by VMT and what the requirements would be for education and industry experience. As discussed in the Project Description Section 2.4.2.1, VMT Operation, during regular operation 25 individual full time employees are expected for cargo loading and unloading, site maintenance operations, and administrative duties. This question does not directly relate to the CEQA analysis.

I65-45 This comment asks what the minimum number of employees Orcem anticipates to directly hire and what the requirements would be for education and industry experience. As discussed in the Project Description Section 2.4.2.2, Orcem Operation, during operation 20 full time employees and 20 administrative and sales are expected. This question does not directly relate to the CEQA analysis.

I65-46 This comment expresses how now there is a large population of people living within one mile of the plant and 16 sensitive receptors within 2.5 miles. Commenter requests an estimate on the number of students walking to school who would be exposed to cement dust from the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I65-47 This comment expresses the opinion that regardless of the former zoning the area is now surrounded by single family and medium to high-density housing and asks how the high impact of the project would fit with the residential nature of the surrounding area.

The Draft EIR concluded that the proposed project is subject to several land use plans, policies, and regulations, including the Bay Plan, the City of Vallejo General Plan, and the City of Vallejo Zoning Ordinance. This zoning presumably reflects historic and planned uses for this site.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

I65-48 This comment expresses the opinion that 276 trucks and 522 would severely divide the community.

Section 3.9.4 Impact Discussion (A) evaluates the potential for the project to physically divide an established community. The project would be built on an existing 32.55-acre project site which has been vacant since 2004 and would not require any construction in areas outside of that project site. Additionally, all transportation would occur on roads that are established within the surrounding areas and would not require construction of new routes which could potentially divide the community. The analysis determined there would be no impact. Please refer to Section 3.9.4, Impact Discussion (A), for a full analysis.

I65-49 This comment states that the General Plan baseline dates back to 1983 which is why Vallejo is in the process of updating the General Plan. Additionally, this comment alleges that the Guiding Principles have been adopted and the Preferred Scenarios adopted which should require a moratorium on industrial development until the new plan and zoning is in place. Please refer to the response for comment I45-47 above for information regarding consistency with the General Plan and the new General Plan update.

I65-50 This comment notes that the Bay Plan says ports are acceptable but not required and the citizens of Vallejo have envisioned a commercial or residential use for the waterfront.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

I65-51 This comment notes that 5.25 acres of open space would have to be rezoned and expresses the opinion that this clearly an incompatible use for open space.

The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone impacts determined to be significant and unavoidable due to this rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 (A) and (C) of the Draft Final EIR.

I65-52 This comment alleges that the alternatives discussion is lacking and ports of Richmond or Stockton would be more suitable for the project. Additionally, this comment asserts that VMT and Orcem's suggestion that their project was the only one suitable for the site is false because as late as 2007 there was a condominium project proposed for the site.

Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site Alternative which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the

combination of functional amenities suitable for accommodation of both VMT and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The Draft EIR was prepared for the project as proposed by the applicants.

I65-53

This comment states that the concentrations of silver chromium, lead, arsenic, silver and zinc are buried in the Mare Island Straits and asks how dredging during construction would release these contaminants and what the impact would be to local birds and wildlife.

Potential hazards related to dredged material are addressed in Sections 3.7 Hazards and Hazardous Materials, and 3.8 Hydrology and Water Quality, in the EIR. Mitigation measure MM-3.8-1, Dredged Material Management Plan, would be implemented to ensure hazards related to dredged materials would be reduced to below a level of significance.

Potential impacts to aquatic resources resulting from the project are discussed in depth in Section 3.3.5, Impact Discussion (A), Impacts to Marine/Aquatic Biological Resources. The analysis concludes that contaminants in Bay-Delta sediments at concentrations high enough to result in detectable increased loading of contaminants to Bay-Delta waters and therefore posing a threat to marine biota is not expected from dredging activities or placement/removal of pilings.

I65-54

This comment questions how often dredging is required and who would pay for the costs of dredging and the disposal of dredge materials.

As discussed in the Project Description Section 2.4.1.1 VMT Construction, the frequency of continued dredging would depend on the level of naturally occurring

scouring within the Mare Island Strait. VMT assumes that maintenance dredging would occur on average for 5 days every 4 years. Beneficial reuse of dredge material would be sought through possible sale disposal on site, or would be deposited at the Carquinez disposal site, following the guidelines of the San Francisco Bay Long-Term Management Strategy for Dredging. More information is provided in Section 2.4.1.1, VMT Construction, of the Draft Final EIR.

I65-55 This comment questions how intent to encourage carpools would mitigate traffic impacts from all the big rig trucks.

Intent to encourage carpools is not listed as mitigation for any impacts to traffic and transportation. The Draft EIR determined that traffic impacts to freeways and intersections would be less than significant and therefore would not require any mitigation. Freeway and intersection congestion impacts are addressed in Section 3.12.4 (A) of the Draft EIR. Table 3.12-10 shows existing plus project peak hour intersection service levels. This table provides an evaluation of delays for existing plus VMT traffic, existing plus Orcem traffic and existing plus combined project traffic. According to the table, the LOS analysis shows there would not be a significant impact under Criteria A.1-A.3 (described in Section 3.12.3, Thresholds of Significance). Table 3.12-12 shows the existing plus project freeway operations for the combined project. According to the table, the combined impact of both project components does not result in a significant impact under Criteria A.5 or A.6 (described in Section 3.12.3 Thresholds of Significance). Please refer to Section 3.12.4 (A) for additional information regarding the intersection and freeway operations analysis.

I65-56 This comment questions how many cars would be waiting during rush hour at rail crossings how emergency personnel would maneuver these blockages.

Emergency access is addressed in Section 3.12.4 (d) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measures MM-3.12-2a and MM-3.12-2b would be implemented to address significant impacts of delays from railroad operations.

I65-57 This comment questions how trucks coming down Lemon Street would impact rush hour traffic at the Park & Ride intersection.

Please refer to Section 3.12 Transportation and Traffic of the Draft Final EIR for the discussion of traffic impacts and mitigation measures.

I65-58 This comment questions what specific design modifications would be needed to the 7 intersections mentioned in the EIR and who would pay for those modifications.

Physical improvements to Lemon Street are required through mitigation measure MM-3.12-3. Mitigation measure MM-3.12-3 requires the applicants to retain the services of a qualified engineer to prepare a structural pavement assessment for this segment of roadway to provide for the safe movement of the project trucks along with other existing pedestrian, bicycle, and vehicular traffic on Lemon Street between the project site and Sonoma Boulevard and through the intersection of Lemon Street/Sonoma Boulevard. The assessment would evaluate the existing pavement condition/strength against the project's demands utilizing methodology acceptable to the City, and shall identify recommended improvements (for example, overlay, reconstruction, base repair, etc.) necessary to meet its demand, based on the schedule of combined VMT and Orcem truck traffic. This assessment would be submitted for review and approval by the City Public Works Department. The City shall determine the project's fair-share allocation of costs in relationship to overall improvement costs, and all necessary improvements shall be made prior to the issuance of a certificate of occupancy.

In addition, the applicants would be required to work with the City of Vallejo Public Works Department to identify, design, and prepare a cost estimate for those physical improvements necessary to provide adequate sight distance and maneuvering capacity for trucks along this segment of roadway, including the intersection at Lemon Street/Sonoma Boulevard. The needed improvements may include for example, centerline striping, potential on-street parking changes, sidewalk gap closures and widenings. The applicants would provide an engineer's cost estimate for the improvements, to be approved by the Public Works Department. The Public Works Department would also determine the project's fair-share cost allocation for the necessary improvements. All necessary improvements would be required to be constructed prior to the issuance of a certificate of occupancy. Please refer to Section 3.12.5 in the Draft Final EIR for a full text of the mitigation measure.

I65-59 This comment states the opinion that Lemon Street and Sonoma is a better intersection for determining baseline conditions than Solano and Sonoma which was used in the Draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I65-60 This comment questions how requiring trucks to be model year 2010 or later would be enforced and what penalty would there be for not meeting this standard.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please see Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I65-61 This comment asks what kind of fuels would be burned in port if the applicant doesn't provide shore power and what the differences are in emissions. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.

I65-62 This comment expresses concern for the nighttime lighting which may have a significant impact on birds and fish.

Potential lighting impacts are examined in Section 3.3.5, Impact Discussion (A), Increased Nighttime Artificial Illumination of Water. This was determined to be a significant impact. Measures that are often used to minimize the effects of artificial night lighting on marine biota include installation of wharf, pier, and dock lighting that is low to the dock or pier surface; use of low-voltage, sodium, LED, or non-yellow-red spectrum lights; and use of shielding to restrict the transmittance of artificial light over the water. Critical to reducing artificial lighting impacts to aquatic species is to restrict artificial lighting to the areas of the wharf that require artificial illumination and to limit overwater lighting. Mitigation measure MM-3.3-7 would require that VMT develop and implement a wharf lighting plan that would minimize, to the maximum extent practicable, artificial lighting installed on and adjacent to the VMT wharf. The plan would be required to include use of fully shielded, downward casting, low voltage, sodium, LED lights; restrict artificial lighting to those areas of the wharf and adjacent staging areas that require lighting; and direct all wharf and near wharf lighting to illuminate only the wharf and ground and not adjacent Napa river waters or the sky. A full text of the impact analysis is provided in Section 3.3.4, Impact Discussion (A), and a full text of the mitigation is provided in Section 3.3.5, Mitigation Measures, in the Draft Final EIR. This impact was determined to be less than significant with incorporation of mitigation measure MM-3.3-7.

I65-63 This comment questions if VMT and Orcem would pay a fee in lieu of utility taxes if they were to generate some or most of their own power. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I65-64** This comment requests information on the corporate structures of VMT and Orcem and their parent companies including legal actions initiated against either company, and how they would be held accountable for their actions if there should ever be a large legal settlement. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I65-65** This comment alleges that the Draft EIR claims there is no impact to housing but it is reasonably predictable that home values would decrease within the vicinity of the project. Housing impacts in the Draft EIR are limited in scope to generation of growth. These impacts are discussed in Chapter 5, Other CEQA Considerations. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I65-66** This comment questions how a kayak ramp and removal of old piers compensate for the loss of water access two miles away. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer to response to comment A2-6 above.
- I65-67** This comment requests that the picture on page 153 be redone because the picture of the water is obscured by the graph and that the artists include the open slag piles in the figure. It is unclear from this comment, which figure the commenter is referring to and we are therefore unable to understand the revision that is being requested.
- I65-68** This comment requests that the coloring for cancer risks pictures be redone to use a color that contrasts with the background instead of blending with it. Comment noted but this change was not made at this time.
- I65-69** This comment requests a description of offsets as mentioned on page 203 and what benefits and protection that would give the residents of Vallejo. It is unclear from this comment, which page number the commenter is referring to since there is no page 203 of the Draft EIR and we are therefore unable to provide a response.
- I65-70** This comment questions where the mitigation for cancer is provided and alleges that Section 3.2-6 refers to a mitigation measure for bat roosts. The mitigation measures for air quality impacts, including cancer risk are provided in Section 3.2.5 of the Draft Final EIR. Additional detailed information on potential air quality and associated health risks is provided in Master Response 1.

I65-71 This comment asks for an explanation for chart 3.10-2. Table 3.10-2 of the Draft EIR summarizes noise measurements from the five long-term measurement locations, including the average noise level during the day (L_{day}), the average noise level at night (L_{night}) and the overall average noise level (L_{dn}). L_{dn} is day-night average sound level and is defined in Section 3.10 Noise Background and Terminology, as a 24-hour average A-weighted sound level with a 10 dB penalty added to the nighttime hours from 10:00 p.m. to 7:00 a.m. The 10 dB penalty is applied to account for increased noise sensitivity during nighttime hours.

I65-72 This comment requests information on the estimated fees and taxes that Vallejo could receive from the project. This comment addresses economic issues which are not within the scope of the EIR.

Letter I66

Commenter: Kenneth Castellano

Date: November 2, 2015

I66-1 This comment questions how public access to the waterfront at Lemon Street would be maintained. As described in Section 2.4.2 of the EIR, the project site would be a Department of Homeland Security-controlled site and no public access would be permitted because the project would involve international freight movements. Public access to the waterfront would continue to be provided adjacent to the project site along Derr Avenue to the north and Sandy Beach Road to the south.

I66-2 This comment questions how open space would be preserved. The project does not propose the preservation of open space and it is not required as part of the project.

Letter I67

Commenter: David Cates

Date: September 5, 2015

I67-1 This comment asks for the availability of the City's economic impact report for job creation and tax increments. This comment addresses economic issues which are not within the scope of the EIR.

Letter I68

Commenter: David Cates

Date: September 5, 2015

- I68-1** This comment expresses the opinion that the economic impact to the City of Vallejo is an important part of the evaluation of the project and asks if there is an evaluation regarding how many jobs would be created and the tax increments the City would see as revenue generated by the proposed project activities. This comment addresses economic issues which are not within the scope of the EIR.

Letter I69

Commenter: David Cates

Date: September 10, 2015

- I69-1** This comment asks about the economic benefits of job creation and tax revenue for the City of Vallejo. This comment addresses economic issues which are not within the scope of the EIR.

Letter I70

Commenter: David Cates

Date: September 14, 2015

- I70-1** This comment compliments the City Planner, Andrea Ouse, on her work with the City of Vallejo and the changes she's made to various aspects of Economic/Community development in Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I70-2** This comment asks about the availability of a report on the economic benefits from job creation and tax revenue to the City of Vallejo. Please refer to the website of the City of Vallejo for a report of this kind. This comment addresses economic issues which are not within the scope of the EIR.
- I70-3** This comment states the commenter is opposed to the Orcem piece of the project and asks if it is possible to unbundle the two projects. The VMT and Orcem components of the project are bundled in the EIR due to the level of interdependence between the two components. The project applicants have determined that the projects would not be feasible independently. The City is required to review complete applications as submitted by the applicants.

Letter I71

Commenter: Barbara Center

Date: September 29, 2015

- I71-1** This comment presents the issues that will be discussed further in the comment letter including commercial trucks using Redwood Street and the excessive speed of drivers on Redwood Street. Responses to comments referred to in this comment are provided below.
- I71-2** This comment summarizes the commenter's experience of shaking from large trucks passing down Redwood Street and noticing the increasing cracks in the streets and people's driveways. Section 3.10 discusses impacts from both noise and vibration.
- I71-3** This comment summarizes the commenter's actions of writing down license plates of trucks using Redwood Street and submitting them to the Mayor's office. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I71-4** This comment states that even after the Highway 37 connector was complete Redwood Street has continued to be used by commercial trucks despite the posted sign at Broadway and Redwood that says "No trucks over 3 tons." This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I71-5** This comment states that Redwood Street is not listed as a designated truck route and the City could enforce Resolution 10-294 N.C. to limit further damage. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I71-6** This comment mentions that the rate of speed driven on the road is an issue. The commenter sites multiple examples of damage caused by speeding drivers including a totaled car, damage of a neighbor's fence, and the death of a resident. Commenter states that it is scary to leave the driveway at all hours of the day. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I71-7** This comment suggests that another stoplight or stop sign could be placed on Redwood below Tuolumne and above Broadway, or the speed limit could be

changed to 25 miles per hour. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I71-8** Commenter claims that these issues have been longing for decades and requests that a written response be provided which would be distributed to Redwood Street neighbors. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I72

Commenter: Joe Citizen

Date: October 28, 2015

- I72-1** This comment questions why Vallejo’s “greed-heads” hate the citizens. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I73

Commenter: Citizen

Date: October 7, 2015

- I73-1** This comment expresses concern for the future and quality of life for all residents of Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I73-2** This comment expresses the opinion that the analysis is not complex, both projects are terrible for Vallejo and should not go forward because implementation would guarantee that the quality of life for residents would be further degraded. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I73-3** This comment quotes Pope Francis regarding the protection of the environment and pledges to use personal financial resources to ensure that any elected officials who support the project are not re-elected. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I74

Commenter: Coleen Cole

Date: September 4, 2015

- I74-1** This comment questions what the levels of sulfur, nitrogen, and mercury are being emitted by Orcem. Please refer to Master Response 1 for detailed information regarding potential air quality and health impacts that would result from implementation of the proposed project.
- I74-2** This comment claims that no answer has been provided on the question above since July 30, and that if the project was so green why isn't there a transparency on potential emissions. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I74-3** This comment questions what other cement products would be produced and what their emissions would be. Please refer to Section 2.4.2.2 of the EIR Project Description, which describes the three operating modes proposed by Orcem. Also see response to comment A1-5 above.

Letter I75

Commenter: Coleen Cole

Date: September 4, 2015

- I75-1** This comment expresses the opinion that it is unreasonable to be asked to wait for answers on actual emissions and that if the applicant were willing to answer the question now it would show willingness to work with the citizens' concerns over health hazards. Additionally, commenter states if the applicant is not willing to give answers sooner, she will ask the EPA to assist with getting facts on the industrial process and emissions. Responses to comments on the Draft EIR are not provided until the Draft Final EIR is released and all comments are responded to in this document.

Letter I76

Commenter: George Collins

Date: October 26, 2015

- I76-1** This comment expresses opposition to the proposed project and claims that the Draft EIR is inadequate and that Orcem's green cement falls short of compensating for the significant detrimental environmental impact it would have.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I76-2** This comment states that the project would rezone a portion of the site which would introduce a more intensive land use not accounted for in the Bay Area 2010 Clean Air Plan introducing a significant and unavoidable impact while claiming the benefits of green cement. The project no longer proposes rezoning of this portion of the project site this change is reflected in the Draft Final EIR. Without the proposed rezone the significant and unavoidable impacts identified in the comment would be reduced to less than significant. Updated conclusions are provided in Section 3.2.4 of the Draft Final EIR.
- I76-3** This comment alleges that the mitigation provided for exceeding the carbon dioxide equivalent does not have a binding requirement for the biodiesel content to increase in proportion with production and claims the project is a blatant contradiction to the objectives of the City's Climate Action Plan. Refer to Section 3.6.5 of the EIR, which provides mitigation measures for operational GHG emissions. Even with implementation of the proposed mitigation measures, Impact 3.6-1 (exceedance of CO₂E emissions) and Impact 3.6-2 (consistency with the City's CAP) were determined to be significant and unavoidable.
- I76-4** This comment expresses concern for the high noise levels in residential areas and claims that even with application of a smooth, continuous surface for rolling stock as mitigation noise levels would only be reduced by 5 dB. This comment is consistent with the analysis presented in Section 3.10 of the Draft EIR.
- I76-5** This comment states that the project would cause substantial delays and claims that there are no binding requirements to limit train movements through Vallejo and that it is unlikely Orcem would reduce its projected traffic of 87 trucks per day and 200 rail cars per week as production increases. Please refer to the response to comment I103-3 for information regarding the number of trucks used by the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I76-6** This comment expresses the opinion that a cement plant is not economically viable in the long run because while cement demand may increase from residential and commercial construction, it will be offset by a decrease in cement demand from oil and gas related construction. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I76-7** This comment states that additional questions regarding the Draft EIR are included in Appendix A. This comment is noted.
- I76-8** This comment states that the No Project Alternative should be pursued and both the environment and Vallejo would be better off. This comment is noted.
- I76-9** This comment asks what mitigation measures are going to be implemented for adverse health impacts related to young children and elderly people with asthma. Please refer to Section 3.2.5 of the Draft Final EIR for mitigation measures that would be required to reduce the risk of health impacts on residents. Please refer to Master Response 1 for information regarding potential health impacts resulting from implementation of the proposed project.
- I76-10** This comment questions why there is no Draft EIR for the production of portland cement since there is no binding resolution to prevent Orcem from producing portland cement. There is no separate Draft EIR for the production of portland cement because it is incorporated and analyzed throughout this EIR. In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The analysis of impacts includes Orcem operations in each of the three production modes or the worst-case scenario. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.
- I76-11** This comment alleges that Orcem’s business license is FTB Forfeited and questions how they can be trusted to follow through with mitigation if they can’t handle routine business tasks. All mitigation measures required in the Draft Final EIR would be enforced by the City through a Mitigation Monitoring and

Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Program.

- I76-12** This comment questions why there is no clear definition of significant and claims that the Draft EIR should be redone to determine significance based on a clearly defined term. A “significant effect on the environment” is defined in Section 21068 of the CEQA Guidelines as “a substantial, or potentially substantial, adverse change in the environment.” Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines, as quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. Each Section of the Draft EIR contains a heading titled Thresholds of Significance which lists the thresholds and states that the project would result in a significant impact if any of the thresholds were exceeded. Generally, the thresholds are based on Appendix G of the CEQA Guidelines, but they can also come from other public agencies. For example, Appendix G advises lead agencies to rely on CEQA significance criteria established by the local air pollution control agency (for the Bay Area, BAAQMD) to determine the significance of a project’s air emissions. In Section 3.2.3, both the CEQA Guidelines and the 2010 BAAQMD CEQA Guidelines are discussed to establish what thresholds air emissions will be compared to in order to determine significance.
- I76-13** This comment asks that a more realistic number of full-time employees and expected salaries are included in the Draft EIR. The Draft EIR evaluates the worst-case scenario and for purposes of quantifying potential impacts the maximum number of employees is considered. Salaries are not within the scope of the EIR.
- I76-14** This comment questions why no information on the parent company Ecocem or the realized environmental impact reports for plants abroad are included in the Draft EIR. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR.
- I76-15** This comment questions why there is not a version of the Draft EIR available in Spanish on the City’s website despite much of Vallejo’s population speaking Spanish as their first language. The City of Vallejo is not required to provide copies of the Draft EIR or notices in multiple languages under CEQA. The City of Vallejo mailed notices in Spanish and English to all property owners and residents within 1,000 feet of the project site, all properties fronting Lemon Street from Derr Street to Curtola Boulevard and all properties fronting Sonoma from Lemon

Street to Interstate 80. Notices were also sent to all interested parties who previously requested notification of availability, all community groups, homeowner's associations and to all responsible agencies under CEQA.

Letter I77

Commenter: Community Letter

Date: undated

I77-1 This comment states opposition to placing the project near the Napa River, or placing any industry on that side of the river for many reasons including air quality, traffic and bird nesting. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I77-2 This comment claims that removing all of the trees would affect the birds' native habitat.

A potential impact to conflict with the City's tree ordinance is discussed in Section 3.3.4 (E) of the Draft EIR. A tree survey was prepared by WRA in 2008 (included as Appendix E-2 of the Draft EIR) and subsequently reviewed by a certified arborist in 2014 (see Appendix E-3). A total of 523 trees with 6 inches or larger diameter at breast height were identified during the survey. Approximately 73% of the trees on site are composed of three main species; blue gum and white ironbark eucalyptus (265 trees), blackwood acacia (61 trees) and Monterey pine (55 trees). The proposed project was designed to avoid impacts to treed areas on site and would impact only two southern magnolia trees. These trees are not regulated by the City's tree ordinance, and therefore the Draft EIR concluded that removing these trees would result in no impact.

Impacts to both terrestrial and marine wildlife are dealt with extensively in Section 3.3, Biological Resources, of the Draft EIR. A full text of the impact analysis is provided in Section 3.3.4 Impact Discussion and a full text of the mitigation is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR.

Letter I78

Commenter: Concerned Citizen

Date: October 7, 2015

I78-1 This comment questions the project as a whole. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I79

Commenter: Jan Cook

Date: October 25, 2015

I79-1 This comment expresses concern for the amount of water required by the Orcem and questions if that amount would increase as production increases and how that would affect the plans for water rationing in the City.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

I79-2 This comment requests that the City vote against the project and that it be put to a vote of the citizens so they can express their will.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I80

Commenter: Brenda Crawford

Date: September 29, 2015

I80-1 This comment raises concerns about health impacts. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

Letter I81**Commenter: Jill Cress****Date: October 1, 2015**

I81-1 This comment questions why the City would allow hundreds of truckloads a day and rail crossings through the neighborhoods which would stall traffic and greatly impact residents of Vallejo.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively, while impacts to railways would be significant for both projects individually and cumulatively. Please refer to Section 3.12.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.12-1 and MM-3.12-2. Additional information regarding the project's less-than-significant impact on intersection and freeway congestion please refer to Section 3.12.4 Impact Discussion (A) in the Draft Final EIR.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I82**Commenter: John Cress****Date: October 19, 2015**

I82-1 This comment claims Appendix D-1 does not say how air quality would be monitored and is overall vague and poorly written. Please refer to Draft Final EIR Section 3.2, Air Quality, for additional detail regarding proposed mitigation measures for air quality. In addition, the required mitigation measures would be

monitored and enforced through the MMRP, which is included as Appendix M of this Draft Final EIR (refer also to Master Response 7). In addition, please see response to comment I40-15 for BAAQMD enforcement and back stop actions.

Letter I83

Commenter: Paul Daniel Cress

Date: November 2, 2015

- I83-1** This comment asserts that the Draft EIR and the noise report in Appendix K-1 does not adequately address the constant noise levels for tearing down and rebuilding the pier and the docks. Construction noise impacts are described in Section 3.10.4 of the EIR and include all phases of construction, including demolition of the piers and docks. No further analysis is required under CEQA.

Letter I84

Commenter: David Curtiss

Date: October 10, 2015

- I84-1** This comment expresses concern about several factors of the project and asks for a response to the following questions. All questions in this letter have been addressed in the response to comment I264-2 through I264-11 below.
- I84-2** This comment states that in the Port of Los Angeles, docked ships utilize shore powers and asks if this will be true for VMT as well and how the pollution would be monitored. Please refer to Master Response 3 for information regarding shore power.
- I84-3** This comment asks who will pay for road upkeeps from the significant increase in truck traffic. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.
- I84-4** This comment asks what percentage of the 29 jobs would go to Vallejo residents and how that would be tracked. As discussed in Section 2.4.2.1, VMT expects a total of 40 individuals on site during vessel loading and unloading operations. During regular operations, 25 individuals engaged in cargo loading and offloading, site maintenance operations, and administrative duties on a permanent basis. As discussed in Section 2.4.2.2, Orcem expects to have 20 full time employees operating in shifts during a 24-hour period, together with 20 administrative and sales staff for a total of up to 40 full-time jobs at the facility.

The combined project would generate a total of 65 jobs during regular operations and 85 jobs during vessel loading and unloading. Job projections in the EIR only include jobs for construction and operation on site.

I84-5 Commenter asks how he would be able to understand where tax payments from the factory would be made. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I84-6 This comment asks how many for how long construction jobs would last. Construction of the VMT and Orcem projects is discussed in Section 2.4.1 of the EIR. VMT construction is expected to last approximately 4-6 months and Orcem construction is expected to last approximately 15 months. During construction of each phase there would be approximately 20 persons working on the site and onboard various construction barges and tugs. As mentioned in Section 5.4, the Orcem plant is expected to generate 100 jobs during the 15-month construction period.

I84-7 This comment asks how air pollution would be measured and what would happen if air pollution standards are exceeded. Please refer to Section 3.2, Air Quality regarding potential air quality impacts that could result from implementation of the proposed project. Please refer to Master Response 6 and response to comment I40-15.

I84-8 This comment asks if the developers are paying for additional equipment and staffing for the Vallejo Fire and Police Departments since they would be the immediate responders if an accident should occur. Impacts to fire and police departments are evaluated in Section 3.11.4 (A) of the EIR. The Draft EIR states that the Vallejo Fire Department has confirmed they have adequate equipment and personnel to service the proposed project and that the project would not increase response times or otherwise impact performance. The Vallejo Police Department has also confirmed that they have adequate personnel to serve the project site. Both of these impacts were determined to be less than significant. Please refer to Section 3.11.4 (A) of the Draft Final EIR for additional information.

I84-9 This comment claims that dredging would affect Bay and Sacramento River water quality and asks how often and to what depth the dredging would occur and if the EIR examines the impacts of dredging.

Dredging for VMT is discussed in Section 2.4.1.1 VMT Construction. The project would require an initial dredging to a depth of 38 feet (approximately 89,800 cubic yards subject to a permit from the U.S. Army Corps of Engineers). This

depth would be maintained through Section 10 Maintenance permit. VMT assumes that maintenance dredging would occur on average for 5 days every 4 years. Impacts related to dredging required by the project construction are thoroughly examined in Section 3.8 Hydrology and Water Quality. Specifically, Section 3.8.4 (A) analyzes the potential for the project to degrade water quality. Additional impacts from dredging to the marine environment are examined in Section 3.3.4 (A) and potential hazards from dredging are examined in Section 3.7.4 (A). Please refer to Section 3.3.4 (A), Section 3.7.4 (A) and Section 3.8.4 (A) for additional information.

I84-10 This comment asks if tugs would be based at the wharf and if that would mean an increase in local jobs. Please refer to the response for comment I84-6 above.

I84-11 This comment expresses the opinion that 29 jobs seems very few and asks what the realistic perspective on job creation would be and if that number includes truck drivers and collateral service industries. Please refer to the response for comment I84-4 above.

Letter I85

Commenter: Doug Darling

Date: November 2, 2015

I85-1 This comment quotes CEQA Guidelines Section 15125 and claims that recycling of environmental investigation documents from previous site development over 7 years ago does not stand up to the guideline provided and that these reports should be removed by the lead agency or replaced with updated reports.

The Draft EIR references reports prepared for the proposed project as well as report prepared for previous projects proposed on the project site. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. Section 3.7 Hazards and Hazardous Materials lists sources reviewed to prepare the EIR section including site investigations dating back to 2006. Section 3.7.2 Existing Conditions, begins by stating that existing and past land uses are potential indicators of hazardous material storage and use. Utilizing reports dating back to 2006 provides a history of how the site has been remediated and changed over time and where potential hazards might be now that would require additional investigation. Older reports contain important information regarding if hazards were removed, how they were removed, how they were disposed of and if any contamination of soils or groundwater occurred. Section 3.7.2 Prior Investigations, details all of these previous studies and

summarizes important information. For example, the 2006 Site Investigation Report states that five underground storage tanks (USTs) were removed during the site investigation work and eight USTs had previously been removed or closed. This information is important for determining potential sources of release of hazardous materials into groundwater or soils in the project area and where tests for contamination should be carried out. Excavation of the project site also occurred in 2006 to remove soils impacted with TPH at concentrations greater than the site-specific remediation levels. Soil contamination and groundwater sampling has been done multiple times throughout the history of the site as discussed in the various reports outlined in Section 3.7.2. Additional groundwater monitoring was performed in 2013 by Malcolm Pirnie and the report included results from the past 5 years of monitoring activities on the leasehold portion of the project site. A Revised Site Management Plan from 2014 discusses the management of soils and groundwater in the leasehold area since the excavation in 2006. This plan lists site activity and use restrictions for the portion of the leasehold property in the immediate vicinity of the former excavation area. The plan also notes restrictions for future excavation and dewatering work in this area of the site. An asbestos report was completed in 2014 which conducted surveying, sampling and analysis of building materials to characterize asbestos for demolition. Please refer to Section 3.7.2 for in depth information on all previous reports reviewed to determine the presence of hazardous materials on site.

I85-2 This comment alleges that the EIR cannot rely on an environmental baseline from recycled reports from a previous project, some over 7 years old and that mitigation cannot be supported by out of date unrepresentative reports that don't meet basic CEQA methodologies. Please refer to the response for comment I62-1 above. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I85-3 This comment gives measurement of the Mare Island deep water wharf and claims that existing deep water wharf at the Concord Naval Weapons Annex would be able to accommodate more barges and vessels than the proposed VMT site. Additionally, this comment claims that there is existing rail infrastructure and truck access and the peninsula has capacity for conveyors and vehicle traffic as well as existing rail service and the wharf would require no turning basin or dredging. As described in Section 6.3 of the EIR, Alternatives Considered But Rejected, "Alternatives whose implementation is remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126.6(f)(3))". In addition, CEQA Guidelines Section

15126.6(f)(1) state that one of the factors in determining the feasibility of an alternative includes whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. As described in Section 6.3.1 of the EIR, VMT currently owns the project site and Orcem is leasing the portion of the site for their proposed facilities from VMT; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project.

I85-4 This comment questions why this alternative (I62-3) was not considered in the Draft EIR and alleges that not examining this superior site less than a mile away in a historically industrial zone is a flaw of the Draft EIR. Refer to response I62-3 above.

I85-5 This comment expresses the opinion that VMT did not purchase a marine terminal site but rather a site bordering state lands zoned recreational and nearby historically residential areas. This comment also expresses the opinion that any claim of zoning status consistent with a marine terminal needs to be supported by planning commission action and Planning Commission vote and should be consistent with statewide standards for ports and marine terminal land uses.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

I85-6 This comment alleges that the Air Quality section is unusable for impact analysis because the vent stack emissions data is inadequate for real measurement of total emissions and a detailed system description would be required. Please refer to Appendix D-1 for vent stack emission calculations.

I85-7 This comment expresses the opinion that all the vessel related emissions data is highly suspect and should be re-calculated by maritime industry experts. The analysis was developed by experts with experience in this field.

I85-8 This comment expresses the opinion that dismissing the infrastructure to accommodate cold ironing is bizarre because the shipping industry is adapting for this air quality requirement in most contemporary ports. The project sponsor has dismissed some air quality control requirements as too expensive, however the Draft Final EIR includes an updated mitigation (MM 3.2-2) based on BAAQMD comments which imposes improved emission controls.

I85-9

This comment expresses the opinion that the Draft EIR suggests the project could never meet modern regulatory requirements and should shift to an alternative or no project determination and the lead agency involvement following a NOP, that should have been an EIS for preliminary review, needs new policy to avoid this process in the future.

The purpose of preparing an EIR is to fully disclose all potential direct and indirect impacts of a proposed project so that the agency making the finding (City of Vallejo) can carefully consider and evaluate all the proposed environmental impacts prior to making a decision of if and how to proceed with a project. Comments on the Draft EIR are included in the whole record presented to the City of Vallejo for consideration. If the lead agency were to certify the EIR they would be required, under Section 15091 of the CEQA Guidelines, to make written findings on each significant impact which can include changes or alterations to the project to avoid or substantially lessen the significant impact. They may also find that changes or alterations are under the jurisdiction of another agency and may be made by that agency or specific legal, social, technological considerations make the mitigation identified in the EIR infeasible. In the case of the last finding, a Statement of Overriding Considerations would be adopted in accordance with Section 15093 of the CEQA Guidelines.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The project is not a federal action which would require compliance with NEPA and the preparation of an Environmental Impact Statement (EIS). Since the project would have a potentially significant impact on the environment, the lead agency decided to prepare an EIR as required under CEQA Section 15081. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I86**Commenter: Gregory Darvin****Date: September 11, 2015**

- I86-1** This comment asks if it is possible to obtain a copy of the air quality and health modeling files used to calculate health risk impacts and air pollution impacts. The Orcem/VMT – Air Quality and Greenhouse Gas Evaluation completed by Ramboll Environ is included as Appendix D-1 of the Draft EIR. This report contains details regarding methodology, emissions calculations, model outputs and a copy of the Health Risk Assessment prepared for the project.

Letter I87**Commenter: Gregory Darvin****Date: September 14, 2015**

- I87-1** This comment again requests the files containing detailed emissions information and modeling assumptions. Please refer to the response for comment I86-1 above.

Letter I88**Commenter: Gregory Darvin****Date: September 14, 2015**

- I88-1** Commenter expresses that he already reviewed Appendix D-1 and there are discussions of data provided for modeling but that data with model inputs and outputs would be a separate series of electronic files. These files can be provided upon request.

Letter I89**Commenter: Randal Davis****Date: November 2, 2015**

- I89-1** This comment questions what could be done to restrict the hours of operation of the Orcem plant to a maximum of 12 hours per day. Reduced hours of operation was not examined the Alternatives section due to limitations for rail transportation. As discussed in Section 3.12.6, the applicant is also constrained by the operating hours of the California Northern Railroad: 7:00am to 6:00pm, Monday to Friday. Reducing hours of operation would exacerbate the traffic impacts associated with the proposed project. Trains and trucks exporting

materials from the project site would be operating during peak hours causing increased delays and roadway traffic during these times beyond the significant and unavoidable impacts determined in the Draft EIR. Please refer to Section 3.12.4 Impact Discussion, for a full analysis of potential traffic impacts.

Letter I90

Commenter: Steve L. Davis

Date: October 7, 2015

I90-1 This comment questions if the architecturally significant structures on the property would be reused.

The flour mill, grain silos, administrative building, garage, manager's house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic District. As discussed in Section 3.4.4(A) the flour mill, grain silo and dock would be demolished as part of the proposed project which would cause a significant impact to historic resources. Mitigation measure MM-3.4-1a requires a historic preservation plan be implemented to aid in preserving those historic resources proposed to be retained on the site including the administrative building, garage, manager's house, and the barn. Mitigation measure MM-3.4-1b would require an existing conditions study be performed prior to construction on the project site to establish the baseline condition of the structures. Finally mitigation measure MM-3.4-1c would require that upon completion of construction the qualified architectural historian evaluates the level of success for preserving the character-defining features of the identified historic resources. Mitigation measure MM-3.4-2b would require the project sponsor to install permanent interpretative exhibits at the Vallejo Naval and Historic Museum that provide information regarding the history of the Sperry Flour Mill including images, narrative history, drawings and other archival resources. For a full text of the mitigation measures please refer to Section 3.4.5 Mitigation Measures.

Letter I91

Commenter: Topher Delaney, Calvin Chin, David Swaim

Date: November 2, 2015

I91-1 This comment gives the commenters' background in landscape architecture and mechanical engineering and states that they have a number of concerns regarding the Draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I91-2 This comment expresses concern for traffic impacts at the intersection of Lemon Street and Curtola Parkway and asks what the traffic mitigation plan is that would accommodate these multiple overlapping uses.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The plan would be required at a minimum the following items and requirements: a set of comprehensive traffic control measures; notification procedures for adjacent properties; location of construction staging areas; a process for responding to, and tracking complaints pertaining to construction activities; provisions for accommodation of pedestrian flow; provision for parking management and spaces on the project site; damage to the street caused by heavy equipment as a result of construction shall be repaired at the applicant's expense within one week of occurrence unless further damage may occur and in such cases repair shall occur prior to issuance of a final inspection of the building permit; heavy equipment brought to the construction site shall be transported by truck where feasible; no materials or equipment shall be stored on the traveled roadway; a portable toilet facility shall be installed and properly maintained through project completion; mufflers on all equipment; and proper disposal of all litter resulting from or related to the project prior to the end of each work day. For a full text of mitigation please refer to Section 3.12.5 Mitigation Measures, of the Draft Final EIR.

Freeway and intersection congestion impacts are addressed in Section 3.12.4 (A) of the Draft EIR. Table 3.12-10 shows existing plus project peak hour intersection service levels. This table provides an evaluation of delays for existing plus VMT traffic, existing plus Orcem traffic and existing plus combined project traffic. According to the table, the LOS analysis shows there would not be a significant impact under Criteria A.1-A.3 (described in Section 3.12.3 Thresholds of Significance). Table 3.12-12 shows the existing plus project freeway operations for the combined project. According to the table, the combined impact of both project components does not result in a significant impact under Criteria A.5 or

A.6 (described in Section 3.12.3 Thresholds of Significance). There would be added delay related to project truck traffic on freeway segments outside the study area; however, the incremental delay is expected to be less than significant, based on the Draft EIR finding that the delays on segments closet to the project site, which were in the study area, were found to be less than significant. Please refer to Section 3.12.4 (A) for additional information regarding the intersection and freeway operations analysis.

I91-3 This comment questions what the positions of the multiple transportation agencies overseeing the newly construction transportation center are regarding traffic impacts of the proposed project. California Department of Transportation (Caltrans) is a designated responsible agency for the project, as described in Section 1.6.2 Lead and Responsible Agencies. Caltrans submitted a comment letter for the NOP stating that traffic to nearby roadways needed to be examined but no comment letter was received regarding the Draft EIR. Caltrans, and all other responsible agencies listed in the Introduction of the Draft EIR (Section 1.6.2) will receive a copy of the Draft Final EIR to provide the basis for decision making.

I91-4 This comment questions what volumes of traffic the mitigation study will reflect and at what times of day and night.

Section 3.12.2 Existing Conditions, provides methodology for quantifying current intersection Levels of Service (LOS) and potential traffic related impacts. The traffic study conducted counts of peak period traffic, pedestrian and bicycle volumes at 17 study intersections. The 17 study intersections are listed in Section 3.12.2 Existing Intersection Operations. The peak hour vehicle turning movement volumes, along with the intersection control type (signal or side-street stop-control) and lane configuration are presented in Figures 3.12-2A and 3.12-2B. Peak counts were taken from 7:00 a.m. – 9:00 a.m. and from 4:00 p.m. – 6:00 p.m. The LOS analysis methods outlined in the Highway Capacity Manual (HCM2010; Transportation Research Board 2010) were used in this study, consistent with the Vallejo Traffic Impact Analysis Guidelines. This methodology incorporates characteristics such as the signal timing plan, the effects of pedestrians on signal phase duration, traffic volume peaking characteristics, motorist behavioral characteristics, and others. The HCM2010 is considered the state-of-the-art methodology for assessing intersection operations and defining impacts, and allows for the accurate definition of mitigation measures, such as lengthening or adding turning lanes, modifying the signal phasing or timing, and other options. The Synchro Version 8 analysis program was used to perform the HCM analysis. The existing peak hour intersection LOS for the 17 study intersections is provided in

Table 3.12-4. For additional information regarding methodology of the traffic study please refer to Section 3.12.2 of the Draft Final EIR.

- I91-5** This comment asks what the traffic mitigation plan is for city residents who historically use Lemon Street to access Curtola Parkway. Please refer to the response for comment I68-2 above.
- I91-6** This comment asks what the impacts on traffic would be once the Curtola Parkway is re-opened. Traffic impacts are evaluated and presented in Section 3.12.4 of the EIR.
- I91-7** This comment asks what the stopping distance is of a loaded cement truck traveling downhill and asks how the safety of pedestrians using the crosswalks can be assured. This comment is beyond the scope of CEQA-required analysis.
- I91-8** This comment questions if the underlayment and surface treatments of Lemon Street and all other proposed access routes would be capable of handling the quantity of industrial loads projected.

The Draft EIR determined that the project would require physical improvements to Lemon Street in order to provide safe and efficient vehicle movements. Section 3.12.5, Mitigation Measures, identifies mitigation measure MM-3.12-3, which requires the applicants to retain the services of a qualified engineer to prepare a structural pavement assessment for this segment of roadway to provide for the safe movement of the project trucks along with other existing pedestrian, bicycle, and vehicular traffic on Lemon Street between the project site and Sonoma Boulevard and through the intersection of Lemon Street/Sonoma Boulevard. The assessment would evaluate the existing pavement condition/strength against the project's demands utilizing methodology acceptable to the City, and shall identify recommended improvements (for example, overlay, reconstruction, base repair, etc.) necessary to meet its demand, based on the schedule of combined VMT and Orcem truck traffic. This assessment would be submitted for review and approval by the City Public Works Department. The City shall determine the project's fair-share allocation of costs in relationship to overall improvement costs, and all necessary improvements shall be made prior to the issuance of a certificate of occupancy.

In addition, the applicants would be required to work with the City of Vallejo Public Works Department to identify, design, and prepare a cost estimate for those physical improvements necessary to provide adequate sight distance and maneuvering capacity for trucks along this segment of roadway, including the intersection at Lemon Street/Sonoma Boulevard. The needed improvements may

include for example, centerline striping, potential on-street parking changes, sidewalk gap closures and widenings. The applicants would provide an engineer's cost estimate for the improvements, to be approved by the Public Works Department. The Public Works Department would determine the project's fair-share cost allocation for the necessary improvements. All necessary improvements would be required to be constructed prior to the issuance of a certificate of occupancy.

I91-9 This comment states that the City previously limited commercial truck traffic on Lemon Street due to the cost of road maintenance and asks what projected maintenance costs would be and who would bear those costs. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

I91-10 This comment states that although Lemon Street is a signed bike route, there are no bike lanes currently indicated and asks how the commercial truck traffic would impact bike safety and what mitigation would be provided. Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12 Transportation and Traffic of the EIR. As described in Section 3.12.4, construction of the project would result in temporary impacts on traffic operations and non-vehicular mobility; however, implementation of mitigation measure MM-3.12-1 would require the repair of any damage to the street caused by project construction vehicles at the expense of the applicants. In addition, mitigation measure MM-3.12-3 would require physical improvements to Lemon Street in order to provide safe and efficient vehicle movements during operation of the proposed project.

I91-11 This comment expresses concern with the devaluation of homes along the roadways and railways adjacent to the project site and questions what entity would be financially responsible for the devaluation of properties as a result of industrial traffic. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I91-12 This comment asks what businesses the City has identified that would be impacted directly by the transportation of industrial products. This is a question outside the scope of the CEQA analysis.

Letter I92

Commenter: Diana
Date: October 2, 2015

- I92-1** This comment expresses opposition to the project and asks why the City doesn't attract commercial business here instead. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I93

Commenter: Carlo Giovanni DiFabio
Date: October 21, 2015

- I93-1** This comment expresses support for the proposed project and details the commenter's fond memories from growing up on Lemon Street and watching the trucks deliver grain to the mill and the noise they'd make crossing the former old 6th Street creek bridge. Additionally, this comment states that Lemon Street has always been a residential and industrial mix and the commenter does not see a problem with returning the vacant property to a useful factory within the confines of current air quality rules. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I94

Commenter: Skip Dodge
Date: October 5, 2015

- I94-1** This comment asks how often dredging on the Mare Island Strait would need to occur and where the dredge materials would go.

As discussed in the Project Description Section 2.4.1.1 VMT Construction, the frequency of continued dredging would depend on the level of naturally occurring scouring within the Mare Island Strait. VMT assumes that maintenance dredging

would occur on average for 5 days every 4 years. Beneficial reuse of dredge material would be sought through possible sale disposal on site, or would be deposited at the Carquinez disposal site, following the guidelines of the San Francisco Bay Long-Term Management Strategy for Dredging. More information is provided in Section 2.4.1.1 VMT Construction, of the Draft Final EIR.

As discussed in Section 3.7.4 Impact Discussion (A) dredging during construction would be required to adhere to San Francisco BCDC and the Dredge Material Management Office requirements which include obtaining a BCDC permit and submitting a sediment quality sampling plan. Additionally, dredging activities would be required to adhere to applicable California Department of Fish and Wildlife requirements under Fish and Game Code Sections 1601 and 1603. Mitigation for this impact is provided in Section 3.8.5 Mitigation Measures of the Hydrology and Water Quality section which requires a Dredge Material Management Plan to ensure that dredge materials are handled in a manner consistent with the San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the U.S. EPA, U.S. Army Corps of Engineers (USACE), the San Francisco RWQCB and BCDC. The plan would include screening and testing guidelines necessary to ensure dredge material may be reused on-site without resulting in potentially adverse impacts on water quality and aquatic biota. The USACE, SFRWQCB and BCDC would have review and approval authority over the plan and the applicant would be required to submit monthly reports to each agency describing the volume and destination of dredge materials with testing results to justify the decisions. For a full text of the mitigation please refer to Section 3.8.5 Mitigation Measures in the Draft Final EIR.

Letter I95

Commenter: Skip Dodge

Date: October 5, 2015

I95-1

This comment questions where impacts to the ferry system and other waterway traffic is discussed in the EIR.

Impacts related to potential collisions on the Bay are addressed in Hazards and Hazardous Materials Section 3.7.5. (b). The Draft EIR concluded that it is unlikely the structures would pose any navigation hazards in the immediate project area because they would be located adjacent to existing shoreline in the same general vicinity as the wharf and would not extend into Mare Island Strait. The limited number of vessels traveling through Mare Island Strait would not be

navigating through the area where the proposed VMT wharf would be constructed further reducing the possibility for potential vessel collisions with the structures. A notice would be published in the Local Notice to Mariners in accordance with USACE requirements (33 CFR 66.01) notifying small pleasure crafts of changes in navigational hazards caused by the VMT project. As discussed in the Project Description Section 2.4.2.1 VMT Operation, an average of 7.5 vessels per month would use the port. This is a relatively low number of vessels and would not be expected to cause congestion on the waterways.

Letter I96

Commenter: Skip Dodge

Date: October 5, 2015

I96-1 This comment questions what type of toxins would be in the dredge material from Mare Island.

Potential toxins encountered during dredging and excavation are discussed in Hazards and Hazardous Materials Section 3.7.4 (A). Based on limited historic sediment sampling data available on Mare Island Strait current sediment may have elevated concentrations of metal contaminants. Dredging activities would be required to adhere to San Francisco BCDC and the Dredged Material Management Office requirements, including obtaining a BCDC permit and submitting a sediment quality sampling plan. The dredging activities would also be required to adhere to applicable California Department of Fish and Wildlife requirements under Fish and Game Code Sections 1601 and 1603. Transportation and/or disposal of these potentially contaminated dredge materials was determined to be a significant impact in the Draft EIR. Mitigation measure MM-3.8-1 in Hydrology and Water Quality, Section 3.8.5, requires the preparation of a Dredge Material Management Plan. This plan would outline procedures necessary to evaluate the suitability of dredge materials for either on-site beneficial reuse or in-bay disposal at the Carquinez disposal or other approved site. The plan will ensure that dredge materials are handling in accordance with San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the San Francisco Regional Water Quality Control Board (RWQCB), and the Bay Conservation and Development Commission (BCDC). The plan shall include screening and testing guidelines necessary to ensure dredged materials may be reused on-site without resulting in potentially adverse impacts on water quality

and aquatic biota. The plan shall also develop site specific thresholds that would indicate materials are suitable for on-site reuse using input from the San Francisco Bay RWQCB. The USACE, the San Francisco Bay RWQCB, and the BCDC shall have review and approval authority over the plan. Applicants will be required to submit monthly reports to each agency describing the volume and destination of dredge materials with testing results to justify decisions.

Letter I97

Commenter: Skip Dodge

Date: October 7, 2015

I97-1 This comment expresses concern for avian and aquatic wildlife and the potential impacts from noise and light pollution.

Potential noise impacts to wildlife are examined in Section 3.3.5 Impact Discussion (A) Construction Noise Impacts on Fish and Marine Mammals. Impacts from noise on marine life would be significant; however, implementation of mitigation measures MM-3.3-5 and MM-3.3-6 would reduce the impacts of noise from pile driving to below a level of significance. Mitigation measure MM-3.3-5 would be implemented to reduce the impact of noise from pile driving. Mitigation measure MM-3.3-5 would require VMT to develop a National Oceanic and Atmospheric Administration Marine Fisheries Service (NOAA Fisheries)-approved sound attenuation reduction and monitoring plan. Additional BMPs, listed in mitigation measure MM-3.3-6, would be incorporated into the sound attenuation monitoring plan to reduce the effect of underwater noise transmission on marine mammals.

Potential lighting impacts are examined in Section 3.3.5 Impact Discussion (A) Increased Nighttime Artificial Illumination of Water. Mitigation measure MM-3.3-7 would require that VMT develop and implement a wharf lighting plan that would minimize, to the maximum extent practicable, artificial lighting installed on and adjacent to the VMT wharf. A full text of the impact analysis is provided in Section 3.3.4 Impact Discussion (A) and a full text of the mitigation is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR. This impact was determined to be less than significant with incorporation of mitigation measure MM-3.3-7.

Letter I98**Commenter: Skip Dodge****Date: October 7, 2015**

- I98-1** This comment questions during high tide how high the wake from ships would come to the residences of Sandy Beach. Ships are required to maintain slow speed in this area and would not significantly impact the beach in this area.

Letter I99**Commenter: Skip Dodge****Date: October 15, 2015**

- I99-1** This comment asks where the mud from the dredge operation will be taken.

Beneficial reuse of dredge material would be sought through possible sale on site, or would be deposited at the Carquinez disposal site, following the guidelines of the San Francisco Bay Long-Term Management Strategy for Dredging. More information on potential toxins in dredge materials and mitigation measures please refer to the response for comment I72-1 above.

Letter I100**Commenter: Skip Dodge****Date: September 25, 2015**

- I100-1** This comment expresses the opinion that there is not enough time from the date of the public meeting until the close of the EIR comment period.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. The City is not able to make any additional extensions of the review period under CEQA.

- I100-2** This comment expresses the opinion that the Orcem meeting should be a week before the public meeting and that the public is not happy with the lack of outreach to the community and South Vallejo. Please refer to Master Response 10 for information regarding community outreach.

Letter I101

Commenter: Skip Dodge

Date: October 19, 2015

- I101-1** This comment asks what company would be doing the dredging of the Carquinez/Mare Island Strait. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I102

Commenter: Thomas Arie Donch

Date: November 2, 2015

- I102-1** This comment expresses concern for air quality, noise and social and economic impacts of the proposed project and states intent to focus on the use of Lemon Street as a major truck route. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I102-2** This comment expresses the opinion that the project would increase traffic congestion at the new park and ride facility and more importantly have a devastating effect on the residential neighborhood along Lemon Street.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Table 3.12-10, in Section 3.12.4 (a), shows existing plus project peak hour intersection service levels. Existing intersection Levels of Service (LOS) and City of Vallejo LOS standards are discussed in Section 3.12.2 Existing Conditions. Based on the significance criteria established in Section 3.12.3, if traffic were to degrade the LOS at a given intersection below level D, then the impact would be significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and

cumulatively and no mitigation measures are required. Please refer to Section 3.12.4 (a) in the Draft Final EIR for additional information regarding the analysis for traffic congestion impacts.

I102-3

This comment expresses the opinion that Lemon Street is ill suited to handle large quantities of trucks and that diesel pollution and noise would be devastating to residents.

As noted in the Draft EIR Section 3.2 Air Quality, diesel particulate matter is considered a Toxic Air Contaminant (TAC). A Health Risk Assessment was prepared for the project that specifically evaluated health impacts of project-related TACs and PM_{2.5}. Air quality monitoring of annual diesel particulate matter and fugitive PM_{2.5} concentrations was conducted according to the EPA's atmospheric dispersion modeling system. As noted in Section 3.2.4 Impact Discussion (D), both cancerous and non-cancerous risks were evaluated utilizing BAAQMD threshold criteria. Non-cancerous risks and local carbon monoxide emissions were determined to be less than significant. Cancer risks were determined to be significant as shown in Table 3.2-17. Table 3.2-19, listed under mitigation measure MM-3.2-2, details mitigation measures intended to allow for a choice of technologies based on the most cost-effective measures available at the time. The project design features, also discussed in Section 3.2.4 Impact Discussion, would be implemented as well to ensure fugitive dust measures are implemented during project operation. The EIR determined that implementation of mitigation outlined in mitigation measure MM-3.2-2 would reduce cancer risks to a less-than-significant level. Cumulative risks were evaluated utilizing the BAAQMD Stationary Source Risk and Hazard Analysis Tool for Napa and Solano counties. The EIR determined that the project would be in compliance with both the BAAQMD's adopted threshold for Single Source and Cumulative community risks as well as hazards index risks. For additional information please refer to Draft Final EIR Section 3.2.4 Impact Discussion (D) and Appendix D-1 of the Draft EIR.

Noise impacts are discussed in Section 3.10 Noise of the Draft EIR. Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the

railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Mitigation measure MM-3.10-2 is proposed to reduce the noise impact of plant operations to less-than-significant levels. Mitigation measure MM-3.10-2 would require a series of improvements including: an in-line attenuator; local screening adjacent to the clinker storage bag filter, the bag filter fan, the air shock, the main fan, the bag filter fan on the intake silo, the air slide fans within the filter building and the filter building bag filter fan. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

I102-4 This comment expresses concern regarding truck noise which could interfere with sleep, general health, and other neighborhood pursuits. Please refer to the response for comment I77-3 above for information on noise impacts.

I102-5 This comment raises economic concerns regarding the decrease in home values and loss of tax revenue to the City due to heavy truck traffic. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I103

Commenter: Thomas Arie Donch

Date: November 2, 2015

I103-1 This comment expresses that the commenter cannot support the project in its present form. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I103-2 This comment questions if the plant would also produce portland cement in addition to green cement.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The remainder of the description on Orcem operations provides information on the transport of raw materials to the site, movement of materials from ships to the plant, storage of raw materials, transport of raw materials from

stockpile area to the process plant, drying and grinding raw materials and storage, loading and transport of finished product. All of these steps include information on both GBFS and clinker, the raw materials for the production of GGBFS and portland cement, respectively.

Impacts such as Air Quality, Hazards and Hazardous Materials, and Traffic also include analysis of Orcem in each of the three production modes. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

I103-3 This comment asks if in addition to using ships there would be large trucks every six minutes on Lemon Street going to the plant. Chapter 2.0 Project Description gives information on the construction and operation of each project component. Section 2.4.2.1 Operation, provides information on transportation of materials via shipping, rail and trucking. Table 2-3 gives a summary of VMT material volumes and transport methods. VMT would have a maximum of 87 trucks per day and Orcem would have 189 trucks per day. Section 2.4.2.2 Orcem Operation, provides information on the transportation of raw materials and finished product via shipping, rail and trucking. Table 2-4 shows the maximum metric tons of raw material imported per month and metric tons of product exported per day. In the Transportation and Traffic section, Tables 3.12-8 and 3.12-9 depict the trip generation from trucks each day for VMT and Orcem, respectively. Please refer to Project Description Sections 2.4.2.1 and 2.4.2.2 and Transportation and Traffic Section 3.12.4 (A) for more information.

I103-4 This comment questions why mitigation would not be in or benefit Vallejo.

Mitigation measures are provided for all impacts determined to be significant throughout the analysis of the Draft EIR. In the Executive Summary, Table ES-1 provides a list of all the significant impacts, the proposed mitigation measure(s)

and the significance after mitigation. Mitigation Measures identified in this table include, but are not limited to, road improvements to Lemon Street, use of biofuels and model standards for trucks, measures to reduce cancer risk in the project area, measures to reduce fugitive dust in the project area, and measures to reduce impacts to fish and aquatic life from lighting and noise. A full text of mitigation measures is provided in each of the sections, 3.1 through 3.13, which specify actions to be taken by the applicant to reduce potential impacts. Please refer to these sections for detailed information about mitigation measures proposed for each resource area.

- I103-5** This comment expresses the opinion that this project is a lot of stress with only a minimum benefit to Vallejo and the environment and the commenter is not in support of the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I104

Commenter: Donald J. Dopkins

Date: October 9, 2015

- I104-1** This comment claims that heavy trucks would make 416 passages per day on Lemon Street and Sonoma Boulevard and asks how the roads will handle that many vehicles per day. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements. Table 2-3 and 2-4 of Section 2 – Project Description actually clarify that the daily total would be as high as 552 round trips per day.

Letter I105

Commenter: Noah Dove

Date: November 2, 2015

- I105-1** This comment expresses ideas of various members of the public for development of the waterfront and states that the one thing they have in common is a beautiful aesthetic waterfront which would not be possible with implementation of the proposed project.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an

application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

I105-2 This comment questions what Orcem would bring to Vallejo that could not be gained from high-class arts and upper education. Additionally, this comment expresses the opinion that when the applicants do not show a desire to work with the people of Vallejo in the way the community is trying to go it doesn't instill confidence. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I105-3 This comment expresses the opinion that being open and engaging will gain people's trust while being secretive will lead to community paranoia. Additionally, this comment states a reminder that humans are part of the environment as well and harming the human environment is just as bad. Please refer to Master Response 10 for information regarding community outreach.

Letter I106

Commenter: Jean Drolet

Date: October 29, 2015

I106-1 This comment expresses the opinion that most of the opposition to the project is rooted in misinformation which appears to be spread by a group of self-serving individuals who are interested in development of expensive real estate in hopes of increasing their property values. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I106-2 This comment expresses the opinion that the Draft EIR should have done a better job of defining the technical terms in the report and should have compared the project impacts to impacts of other projects or activities in the area.

Section 15126.2 (a) of the CEQA Guidelines provides direction on consideration and discussion of significant environmental impacts. According to this section, the lead agency shall limit its examination of impacts to changes in the existing physical conditions in the affected area as they exist at the time the NOP is published. Cumulative impacts are required to be examined under CEQA when a project's incremental effect is cumulative considerable, as defined in CEQA Guidelines Section 15065 (a)(3). According to Section 15130 of the CEQA

Guidelines an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR. The purpose of the EIR is to disclose all potential impacts that could result from implementation of the evaluated project and impacts from other projects are only considered in the cumulative discussion when applicable. Please refer to Sections 15065 (a)(3), 15126.2 (a) and 15130 of the CEQA Guidelines for additional information.

I106-3 This comment expresses the opinion that while the Draft EIR is thorough, it should have focused on evaluating the impacts of this project. This comment also alleges that the Draft EIR provided only broad and overstated measures of environmental impacts instead of providing useful and realistic quantitative estimates.

Quantitative analysis for the project's impacts is provided throughout the environmental analysis. An air quality report, Greenhouse gas emissions estimate, noise report, and traffic report were prepared to specifically quantify the projected impacts. The results of these reports are included in the environmental analysis contained in Section 3.2.4 for air quality, Section 3.6.4 for greenhouse gas emissions, Section 3.10.4 for noise and Section 3.12.4 for traffic. Additionally various technical reports on intertidal and marine habitat, fish species, geotechnical investigations, environmental site assessments and soil and groundwater testing on the project site have been prepared for this EIR. The results of these reports are included in Sections 3.3.2 and 3.3.4 for biological resources, Sections 3.7.2 and 3.7.4 for hazardous and hazardous materials, and Sections 3.8.2 and 3.8.4 for hydrology and water quality. All of these reports contain specific quantitative and qualitative information regarding the conditions on the project site and the potential impacts that could result from implementation of the proposed project. A copy of each full report was included as an appendix of the Draft EIR.

I106-4 This comment asserts that the Draft EIR merely considers the local impacts when it should have contrasted the impact of the project to the alternative of moving goods with other means of transportation such as trucks and trains which may reduce overall climate-warming gases by reducing land travel and taking advantage of more efficient marine transportation.

Per Section 15126.6 of the CEQA Guidelines, the EIR is required to include a discussion of a reasonable range of alternatives to the proposed project that would feasible attain a majority of the project objectives but would avoid or substantially lessen any of the significant environmental impacts. Since an EIR must identify ways to mitigate or avoid the significant effects of a project, the discussion of the

alternatives is required to focus on alternatives to the project or location capable of avoiding or substantially lessening any significant effect. The EIR is not required to include a discussion of alternatives that would result in worse impacts than those examined in the EIR.

- I106-5** This comment claims the EIR only provides subjective measures of anticipated impacts when it should state, for example, how many decibels of noise will be heard at nearby residential properties. Noise impacts are examined in Section 3.10.4 of the EIR. Table 3.10-28 included in this section shows the results of the combined noise levels for VMT and Orcem operational activities. This table quantifies the increase in the ambient noise environment at each of the Noise Sensitive Locations (listed in Table 3.10-4) determined for the project. Information regarding the methodology for determining the ambient noise environment is provided in Section 3.10.2 Existing Conditions. Please refer to Sections 3.10.2 and 3.10.4 of the EIR and to the response for comment I245-3 above.
- I106-6** This comment expresses the opinion that Vallejo is not short on residents, but it is short on jobs especially those that bring money into the community and this project would do that. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I106-7** This comment expresses the opinion that a silent majority of Vallejo residents support this project and want to see more jobs in the City and get rid of Vallejo's reputation as a City that says no to all projects. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I106-8** This comment expresses concern that there is no guarantee that Orcem or VMT will thrive or even survive and asks what the City would do if either one goes bankrupt. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I106-9** This comment claims that the global supply of GGBFS is extremely limited and that it must be assumed Orcem would use alternative raw materials. Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use

permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

- I106-10** This comment expresses the opinion that the City should not even hope the railway company will upgrade rails to reduce noise and that a mere 200 train cars (4 trains) per month does not warrant such a big investment.

Letter I107

Commenter: Patrick Gavin Duffy

Date: November 2, 2015

- I107-1** This comment expresses the opinion that there is no such thing as green cement, using clinker just encourages more bad practices and if Vallejo wants to be the Sausalito of the up bay then this project is the wrong way to go. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I108

Commenter: Steven Dunsky

Date: October 28, 2015

- I108-1** This comment states that the commenter just became aware of this project and like many other citizens does not have the time or expertise to study a 700 page EIR and understand its implications. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I108-2** This comment states that the Draft EIR would have significant and unavoidable impacts to air quality and greenhouse gases. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project. Table ES-1 in the Executive Summary contains a summary of all the impacts found to be significant in the Draft EIR. This table does not contain any impacts that were determined to be less than significant prior to mitigation. The table includes the impact, the proposed mitigation and the significance after mitigation. Additionally, all significant and unavoidable impacts are listed in Section 5.2 of the Draft Final EIR.

- I108-3** This comment asks why the City would approve a project that has significant and unavoidable air quality impacts given what is known now about increasing asthma rates among urban youth and the disastrous consequences of climate change.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR, including the public comments, before coming to a final decision.

I108-4 This comment states that the City and the citizens are striving to make this a safer, healthier and cleaner place and in recent years have witnessed the restoration of wetlands and creeks, preservation of open space, creation of community gardens, and beautification of the downtown and other neighborhoods. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I108-5 This comment expresses the opinion that this project contains multiple elements that would move Vallejo in the other direction and because the impacts cannot be mitigated the City has every right to deny the project. This comment also suggests that if the City does not want to take on the responsibility for denying the project, then it should be put to a vote by the citizens of Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I108-6 This comment expresses understanding that this is a complex issue and thanks the city staff for their service. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I109

Commenter: Daniel K. Early

Date: October 19, 2015

I109-1 This comment alleges that the Draft EIR does not explain how the 200-300 trucks per day would affect neighborhoods and children walking to school and that this would be a terrible disruption to the city. Refer to Section 3.12 of the Draft Final EIR for the discussion of impacts to transportation and traffic that could result from implementation of the proposed project. Section 3.12.4 (A) addresses potential impacts on congestion to freeways, railway crossings and intersections. Section 3.12.4 (E) addresses potential impacts to the safety of pedestrians and bicyclists.

Letter I110

Commenter: Alejandro Esquivel

Date: October 19, 2015

I110-1 This comment expresses concern about the number of heavy trucks and associated pollution and requests if some kind of time limit for vehicle operation could be developed because at least that would reduce pollution and associated risk for health impacts.

Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

Alternatives to the proposed project are evaluated in Section 6 of the Draft EIR. Section 6.3 discusses alternatives considered but rejected for the project, one of which was the Reduced Truck and Rail Alternative. As discussed in Section 6.3.3, this alternative would shift approximately 40% of the truck and rail transport to barge transport. This alternative was rejected because it would not meet the basic objectives of the project and would interfere with the critical market-driven operations of both VMT and Orcem. A majority of Orcem's primary markets are in the inland areas and only accessible via truck and rail, this alternative would not be feasible since it would prevent the Orcem component from operating competitively. While the VMT operation may be able to incentivize shipping goods via barge overtime, a 40% reduction in rail and truck volumes would interfere with market contracts that are only accessible by rail and truck and as a result, would preclude development of the terminal. Without the terminal, neither VMT nor Orcem could operate. For these reasons, this alternative was found to be infeasible. For more information please refer to the discussion in Section 6.3.3 of the Draft Final EIR.

Letter I111

Commenter: Colleen Felgee

Date: November 2, 2015

I111-1 This comment expresses opposition to the proposed project and claims that the City is not listening to the members of the community and they will protest if necessary. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I112

Commenter: Jane Ferrier

Date: October 27, 2015

I112-1 This comment questions where the necessary water will come for project operation. Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs and utilizes the Fleming Hill water treatment plant (WTP) to treat water delivered from the Sacramento River Delta, Lake Berrvessa, and Lake Curry. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

I112-2 This comment questions if there is a law banning certain size trucks carrying certain kinds of materials through residential neighborhoods. The Regulatory Setting lists all applicable federal, state and local regulations pertaining to hazardous materials and transportation and traffic. The project is required to comply with these regulations where applicable. There are no regulations listed in these sections that preclude truck transportation through neighborhoods. For more information please refer to Sections 3.7.1 (hazards) and 3.12.1 (transportation) of the Draft Final EIR.

Letter I113

Commenter: Jim Ferry

Date: September 29, 2015

I113-1 This comment questions if the City has investigated the success and failures of Orcem in other areas.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. The City of Vallejo is evaluating this project proposal as required by CEQA. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. This EIR has been prepared for the project as proposed by the applicants.

Letter I114

Commenter: Michelle Ferry

Date: October 9, 2015

- I114-1** This comment states that the commenter spoke with a VMT representative who said that no amount of money would make them walk away from this location. Commenter states all the reasons why this location is a perfect spot for VMT's vision. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I114-2** This comment claims that the EIR shows VMT and Orcem are unwilling to do what it takes to mitigation impacts since they are not willing to invest in shore power even though emissions from ships idling in port would be significant. This comment suggests that the City should make VMT put in shore power or not approve this project. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.
- I114-3** This comment claims that railway noise would be significant despite the existence of technology, which if installed, would virtually silence the railway. This comment suggests that the City should require these improvements or not approve the project. As discussed in Section 3.10.6, the railroad is owned by the California Northern Railroad and not under the jurisdiction of the City of Vallejo. The City can require the applicants to work with the California Northern Railroad to make noise improvements, as required in Mitigation Measures MM-3.10-1a and 3MM-.10-1b, but the City cannot ensure that the California Northern Railroad would agree to the improvements. Please refer to Section 3.10.5 for a full text of the

mitigation measures and to 3.10.6 for additional information regarding the significance determination.

- I114-4** This comment states that in a conversation with the Orcem representative they would be willing to repair damage to some sections of road and sidewalk along Lemon Street but would not be willing to help maintain those roads despite the 300 trucks they would be putting on those roads each day. This comment suggests that the City should require road maintenance for the life of the operation or not approve the project. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.
- I114-5** This comment expresses the opinion that in exchange for the leased land, which was put in the City’s trust by the state to be kept for public access, Orcem and VMT should clean up the surrounding waterfront by planting parks, building a public fishing or boating pier and ensuring public access to those areas. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I114-6** This comment asks why the City is saying that “something is better than nothing” when this area has fiber optics under the ground and the potential for building a tech center that would be a truly clean industry and bring thousands of jobs. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.
- I114-7** This comment expresses the opinion that the statement something is better than nothing comes from a place of insecurity and the waterfront is a valuable property which could be used for negotiations. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I114-8** This comment expresses the opinion that as it stands, the project is a bad idea and unless there would be additional direct benefit to the citizens with minimal health risks the City should not approve the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I115

Commenter: Matthew Finkelstein

Date: September 22, 2015

- I115-1** This comment questions where residents can learn about the project. The City of Vallejo Planning Division has information regarding the VMT/Orcem project available online. The Draft EIR is still available although the comment period has ended. The website provides a bit of project background and cites the reasoning for extending the review period from 45 days to 60 days. Please refer to Master Response 10 for information regarding community outreach.

Letter I116

Commenter: C. Forrest Fisher

Date: November 2, 2015

- I116-1** This comment expresses concern for the lack of mitigation to fish and shore birds and claims that a significant impact is not an answer.

Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable. If the lead agency were to certify the EIR they would be required, under Section 15091 of the CEQA Guidelines, to make written findings on each significant impact which can include changes or alterations to the project to avoid or substantially lessen the significant impact.

All significant impacts to shore birds and fish were determined to be less than significant with incorporation of the mitigation measures outlined in Biological Resources Section 3.3.5. Mitigation Measures MM-3.3-3 through MM-3.3-7 are all applicable to fish, birds and/or special status species. Mitigation measure MM-3.3-3 requires implementation of a creosote piling removal plan which would inventory all existing pilings, document individual conditions and suitability for removal using best management practices (BMPs). Mitigation measure MM-3.3-4 requires the preparation and implementation of a construction/deconstruction

pollution prevention plan which would detail steps to be taken, including selection of equipment, operational procedures, on-site monitors, etc. that will be employed to ensure that no construction or deconstruction debris is accidentally deposited or remains in Napa River or Bay-Delta waters and therein pose a threat to special-status fish species, marine mammals, and any Bay-Delta ecosystems. This plan would conform to all USACE, RWQCB, BCDC, and City of Vallejo permit conditions and be reviewed and approved by the City of Vallejo and a third-party independent environmental mitigation monitor. Mitigation Measures MM-3.3-5 and MM-3.3-6 would require the preparation of a NOAA Fisheries approved sound attenuation monitoring plan for the protection of fish and marine mammals. The plan would provide detail on the sound attenuation system, methods used to monitor and verify sound levels during pile driving activities, and all BMPs to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 decibels. Mitigation measure MM-3.3-7 would require that VMT develop and implement a wharf lighting plan that would minimize, to the maximum extent practicable, artificial lighting installed on and adjacent to the VMT wharf. The plan would be required to include use of fully shielded, downward casting, low voltage, sodium, LED lights; restrict artificial lighting to those areas of the wharf and adjacent staging areas that require lighting; and direct all wharf and near wharf lighting to illuminate only the wharf and ground and not adjacent Napa river waters or the sky. Please refer to Section 3.3.5 Mitigation Measures, for a full text of all mitigation measures relating to special status species, fish and birds.

Letter I117

Commenter: Cronan Fisher

Date: October 19, 2015

I117-1 This comment asserts that the noise study in Appendix K-2 does not address the spikes in noise from clam shells during unloading which would be way over the allowed decibel level and occurring 24 hours per day. See Response I84-6.

Letter I118

Commenter: Kay Flavel

Date: October 15, 2015

I118-1 This comment summarizes the commenter's experience developing pacific bridges for linking communities around the north and south pacific.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I118-2 This comment raises concerns about Assemblyman Bill Dodd and his support for the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I88-3 This comment expresses the opinion that green is organic and cement is not green. This comment also claims the Mare Island Strait has high liquefaction susceptibility and suggests that the Congressman take a trip to Christchurch, New Zealand to see how earthquake liquefaction destroyed the entire city center in 2011.

Liquefaction and earthquake hazards are addressed in Section 3.5 Geology and Soils. In Section 3.5.2 Existing Conditions Regional Faulting and Seismic Hazards, it states that although the site is located close to the bay and likely has a shallow groundwater table the potential for liquefaction is expected to be low based on site-specific boring and test log data (included in Appendix H-1 of the Draft EIR). The risk of loss, injury, or death resulting from seismic hazards including seismic related ground failure and liquefaction is discussed in Section 3.5.4 (A). The Draft EIR concluded that since the proposed facilities would be closed to the general public and would not affect off-site properties, and given that the facilities would be constructed in accordance with the California Building Code and geotechnical design recommendations, impacts with regards to earthquakes would be less than significant. Please refer to Section 3.5.4 (A) for a full analysis of this impact.

I118-4 This comment summarizes the commenter's first job in New Zealand and her experience living through the 2011 earthquake and 2014 earthquakes in New Zealand and Napa. This comment also expresses the opinion that this would be an economic and environmental disaster for the Bay Area and expresses opposition to the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please refer to the response for comment I88-3 above for information regarding potential earthquake and liquefaction impacts.

Letter I119

Commenter: Deanna Forbes

Date: October 7, 2015

I119-1 This comment expresses the opinion that economic development is forcing bad ideas on the citizens of Vallejo and hoping they are ignorant enough to take the bait.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I120

Commenter: Deanna Forbes

Date: October 5, 2015

I120-1 This comment expresses the opinion that the cement plant is a bad idea and asks why Vallejo is still considered a dumping ground for bad ideas.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I120-2 This comment states that the old plant would make an ideal live/work place that would attract even more of the creative culture Vallejo needs to attract.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I120-3 This comment asks why the process is happening so fast.

The EIR process is occurring as required under the CEQA Guidelines. Article 8 of the CEQA Guidelines gives time limits for the EIR process. According to Section 15101 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring

environmental review under CEQA. The applicant submitted their proposal in 2013 and the CEQA process was initiated that year. Once the Draft EIR is completed, CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA. The lead agency has one year from the date when they accepted the application as complete to complete and certify the Draft Final EIR (refer to Section 15090 for information regarding the Certification of a Draft Final EIR). The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. For additional information, please refer to Article 8 of the CEQA Guidelines.

Letter I121

Commenter: Larry Fredeen

Date: October 8, 2015

I121-1 This comment expresses support for the project and the opinion that Vallejo should grab whatever jobs it can and build tax revenue not throw it away. This comment also expresses the opinion that the project is a great reuse for the plant area and that Vallejo's unique sea-port, rail service and freeway system should be utilized.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I122

Commenter: Michelle Gandley

Date: September 15, 2015

I122-1 This comment apologizes on behalf of the community for the invitation that appeared on Nextdoor telling everyone the meeting was specifically geared to the Orcem project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I122-2 This comment requests an extension of the review period considering that the public meeting is too close to the deadline for comments and questions.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. The City is not able to make any additional extensions of the review period under CEQA.

Letter I123

Commenter: Michelle Gandley

Date: September 29, 2015

I123-1 This comment asks if all other possible sites were examined and if other cities were approached that already have marine terminals established.

Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site Alternative which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the combination of functional amenities suitable for accommodation of both VMT and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

Letter I124

Commenter: Alvaro A. Garcia

Date: September 9, 2015

I124-1 This comment expresses opposition to the proposed project based on environmental, health and overall quality of life concerns. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

Letter I125

Commenter: Patricia Gatz

Date: November 2, 2015

- I125-1** This comment asserts that the Health Assessment (Appendix D-1) does not adequately describe the project site because it fails to include information on the residential dwellings east of the site at the top of the steep incline. Please refer to Master Response 1 for information regarding the Health Risk Assessment and Master Response 4 for the geographic boundaries determined for evaluation.
- I125-2** This comment expresses concerns regarding Figure 3 (Appendix D-1) which shows the large number of residences located to the east of the project but does not include any statistics to identify the number of residents. This comment also expresses the opinion that referring to the areas as receptors does not adequately identify the fact that people reside within the area of impact from emissions. Please refer to Master Response 1 for information regarding the Health Risk Assessment and sensitive receptors.
- I125-3** This comment asserts that the Health Risk Assessment data should identify the number of residences east of the project site and the number of individuals living in those residences including the number of seniors and children with health issues. Please refer to Master Response 1 for information regarding the Health Risk Assessment and Master Response 4 for the geographic boundaries determined for evaluation.
- I125-4** This comment alleges that the Health Risk Assessment should include data identifying schools east of the project site and the number and ages of children attending those schools. Please refer to Master Response 1 for information regarding the Health Risk Assessment and Master Response 4 for the geographic boundaries determined for evaluation.
- I125-5** This comment claims that the Health Risk Assessment should include an additional column in Table 9 that identifies the number of students and children attending those facilities and the number of patients in the Genesis Care home. Please refer to Master Response 1 for information regarding the Health Risk Assessment and Master Response 4 for the geographic boundaries determined for evaluation.
- I125-6** This comment asserts that the Health Risk Assessment should include information from the updated Health Impact Assessment Element for the Vallejo General Plan

update that provides statistics on South Vallejo's rates for asthma and other diseases exacerbated by air pollutants. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

- I125-7** This comment questions how offsets are used for mitigation of the combined total 62.8 tons/year of NOx emissions which exceeds the BAAQMD threshold and whether after using the emissions offsets VMT and Orcem would continue to be allowed to emit a combined 62.8 tons/year of NOx. Please refer to Master Response 5 regarding cumulative air quality impacts and Master Response 6 for information regarding offsets. Furthermore, Section 3.2 of the FEIR has been revised to clarify this.

Letter I126

Commenter: Patricia Gatz

Date: October 2, 2015

- I126-1** This comment asks if it would be possible for a meeting to be held in South Vallejo to address the criticism that many residents in South Vallejo have not had any notification or information about the proposed project. Please refer to Master Response 10 for information regarding community outreach.
- I126-2** This comment states that several people are adamant that the October 7, 2015 meeting was not sufficient as outreach for the population of South Vallejo. Please refer to Master Response 10 for information regarding community outreach.
- I126-3** This comment states that the Draft EIR has many flaws such as using some reports that are 7 to 8 years old (i.e. the Biological Assessment for another project). The Draft EIR references reports prepared for the proposed project as well as reports prepared for previous projects proposed on the project site. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. As discussed in Section 3.3.2 Existing Conditions, an updated biological survey and site visit was completed by a Dudek biologist in April 2014. The Biological Resources Assessment (included as Appendix E-3) states that the tree survey completed in 2008 was subsequently reviewed by a Dudek certified arborist in 2014 and determined to be complete. The assessment of marine biological impacts presented in Section 3.4.4 of the EIR is based on surveys and research that were conducted specifically for the proposed project and are provided in Appendices E-4 through E-7 of the EIR.

- I126-4** This comment states that the commenter appreciates that the public comment period has been extended. This comment is noted.

Letter I127

Commenter: Gregory Gazaway

Date: September 17, 2015

- I127-1** This comment expresses concerns about fire prevention and preparedness and states the commenter's understanding that the project would operate 24 hours per day, 7 days per week with the majority of truck traffic occurring between 3 a.m. and 3 p.m.

Chapter 2.0 Project Description contains information regarding the operations of VMT and Orcem. As noted in Section 2.4.2.1 VMT Operations, VMT operations would be scheduled as two 10-hour shifts per day, six days per week. When vessels are moored at the facility, 24-hour operations, 7 days per week would be conducted for offloading or loading of cargo. As noted in Section 2.4.2.2 Orcem Operation, the Orcem plant would also operate on a 24-hour basis, 7 days per week. Truck traffic is quantified for both the VMT portion and the Orcem portion in Section 3.12 Transportation and Traffic. Table 3.12-8 shows the projected number of truck trips daily generated by VMT and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). For more information regarding the VMT and Orcem operations please refer to Section 2.4.2 of the Draft Final EIR and for information regarding truck generation and traffic impacts please refer to Section 3.12.4 (A) of the Draft Final EIR.

- I127-2** This comment expresses concern that the beeping of trucks backing up will impact neighbor's sleep and that having to wear earplugs to keep the noise down would have severe implications on the ability to respond to household fire alarms.

Noise-sensitive locations (NSL) closest to the project are identified in Table 3.10-4. These NSLs represent the worst-case scenario for receptors in the project area because they are located closest to the project and would be most heavily impacted by noise. The combined analysis for VMT and Orcem utilizes a worst case-scenario for noise generation which would include Orcem production, rail and truck movements on the local road network, plus noise generated by VMT unloading a vessel and transporting material by truck, rail, and barge. Table 3.10-28 shows the results of the combined noise levels from all VMT and Orcem operational activities. According to the table, increases in the total noise level for residents at

NSL-1 through NSL-10 would vary from 1 dB to 10 dB. Noise impacts were only determined to be exceed allowable increases at four locations NSL2 (Bay Village Apartments), NSL5 (Colt Court residences), NSL7 (Sonoma Boulevard residences) and NSL9 (Lemon Street residences east of Sonoma Boulevard). The Draft EIR discusses that the increase at these locations would be a very slight increase of less than 1 dBA above the allowable increase of 3 to 5 dBA. The actual exceedance is of the order of 0.5 dBA and due to rounding, a slight exceedance is identified. However, an exceedance of this magnitude is considered imperceptible and it is considered impractical to provide mitigation for such a small amount. Other residences are not considered in the analysis because they are located further away from the project site than the NSLs listed in Table 3.10-4 and therefore the noise impact would be less than what is determined for the NSLs in the Draft EIR. Noise impacts were determined to be imperceptible at residences closest to the project and therefore noise impacts would be both imperceptible and insignificant for residences located further away from the project. For more information please refer to Section 3.10.4 (A) in the Draft Final EIR.

I127-3 This comment states that fire is of great concern to the Sandy Beach Neighborhood Association since structures built on pilings over water are at a higher risk for fast moving, wind fed fires.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I127-4 This comment claims that residents cannot be expected to sleep with earplugs because it would put them at even greater danger in case of residential fires and that lack of roadway access to their homes makes the Vallejo Fire Department unreliable.

Please refer to the response to comment I94-2 above for information regarding the noise impacts of the proposed project.

I127-5 This comment questions whether the applicants or the City would be prepared for a lawsuit in the event that a fire were to occur along with significant loss of property or life due to a hindered response time from the use of sound suppression in order to sleep.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I128

Commenter: Gregory Gazaway

Date: November 2, 2015

- I128-1** This comment questions what impact the project would have on future development of the waterfront. This comment raises economic issues which are not within the scope of CEQA.

Letter I129

Commenter: Jimmy Genn

Date: October 8, 2015

- I129-1** This comment expresses the opinion that the project would affect the land use of all of South Vallejo just as the citizens were helping it reach its highest potential use.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal. The Draft Final EIR concludes that impacts related to land use and consistency with applicable land use plans would be potentially significant (subject to final determination from BCDC). Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

Letter I130

Commenter: Matthew Goff

Date: September 29, 2015

- I130-1** This comment expresses opposition to the proposed project and the opinion that this is project would destroy the waterfront.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I131

Commenter: David Goldberg

Date: November 2, 2015

I131-1 This comment expresses concern with project's contribution to noise and air pollution.

Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. The Draft EIR determined construction impacts during the construction of the VMT project component would generate temporary noise levels up to 75 dBA Leq at the closest residential receptor locations, resulting in potentially significant construction noise nuisance impacts. Construction of the Orcem plant would be temporary and would not exceed established standards so impacts would be less than significant. The Draft EIR also determined that the combined effects of construction of the VMT and Orcem project components would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Mitigation measure MM-3.10-2 is proposed to reduce the noise impact of plant operations to less-than-significant levels. Mitigation measure MM-3.10-2 would require a series of improvements including: an in-line attenuator; local screening adjacent to the clinker storage bag filter, the bag filter fan, the air shock, the main fan, the bag filter fan on the intake silo, the air slide fans within the filter building and the filter building bag filter fan. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

I131-2 This comment expresses intent to focus comments on traffic impacts and asserts that the information in the Draft EIR is either inadequate or too complex to understand.

This comment does not include specific examples or comments on the Draft EIR; therefore, no further response is included.

I131-3 This comment requests a report that is clear as to what residents can expect to encounter with regards to traffic on Sonoma Boulevard.

Freeway and intersection congestion impacts are addressed in Section 3.12.4 (A) of the Draft EIR. Table 3.12-10 shows existing plus project peak hour intersection service levels. This table provides an evaluation of delays for existing plus VMT traffic, existing plus Orcem traffic and existing plus combined project traffic. According to the table, the LOS analysis shows there would not be a significant impact under Criteria A.1-A.3 (described in Section 3.12.3 Thresholds of Significance). Table 3.12-12 shows the existing plus project freeway operations for the combined project. According to the table, the combined impact of both project components does not result in a significant impact under Criteria A.5 or A.6 (described in Section 3.12.3 Thresholds of Significance). There would be added delay related to project truck traffic on freeway segments outside the study area; however, the incremental delay is expected to be less than significant, based on the Draft EIR finding that the delays on segments closest to the project site, which were in the study area, were found to be less than significant. Please refer to Section 3.12.4 (A) for additional information regarding the intersection and freeway operations analysis.

I131-4 This comment asks how many trains would cross Sonoma Boulevard, how long it would take and what the average delay would be for motorists.

Impacts from rail crossings on traffic and congestion are discussed in Section 3.12.4 of the EIR. The combined project is expected to generate rail traffic consisting of 77-car trains at a rate of an average of 2.6 trains (in and out) per week. The Draft EIR concluded that the trains would take approximately 7.6 minutes to traverse each at grade crossing and the impact would cause significant delays despite the implementation of mitigation measure MM-3.12-2a. It is noted that the railroad is owned by the California Northern Railroad and is not under the City's jurisdiction. The City can require the applicants to work with the California Northern Railroad to avoid peak commuting hours but they cannot guarantee that the California Northern Railroad would agree to the desired hours of operation.

Additional analysis on railway, intersection and freeway congestion is provided in Section 3.12.4 (A) and a full text of the mitigation measure is provided in Section 3.12.5 of the EIR.

I131-5 This comment questions how much time would be added to the average motorists daily commute, both morning and evening.

Please refer to the response for comment I98-4 above for information regarding delays caused by rail transport.

I131-6 This comment questions what the average delay would be for the average motorist due to increased congestion on Sonoma Boulevard and adjoining streets cause by an increase in truck and employee traffic.

Please refer to the response for comment I98-3 above for information regarding impacts to freeways and intersections.

I131-7 This comment expresses the opinion that it should not be so difficult for the average resident to understand how the project would impact them.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I131-8 This comment expresses concern for the project from repeatedly seeing phrases in the transportation and traffic review such as significant, substantial delays, worsen over time, unsafe or less convenient, and remain significant and unavoidable.

A “significant effect on the environment” is defined in the Section 21068 of the CEQA Guidelines as “a substantial, or potentially substantial, adverse change in the environment.” It is noted in Section 15131 of the CEQA Guidelines that economic and social change by itself is not considered significant.

Significant and unavoidable impacts are those that cannot be substantially lessened the by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation Measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it less than significant, than the impact is considered significant and unavoidable. Mitigation measures are provided for all traffic impacts in Section 3.12.5 Mitigation

Measures. The Draft EIR concluded that of the six significant traffic impacts implementation of the designated mitigation measures would reduce three of them to less-than-significant levels. The three remaining impacts, related to rail operations, would remain significant and unavoidable despite the implementation of mitigation. For a full analysis of traffic impacts please refer to Section 3.12.4 of the Draft Final EIR. For a full text of mitigation measures please refer to Section 3.12.5 of the Draft Final EIR. For a determination of significant after implementation of mitigation please refer to Section 3.12.6 of the Draft Final EIR.

Letter I132

Commenter: Chris Gordon

Date: November 2, 2015

- I132-1** This comment questions if the smoke stack could be 50 feet higher. Building parameters will be built to the specifications described in the project description. If the project applicant were to request this kind of change in the building height, further environmental review would be required.

Letter I133

Commenter: Damon Grate

Date: September 29, 2015

- I133-1** This comment questions how the proposed project is any different than the LPG plant the residents didn't want either.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I134

Commenter: Martin Gruber

Date: November 2, 2015

- I134-1** This comment states that Appendix H-1 recommends that the sampling be done to bedrock but the Draft EIR only conducted shallow surface sediment. This comment also expresses concern for the heavy metals that might be contained in the sediment, such as DDT, and claims that sampling should be done at the depth where the sediment is deepest. Appendix H-1 reports on the projects depth of foundation visa-vi bedrock but does not recommend further testing at this time. Appendix H-1 also reports in detail on required sampling of contaminated sediments.
- I134-2** This comment expresses the opinion that before the project is approved, there should be a commitment to either full bedrock anchoring of the foundation or development of expert plans to do without it. Appendix H-1 does not support the need for this commitment.
- I134-3** This comment requests that contaminants from dredging and potential effects be evaluated regardless of if their concentration is above or below other ambient levels. CEQA typically bases analysis on either standards established by relevant resource agencies and regulations and ambient conditions. This is done so that projects are evaluated on established baselines. Analysis in this document was designed following this established methodology.
- I134-4** This comment asserts that glyphosate (Roundup) was not tested for yet is widely used in the area and there is a high probability that it would occur in the area due to the extensive agricultural runoff. Contaminated sediments were tested according to what data was needed to analyze project impacts. Not every substance is required to accomplish this goal.
- I134-5** This comment questions if sediment would be tested for presence of glyphosate. See response I134-4 above.
- I134-6** This comment questions if California has yet determined what safe levels of glyphosate in the water are or a safe amount of dredge material. See response I134-4 above.
- I134-7** This comment asks if workers are required to handle glyphosate before safe levels are determined will they be properly notified that they working with carcinogenic materials whose extent and safety are not fully evaluated. Section

3.7 includes mitigation stating that in the event that site grading activities encounter evidence of contamination or other environmental concerns, a Hazardous Materials Contingency Plan shall be followed during excavation at the subject property. The plan shall specify measures to be taken to protect worker and public health and safety.

I134-8 This comment asserts that the Draft EIR did not take into account the traffic from the expansion of the Curtola Park and Ride. Please refer to the response to comment A9-15.

I134-9 This comment questions how long it would take a fully-loaded cement truck going downhill to spot a pedestrian and safely stop their vehicle. The requested analysis is beyond the scope of CEQA and is not required to be included in the EIR.

I134-10 This comment expresses concern for the plans to make mitigation plans contained in the EIR and claims that the City should have all the plans before it makes any evaluation or approvals. The Draft Final EIR includes several mitigation measures that require the preparation and implementation of plans in order to ensure impacts are reduced to below a level of significance. The timing of preparation and implementation of the plans varies depending on the specific issue to be addressed; however, the plans would be required to be approved prior to implementation and prior to project activities that would be regulated by such plans to ensure impacts would be reduced sufficiently. It is premature for the City to require preparation of such plans since the project has not yet been approved.

I134-11 This comment alleges that the Draft EIR does not adequately evaluate odor impacts because the significance criteria is five odor complaints per year but the plant isn't built and so subsequently no odor complaints have been made. Refer to response to comment A9-8 for more information regarding odor impacts.

I134-12 This comment questions how purchasing offsets makes sense for NO_x when that mitigation would not help reduce NO_x to safe levels in Vallejo and would still subject residents to NO_x levels that are six times greater than the significance threshold. Please see Master Response 6 for information regarding offsets.

I134-13 This comment is concerned with NO_x mitigation for VMT because required mitigation seems to be based solely on cancer risk and not any other health problems that may be caused by NO₂ emissions. Mitigation Measure MM-3.2-1, the use of 2010 or newer trucks would serve to reduce NO_x emissions. Elements of Mitigation Measure MM-3.2-2, such as electrified equipment and capture and control technologies for ship emissions, although primarily intended to reduce

cancer risk would also serve to reduce NOx emissions. Mitigation Measure MM-3.2-3, the use of highest available EPA tier off-road engines, would also serve to reduce NOx emissions.

- I101-14** This comment alleges that the Draft EIR points to potential expansion of the site as a possible source of contamination and questions what expansion operations are being contemplated and what the potential impacts are of those operations. Any future growth or development on the project site would require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter I135

Commenter: Martin Gruber

Date: November 2, 2015

- I135-1** This comment claims that Mare Island has worked extensively with radioactive materials which were not heavily regulated in the past and requests deep sediment samples to test for the presence of radioactivity. Deep sediment samples in this location would not be appropriate or necessary given that the project does not include deep excavations.

Letter I136

Commenter: Martin Gruber

Date: November 2, 2015

- I136-1** This comment expresses concern for how purity of slag would be ensured and what safety measures would be necessary for workers to deal with potentially contaminated slag. This comment also includes a link to a Taiwanese paper which points to black market furnace slag in many Asian countries and the UK which is frequently certified but full of contaminants.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

Letter I137

Commenter: Dominique Gutierrez

Date: October 7, 2015

I137-1 This comment asks about environmental justice. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

I137-2 This comment questions why the City wants to mess up the waterfront.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I138

Commenter: Stephen Hallett

Date: September 25, 2015

I138-1 This comment expresses opposition to the project because of the significant and unavoidable impacts to air quality, emergency vehicle access, cancer risks, greenhouse gas emissions, and noise and states that the few jobs would not justify the impacts.

Table ES-1 in the Executive Summary presents a summary of all the potentially significant environmental impacts that could result from the project, the proposed mitigation measures, and the level of significance of the impact after the implementation of the mitigation measures.

Please refer to Section 3.10 of the Draft EIR for noise impacts, Section 3.2 for air quality impacts, and Section 3.12 for traffic-related safety impacts. As described in these sections, there would be significant and unavoidable impacts related to noise, air quality, and traffic safety even after mitigation. For additional information on potential air quality and associated health impacts please refer to Master Response 1.

- I138-2** This comment expresses the opinion that money received from the project would go straight into fixing roads damaged by the heavy trucks and likely it would end up costing more to fix than would be received in taxes. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements. Other economic issues are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I139

Commenter: Stephen Hallett

Date: November 2, 2015

- I139-1** This comment questions the re-designation of Lemon Street as a trucking route and what justifies that change.

Lemon Street has not been re-designated as a truck route; rather, project trucks are allowed to use Lemon Street because it is the most direct route between the State Route network and the project site. Other routes would require longer truck trips through the City and large vehicle turning movements that cannot be accommodated by the current roadway design. Refer to Master Response 8 for information regarding physical improvements to Lemon Street.

- I139-2** This comment asserts that the Draft EIR should be redone because it contains too many mitigation measures that merely intend to mitigate.

As required under CEQA, the EIR includes a discussion of potential mitigation measures, some of which were determined to be infeasible, or the implementation of which could not be guaranteed by the City. Since the City is responsible for monitoring implementation of mitigation measures, it is imperative that any mitigation measures required by the EIR are feasible and enforceable. In some cases there are no additional feasible mitigation measures that could reduce identified impacts to below a level of significance; these are identified as significant and unavoidable impacts of the proposed project.

- I139-3** This comment questions whether asthma rates will increase. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that would result from implementation of the proposed project.

- I139-4** This comment questions how much it would cost to put the roads on Lemon Street into working order and how much it would cost to maintain. CEQA does not

require EIRs to identify specific costs associated with mitigation measures; instead CEQA requires that the MMRP for an EIR identify the party responsible for implementation of mitigation measures, which varies based on the measure. Refer to Master Response 8 for information regarding road improvements.

Letter I140

Commenter: Stephen Hallett

Date: October 28, 2015

- I140-1** This comment asks why the fact that Lemon Street is not a designated truck route omitted from the Draft EIR.
- Lemon Street has not been re-designated as a truck route; rather, project trucks are allowed to use Lemon Street because it is the most direct route between the State Route network and the project site. Other routes would require longer truck trips through the City and large vehicle turning movements that cannot be accommodated by the current roadway design. As described in Section 3.12 of the EIR, physical improvements to Lemon Street would be required under mitigation measure MM-3.12-3.
- I140-2** This comment requests that the Draft Final EIR address the impact from designated Lemon Street as a trucking route and asks for an explanation of what has changed to make Lemon Street a trucking route again. Please see Response I140-1 above.
- I140-3** This comment asks if there would be any impact to property values in Vallejo. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I140-4** This comment asks how many trucks per day would be going in and out of the cement factory. Please refer to the response to comment I103-3.
- I140-5** This comment asks if the rate of asthma would be worse in Vallejo after the cement plant is put in place and if so by how much. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project.
- I140-6** This comment asks how much the project would exceed the acceptable cancer risk and by how much Vallejo's cancer rate would go up. Please see Master Response

1 and response to comment A1-2 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project.

I140-7 This comment asks if the demand for green cement is so strong, why the factory would need to be equipped with the ability to make portland cement. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I140-8 This comment asks if the environmental impacts of producing portland cement would be worse than producing green cement. As described in Section 2.4.2.2 of the EIR, Orcem would be capable of operating in three different modes, including Mode 2, which would involve production of portland cement, and Mode 3, which would involve import of portland cement. The environmental analysis presented throughout the EIR considers these three modes of operation. Please refer to the environmental analysis contained in Chapter 3 of the Draft Final EIR for more information.

I140-9 This comment expresses the opinion that there should be a separate EIR that addresses the production of portland cement.

A separate EIR is not required for the production of portland cement because impacts from producing portland cement were considered in this EIR. Please refer to the response for comment I140-8 above.

I140-10 This comment claims that Orcem has been saying the cement is safe enough to eat, and asks for any peer-reviewed studies that demonstrate this is true or untrue. This statement was not made in the Draft EIR thus this comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I140-11 This comment asks if Orcem or VMT is willing to pay the full cost of making roads on Lemon Street suitable for their trucks. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

I140-12 This comment asks if communities have turned down Orcem's request for a cement plant and if so, what are the communities and what were the reasons. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I141**Commenter: Mark Harmon****Date: September 29, 2015**

- I141-1** This comment suggests developing the waterfront such that it could handle a diversity of cargo and have the Orcem plant built remotely and be supplied by rail. The City appreciates this comment; however, since this comment does not include a specific comment on the Draft EIR, no further response is included.

Letter I142**Commenter: Helen Harwood****Date: September 8, 2015**

- I142-1** This comment states opposition to the proposed project. This comment has been noted.

Letter I143**Commenter: Veronica Herald****Date: October 12, 2015**

- I143-1** This comment asks that the proposed project be rejected since it is a permanent quality of life disaster that will never go away.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I143-2** This comment claims that property values would go down, air quality would suffer, public safety would suffer and permanent quality of life will suffer forever.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I143-3** This comment asks the project be rejected and instead a brighter tomorrow for Vallejo envisioned, since the future belongs to the youth and they deserve a clean and bright future without this disaster.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I144

Commenter: Nancy Hilton

Date: September 15, 2015

I144-1 This comment questions who wrote the Draft EIR and who paid for it to be written.

The Draft EIR was prepared by Dudek, an environmental consulting firm with over 35 years of experience analyzing the environmental impacts of projects throughout California. Dudek was retained by the City to prepare the EIR and has prepared the Draft EIR under the direction of the City. Dudek is paid directly by the City, and the City is reimbursed for payment by the project applicants.

I144-2 This comment questions what the procedure is for revision of the Draft EIR.

The EIR process is outlined in Article 7 of the CEQA Guidelines. Specifically, Section 15088 and 15088.5 detail the evaluation, response to comments, and EIR recirculation requirements. Under Section 15088 the lead agency (City of Vallejo) shall provide responses to all comments received on the Draft EIR. These responses may take the form of a revision to the draft EIR or may be a separate section of the Draft Final EIR. If significant new information is added to an EIR then the lead agency is required to recirculate the EIR for additional public review under Section 15088.5. New information added to the EIR is not significant unless the EIR would change in a way that deprives the public of the opportunity to comment on a substantial adverse environmental effect of the project. Significant new information may include a new significant environmental impact would result from the project or from a new proposed mitigation measure, a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted, a feasible project alternative considerably different from others previously analyzed would clearly less the environmental impacts of the project. Recirculation of the draft EIR is not required where new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. If revision is limited to a few chapters then the lead agency would only need to recirculate those chapters that have been modified.

Pursuant to Section 15132 of the CEQA Guidelines, the Draft Final EIR shall contain the draft EIR or revision of the draft, comments and recommendations received on the draft EIR, a list of persons, organizations, and public agencies commenting on the draft EIR, the response of the lead agency to any significant environmental points raised in the review process and any other information

added by the lead agency. Please refer to Sections 15088, 15088.5 and 15132 of the CEQA Guidelines for more information.

I144-3 This comment expresses the opinion that at the public hearing a majority of citizens were outraged by the lack of time and information given to address such an important proposal. Please refer to Master Response 10 for information regarding community outreach.

I144-4 Commenter states intent to buy a home in Vallejo but now is considering other options. Additionally this comment expresses the opinion that there is no economic or environmental benefit for the citizens.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I145

Commenter: Huepahe
Date: November 2, 2015

I145-1 This comment requests a copy of the EIR in Spanish. Please refer to Master Response 10 for information regarding public outreach.

I145-2 This comment requests an environmental justice report be completed for the projects independently. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

I145-3 This comment requests verification on the original noise report for sites close to the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I146

Commenter: Roberta Iloff
Date: November 2, 2015

I146-1 This comment questions why there is no environmental justice report on South Vallejo. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

I146-2 This comment questions how the streets would be made safe and repaired from the convoy of trucks. Please refer to the response to comment I68-9 and Master Response 8 for information on road maintenance.

I146-3 This comment asks how noise, dust and pollutants going to be managed.

Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. The Draft EIR determined construction impacts during the construction of the VMT project component would generate potentially significant construction noise nuisance impacts. Construction of the Orcem plant would be temporary and would not exceed established standards so impacts would be less than significant. The Draft EIR also determined that the combined effects of construction of the VMT and Orcem project components would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Mitigation measure MM-3.10-2 is proposed to reduce the noise impact of plant operations to less-than-significant levels. Mitigation measure MM-3.10-2 would require a series of improvements including: an in-line attenuator; local screening adjacent to the clinker storage bag filter, the bag filter fan, the air shock, the main fan, the bag filter fan on the intake silo, the air slide fans within the filter building and the filter building bag filter fan. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

I146-4 This comment questions if PG&E is going to monitor that gas lines under the railroad tracks.

PG&E's regular monitoring would not be altered by this project in any way. This comment does not directly apply to the CEQA analysis.

I146-5 This comment questions how SolTrans will be able to keep a timely schedule with a convoy of trucks using Lemon Street.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Table 3.12-10, in Section 3.12.4 (a), shows existing plus project peak hour intersection service levels. Existing intersection Levels of Service (LOS) and City of Vallejo LOS standards are discussed in Section 3.12.2 Existing Conditions. Based on the significance criteria established in Section 3.12.3, if traffic were to degrade the LOS at a given intersection below level D, then the impact would be significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively and no mitigation measures are required. For this reason, no significant delays to SolTrans buses are anticipated. Please refer to Section 3.12.4 (a) in the Draft Final EIR for additional information regarding the analysis for traffic congestion impacts.

I146-6 This comment asks how train delays are going to affect emergency vehicle response.

Emergency access is addressed in Section 3.12.4 (d) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways

are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (a) and (d) for information regarding the analysis. A full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

Letter I147

Commenter: Eugenia Innes

Date: October 27, 2015

- I147-1** This comment expresses the opinion that Orcem has chosen a poor area of Vallejo where children already suffer from asthma and instead of choosing areas adjacent to Beverly Hills or the wine country they have chosen to trample on the little people of South Vallejo. This comment also expresses hope that the public outcry will continue since the Orcem plan is a disaster and a disgrace. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I148

Commenter: Judy Irvin

Date: November 2, 2015

- I148-1** This comment summarizes requirements of CEQA and the commenter's interest as a long time active resident to inform citizens to take action instead of relying on City staff.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I148-2** This comment summarizes how the current General Plan does not meet basic legal requirements because it just a variety of amendments and specific plans that lack internal consistency, completeness or comprehensiveness which is why a new General Plan meeting legal requirements is so essential to the future of

Vallejo. Additionally, this comment expresses the opinion that trading one heavy industry such as a shipyard for another such as this project is shortsighted.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I148-3

This comment states that a new General Plan is currently underway and the General Plan Working Group is evaluating three alternatives, none of which are focused on returning Vallejo to an industrial past. This comment also claims that the proposed project is not consistent with the citizen's vision of a safe, healthy, livable and economically sustainable community and that the City's support of this project, which is not consistent with the direction of the new General Plan, is sabotaging the efforts of the community.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I148-4

This comment claims that since the old General Plan does not comply with General Plan law it cannot be used to support the project and an evaluation of the project against the new General Plan is required. Please refer to the response for comment I148-3 above regarding the General Plan.

I148-5 This comment claims that the vicinity map uses an outdated USGS 7.5' sheet that does not show residential developments at Glen Cove, new housing on Mare Island or even Curtola Parkway and as such distorts the context by giving the impression that the surrounding area is open space or industrial rather than residential. The Vicinity Map is intended to show the location of the project, not the context of the project in terms of land use and development. A description of the existing site and surroundings is provided in Section 2.2 of the EIR.

I148-6 This comment gives background on steel production and claims that the chemical composition of steel slag is variable and may contain other hazardous substances and the chemical analysis of just one sample of GBFS is not enough. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I148-7 This comment includes a diagram for steel production showing two stages with different chemical compositions but either could be used for cement making. This comment claims that one of the elements in GBFS, calcium sulfide, is listed as toxic to aquatic life with long lasting effects, and that to accurately assess environmental impacts, samples from a variety of potential Asian sources should be analyzed to determine acceptable baselines. Although calcium sulfide might be toxic in some situations, as described in Appendix I-9 GBFS is a glassy material which binds the chemicals it is made of so they are not available to aquatic life in this situation.

I148-8 This comment asserts that the Draft EIR focused on VMT impacts to the marine and aquatic environment but minimized the Orcem component and that the methods described in Orcem's operations would still result in airborne dust and possible entry into the San Francisco estuary.

In all sections of the Draft EIR, environmental impacts from both VMT and Orcem are analyzed. Section 3.3.4 Impact Discussion (a) evaluates potential impacts to biological resources including marine life. The VMT discussion is lengthy because of the work that would occur in the marine environment there were many potential impacts to analyze. Potential impacts from construction and operation of Orcem are also examined following the discussion of VMT impacts. Since Orcem construction and operation do not involve in water activities the discussion is much shorter and mainly examines the potential impact from runoff water which is thoroughly examined in Section 3.8 Hydrology and Water Quality. This impact was determined to be less than significant because the site has directed all stormwater away from the Napa River and runoff would be contained in a retention pond. Drift materials and

fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust.

I148-9 This comment claims that outputs from the vent stacks are not clear and that with stacks extending into the upper atmosphere there is a potential for NO_x to react with water and form acid rain which would affect communities far beyond the modeled area. This comment also suggests that communities downwind should be notified of the potential impacts of acid rain. Please refer to Section 3.2 for a description of emission sources and stack emissions. Federal and state ambient air quality standards are both health and environment-protective. The BAAQMD, as part of its permitting process, ensures that projects that are granted operating permits would not obstruct attainment of the federal and state ambient air quality standards.

I148-10 This comment questions why there is no discussion of outgoing cargo and claims the operational interface between VMT and Orcem is unclear.

In the Project Description Section 2.4 Proposed Project states that the Orcem component of the project would be sited on a portion of the VMT property and is highly dependent on VMT for transporting raw materials. The VMT component of the project would be dependent on Orcem for a certain percentage of its business. Section 2.4.2.2 Orcem Operation provides details of operation from transport of raw materials to the site to transport of finished products off the site. This section describes the methods for loading final product to truck and rail tankers. Incoming and outgoing trips of rails, trucks and vessels is included in the impact analysis for air quality emissions, traffic generation and noise. Please refer to Section 3.2.5 (Air Quality Impact Analysis), Section 3.10.5 (Noise Impact Analysis) and Section 3.12 (Transportation and Traffic Impact Analysis) of the Draft Final EIR for specific information regarding potential impacts.

I148-11 This comment claims that FEMA maps are sometimes incorrect in Vallejo due to the influence of politically connected developers and that recent BCDC data for flooding and sea level rise should be used. Section 3.6.4 of the Draft Final EIR and Appendix D-2 provide the requested information. The State of California Sea-Level Rise Guidance Document produced by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team and a Technical Memorandum on Sea Level developed specifically for this project by Moffatt & Nichol in 2015 were the primary sources used for analysis.

I148-12 This comment claims that the Draft EIR does not identify the ancient unnamed fault running down the middle of the Napa River and that ground shaking and liquefaction should be anticipated. The fault referenced by the commenter is named the Carneros-Franklin Fault, is not classified as having had historic or Holocene activity (i.e., rupture, creep or displacement), and is not classified as an Alquist-Priolo Earthquake Hazard Fault Zone. Its location is poorly constrained/inferred within the Mare Island Strait, and it is not classified as being active within the last 750,000 years. As discussed in Draft EIR pg. 3.5-10, the probabilistic seismic hazard assessment “takes into consideration the range of possible earthquake sources and estimates their characteristic magnitudes to generate a probability map for ground shaking.” It should be noted that the California Geological Survey recognizes that not all faults that could generate an earthquake are included in the probabilistic seismic hazard assessment, and therefore uses a random background earthquake component that accounts for sources that have not been included in the model. The peak ground acceleration estimate provided in Draft EIR pg. 3.5-10 therefore incorporates the fact that not all earthquake sources are known. The commenter is referred to Draft EIR Appendix H-1 for a discussion of site-specific soil testing, which determined more precisely that soils underlying the site have low susceptibility to liquefaction.

I148-13 This comment asserts that the area around the intersection of Lemon Street and Sonoma Boulevard was identified as a potentially eligible historic resource in Vallejo’s 1999 Preservation Plan which was adopted by the Architectural Heritage and Landmarks Commission and would remain legally effective until replaced by a Preservation element in the new General Plan. This comment also includes descriptions of the area and an area map taken from the 1999 Preservation Plan. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I148-14 This comment claims that heavy truck traffic would be damaging to historic districts and changing the features of Lemon Street to mitigate transportation impacts would result in an adverse impact to the feeling, association and setting of the historic resource. This comment suggest bypassing Lemon Street entirely by building a new roadway alignment parallel to the railroad tracks through the industrial area.

Historic resources are identified and discussed in Section 3.4 Cultural Resources. The flour mill, grain silos, administrative building, garage, manager’s house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic

District. The project would result in significant impacts to historical architectural resources due to the loss of integrity of a potential Sperry Flour Mill Historic District through demolition of the flour mill, grain silo and dock. Mitigation measure MM-3.4-2a requires the project sponsor to undertake Historic American Building Survey (HABS) documentation of the property including measured drawings, photography and a historical report. The Draft EIR determined that while this measure would reduce the impact, it would remain significant. All other potential impacts to historical resources were determined to be less than significant with implementation of mitigation. For a full analysis and text of mitigation measures please refer to Sections 3.4.4 and 3.4.5 of the Draft Final EIR. Please also refer to Master Response 8 for information regarding road improvements.

I148-15 This comment asserts that the proposed project is exacerbating climate change problems by claiming they are green and sustainable yet they rely on steel from countries where environmental regulations are loose and carbon footprints are large. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I148-16 This comment alleges that the Draft EIR process and schedule meet the bare minimum requirements, the language is too complex and using words like sensitive receptors distances the real health impacts and those most affected may not understand that sensitive receptors are shorthand for real kids, sick people and the elderly.

Please refer to Master Response 10 for information regarding public outreach and Master Response 1 for a discussion of sensitive receptors.

I148-17 This comment expresses support for comments submitted by Dr. Lori Allio and Fresh Air Vallejo, concern for the lack of professional ethics and the opinion that this project would not benefit the citizens and the only the appropriate response is to select the No Project Alternative.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a

decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I149

Commenter: Mary Jacobs

Date: October 5, 2015

- I149-1** Commenter states she has lived in Vallejo since 1941 and has seen many ups and downs in the City. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I149-2** This comment expresses concern for the project and the opinion that the waterfront should be a major asset instead of turned into nothing but cement from public buildings and now a cement factory. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I149-3** This comment states that there is City Hall, a library, post office, and housing there and now the indignity of a parking garage and another in the planning. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I150

Commenter: Janice Johnson

Date: October 28, 2015

- I150-1** This comment expresses concern for the impact of plant operations on the City. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I150-2** This comment states that citizens recently participated in a survey expressing their views on how they envision the future of Vallejo and a majority of the residents wanted to see a non-industrial, people-friendly city with parks, walkways, retail businesses and an overall environmentally healthy city. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I150-3** This comment asks that the City make the most of the waterfront and that there is a place for industrial business in the right location with the right safeguards but Orcem is definitely not it. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I151

Commenter: R. Johnson

Date: October 7, 2015

I151-1 This comment claims that 300 trucks with toxic dust would be passing through residential zones and questions how traffic impacts would be mitigated.

Chapter 2 Project Description gives information on the construction and operation of each project component. Section 2.4.2.1 Operation, provides information on transportation of materials via shipping, rail and trucking. Table 2-3 gives a summary of VMT material volumes and transport methods. VMT would have a maximum of 87 trucks per day and Orcem would have 189 trucks per day. Section 2.4.2.2 Orcem Operation, provides information on the transportation of raw materials and finished product via shipping, rail and trucking. Table 2-4 shows the maximum metric tons of raw material imported per month and metric tons of product exported per day.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Table 3.12-10, in Section 3.12.4 (a), shows existing plus project peak hour intersection service levels. Existing intersection Levels of Service (LOS) and City of Vallejo LOS standards are discussed in Section 3.12.2 Existing Conditions. Based on the significance criteria established in Section 3.12.3, if traffic were to degrade the LOS at a given intersection below level D, then the impact would be significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively and no mitigation measures are required. Please refer to Section 3.12.4 (a) in the Draft Final EIR for additional information regarding the analysis for traffic congestion impacts.

Letter I152

Commenter: Carl Jones

Date: October 7, 2015

- I152-1** This comment asks if the impact community has been notified of the project and its potential impacts. Please refer to Master Response 10 for information regarding public outreach.

Letter I153

Commenter: Carl Jones

Date: October 7, 2015

- I153-1** This comment questions what steps have been taken to review health considerations and traffic. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

Traffic impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively, while impacts to railways would be significant for both projects individually and cumulatively. Section 3.12.5 Mitigation Measures presents mitigation for all significant traffic impacts. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Mitigation measure MM-3.12-2a would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements. Even with implementation of mitigation measure MM-3.12-2a, delays due to railroad operation were

determined to be significant and unavoidable. Please refer to Section 3.12.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.12-1 and MM-3.12-2. Additional information regarding the project's less-than-significant impact on intersection and freeway congestion please refer to Section 3.12.4 Impact Discussion (A) in the Draft Final EIR.

Letter I154

Commenter: Donna Jones

Date: October 15, 2015

- I154-1** This comment questions what the expected rates of cardiopulmonary disease, cancer and sleep disturbances would be resulting from the proposed project. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project. Please refer to the response to comment I146-3 for noise impacts.

Letter I155

Commenter: Hazel M. Jones

Date: October 27, 2015

- I155-1** This comment expresses opposition to the project since there is already heavy pollution in the City and Vallejo is bisected by Interstate 80, 780 and Highway 37. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I155-2** Commenter states there is gravel pit company located nearby and the dust and noise created by them is so bad that all windows must be kept closed. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I155-3** This comment asks if anybody in their right mind at City Hall or the Planning Commission vote to allow 276 trucks per day through Vallejo which would cause breathing problems, asthma, allergies, and affect property values. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I155-4** This comment asks where the money will come from to repair the streets. Please refer to Master Response 8 for information regarding road improvements.

I155-5 This comment asks how the waterfront could be developed to draw in tourists. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I155-6 This comment asks whose idea this project was and why citizens are only recently finding out about it. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. Please refer to Master Response 10 for information regarding public outreach.

I155-7 This comment asks what the economic advantage to the City is. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I155-8 This comment expresses the opinion that 30 jobs is a joke, all the money would go outside Vallejo and this is not a win situation for Vallejo but rather a disaster waiting to happen.

As discussed in Section 2.4.2, the combined project would generate a total of 65 jobs during regular operations and 85 jobs during vessel loading and unloading. This comment does not include any other specific comments on the Draft EIR; therefore, no further response is included.

Letter I156

Commenter: Robert S. Jones

Date: October 19, 2015

I156-1 This comment asks what total, as well as the average, amount of noise, air, water, soil, and nighttime lighting pollution that would be caused by operation of the project during each 24-hour day, 30-day month and 365-day year.

Noise pollution is addressed in Section 3.10 of the EIR. Section 3.10.4 (A) quantifies noise impacts to the ten closest noise-sensitive locations which are listed in Table 3.10-4 and illustrated on Figure 3.10-3. The assessment for the VMT component is included in Appendix K-1, the assessment for the Orcem

component is included in Appendix K-2 and the cumulative assessment for both VMT and Orcem is included in Appendix K-3 of the Draft EIR. Mitigation Measures are provided in Section 3.10.5. Additional details regarding emissions estimates and methodology is provided in Appendix D-1 of the Draft EIR.

Water pollution is examined in Section 3.8 Hydrology and Water Quality. Section 3.8.4 (A) discusses potential impacts to water quality resulting from project construction and operation, including stormwater runoff. Stormwater control plans for VMT and Orcem are provided in Appendix J-1 and J-2, respectively, of the Draft EIR. Mitigation Measures are provided in Section 3.8.5.

Impacts to soils are discussed in Section 3.5 Geology and Soils. Existing soil conditions are discussed in Section 3.5.2 Existing Conditions. Section 3.5.4 (B) analyzes soil stability and Section 3.5.4 (C) analyzes the expansion factor of the soils on the project site. Mitigation Measures are provided in Section 3.5.5.

Impacts from lighting are evaluated in Section 3.1 Aesthetics. Section 3.1.4 (C) discusses the potential impacts on the surroundings from nighttime lighting and mitigation is provided in Section 3.1.5. Impacts of nighttime lighting on the marine environment are discussed in Section 3.3.4 (A) and mitigation is provided in Section 3.3.5.

Letter I157

Commenter: Genie Kaggerud

Date: November 2, 2015

I157-1 This comment questions why both VMT and Orcem did not have to submit separate EIRs.

A separate Draft EIR was not prepared for both project components independently due to the shared site and operating characteristics. The Orcem component of the project would be sited on a portion of the VMT property and is highly dependent on VMT for transporting raw materials, and the VMT component of the project would be dependent on Orcem for a certain percentage of its business. Additionally, it is important to evaluate cumulative impacts from both project's combined operation. Where the two components may individually have a less-than-significant impact, operation of both simultaneously may have a significant impact. The Draft EIR is required to examine the worst-case scenario for potential impacts which would result from the operation of both the VMT and

Orcem projects together. The Draft EIR examines impacts from VMT and Orcem both individually and combined for all impacts analyzed throughout Chapter 3.

I157-2 Commenter expresses the understanding that VMT is the primary enterprise with Orcem being only one tenant and yet the Draft EIR is focused on Orcem. This comment also questions where the Draft EIR is on VMT operation and questions if the VMT would use a majority of the land.

As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the property. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations. The only tenant on the VMT property would be Orcem, however, VMT would still handle other commodities through the terminal. These commodities are listed in the Draft Final EIR Section 2.4 where it is also noted that modifications to the list of commodities handled through the VMT Terminal in the future may require an amendment to the applicant's use permit which would be subject to a discretionary process and subsequent review under CEQA.

The Draft EIR does not focus on either component but rather for every impact discussed in Sections 3.1 through 3.13 VMT and Orcem operations are evaluated independently and then a cumulative project analysis is evaluated. For example, Air Quality Section 3.2.4 (b) analyzes the potential for the project to violate any air quality standards. This analysis first examines construction impacts and then operational impacts. For construction impacts an analysis on VMT concluded that construction emissions would not violate the BAAQMD significance thresholds. The construction analysis on Orcem concluded that it too would not violate the BAAQMD significance thresholds. Cumulative impacts during construction were also determined to be less than significant. The VMT and Orcem operational analyses concluded that operational emissions would exceed the threshold for NO_x. Likewise, the combined operations were determined to exceed the annual NO_x threshold. Mitigation is provided in Section 3.2.5, Mitigation Measures for all air quality impacts determined to be significant. For more information regarding VMT operations and potential impacts please refer to the "VMT Analysis" in the Impact Discussion of Sections 3.1 through 3.13.

I157-3 This comment asks who is responsible for monitoring Orcem to ensure operations don't exceed hazard limits and who would pay for monitoring.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I157-4 This comment expresses the opinion that the Draft EIR does not adequately address all potential problems and issues and questions if the project were approved if VMT would get to use the port site for any purpose it chooses.

A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

I157-5 This comment questions if there are limits to what types of other tenants VMT can allow to use the site and if each future activity would require a separate Draft EIR.

VMT is long-term leasing a 4.88-acre portion of the project site to Orcem while operating on a portion the remaining 27.67 acres. VMT would have no other tenants and as mentioned in the Project Description Section 2.4, any modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation.

I157-6 This comment questions who will monitor future activities and products that pass through the proposed VMT to determine if they are appropriate for the site or pose a threat to the health of Vallejo.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies. Please refer to the response for comment I117-4 above

for information regarding the list of commodities handled by VMT and the provision for subsequent environmental review due to modifications.

I157-7 This comment requests answers to the above comments and expresses the opinion that the citizens of Vallejo and the Planning Commission members need to know the answers prior to voting on the project. Answers to other questions raised in this letter are provided in the response to comments I117-1 through I117-6 above.

I157-8 This comment thanks Andrea for all the time, talent and energy she has put into doing her job and working to attract viable business to Vallejo that will enhance the quality of life for all citizens. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I158

Commenter: Katherine

Date: October 19, 2015

I158-1 This comment alleges that the Draft EIR does not say where Orcem would get water to spray on dust. Refer to Section 3.13 Utilities and Service Systems of the Draft Final EIR for information on the proposed water sources for the proposed project.

I158-2 This comment asks where the dust filled water would go. Water quality and runoff are discussed in Section 3.8 Hydrology and Water Quality of the Draft Final EIR. Impact Discussion A describes the proposed techniques for reducing soil erosion and stormwater runoff.

Letter I159

Commenter: Kathryn Kellogg

Date: October 7, 2015

I159-1 This comment expresses the opinion that the residents have invested in the City of Vallejo and bought houses downtown for the great waterfront and the proposed project is going to bring trucks, trains and constant noise. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I159-2 This comment states that the commenter would have never bought in this location if they knew of the proposed project and expresses concern that 20 somethings will not come to Vallejo. Please see Response I159-1 above.

- I159-3** This comment asks if the proposed project can be prevented because the residents have general disapproval of the project and do not want their investment, plans, dreams and property values to be ruined for something that cannot give Vallejo any value. The commenter states that concrete is not Vallejo's future. Please see Response I159-1 above.

Letter I160

Commenter: Add Kennon

Date: October 7, 2015

- I160-1** This comment questions what would happen to emergency vehicle access if the trains had to stop or broke down on the tracks.

Emergency access is addressed in Section 3.12.4 (d) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (a) and (d) for information regarding the analysis. A full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

Letter I161

Commenter: Add Kennon

Date: October 7, 2015

- I161-1** This comment questions if all residents in South Vallejo have been notified of the Draft EIR. Please refer to Master Response 10 for information regarding public outreach.

Letter I162**Commenter: Add Kennon****Date: October 7, 2015**

- I162-1** This comment questions who would be paying for the re-occurring need to pave Lemon Street due to the large use by heavy trucks. Please refer to Master Response 8 for information regarding road improvements.

Letter I163**Commenter: Add Kennon****Date: October 7, 2015**

- I163-1** This comment states that tug boats moving the ships into port would run off diesel and questions if this has been addressed in the Draft EIR. The highest impact operation scenario was used to model for emissions.

Letter I164**Commenter: Add Kennon****Date: October 13, 2015**

- I164-1** This comment questions what other uses are planned for the second pier (Phase 2) planned for VMT?

Phase 2 has been removed from the project. Please refer to Section 2.4.4 Off-Site Improvements for the description of the proposed public access improvements.

Letter I165**Commenter: Betty Kennon****Date: October 7, 2015**

- I165-1** This comment states that many tenants live above the proposed plant and asks if air quality impacts are addressed in the Draft EIR. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

Letter I166

Commenter: Betty Kennon

Date: October 7, 2015

I166-1 This comment questions where the 6,516,000 gallons of water per year required by the proposed project come from.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs and utilizes the Fleming Hill water treatment plant (WTP) to treat water delivered from the Sacramento River Delta, Lake Berrvessa, and Lake Curry. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

Letter I167

Commenter: Betty Kennon

Date: October 7, 2015

I167-1 This comment asks how the polluted water would be disposed of.

Wastewater is discussed in Section 3.13 Utilities and Service Systems while stormwater runoff is addressed in Section 3.8 Hydrology and Water Quality. Wastewater demand is quantified in Section 3.13.4 (a), the potential for expansion of existing or construction of new wastewater facilities due to project demand is evaluated in Section 3.13.4 (b) and the ability of the wastewater treatment provider to serve the project is analyzed in Section 3.13.4 (e). As discussed in Section 3.13.4 (a), VMT is projected to generate a total of 1,800 gallons of wastewater per day and Orcem is projected to generate a total of 600 gallons per

day, for a combined total of 2,400 gallons of wastewater per day. All wastewater collected from the project site would be treated at the Ryder Street WWTP. The Draft EIR concluded that the addition of 2,400 gallons of wastewater per day would constitute less than 0.02% of the total permitted dry weather treatment capacity of the Ryder Street WWTP. The project would be adequately served by the Ryder Street WWTP and would not require the expansion of the facility or the construction of new facilities. Wastewater collected at the Ryder Street WWTP is treated in compliance with the treatment and discharge requirements of the San Francisco RWQCB. All impacts related to wastewater were determined to be less-than-significant. For more information please refer to Section 3.13.4 (a), (b) and (e) in the Draft Final EIR.

Section 3.8.4 (a) discusses potential impacts to water quality resulting from stormwater runoff. The project would be required to comply with the City's stormwater management requirements to install hydrodynamic devices or incorporate other BMPs to remove pollutants, such as floating liquids and solids, trash and debris, and coarse sediment, from stormwater runoff and to show the locations of such controls on plans submitted with the building permit application. In addition, the City requires implementation of LID strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of an increase in runoff flows. Both VMT and Orcem would also be required to comply with NPDES-related stormwater permitting requirements including measures to reduce development and minimize impervious area, measures to limit directly connected impervious areas, and specifics on the location and design of vegetated swales and bio-basins.

All stormwater that falls on site will be directed through a series of treatment facilities to control pH and reduce turbidity, sediment, heavy metals, and other targeted pollutants. The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase, the Orcem portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant.

Letter I168

Commenter: Kelly Kent

Date: October 6, 2015

- I168-1** This comment summarizes an understanding that the project would run 24 hours per day, have 300+ trucks, not create many jobs for the community and will create noise, air and water pollution. Section 3.8 Hydrology and Water Quality identified that all impacts related to water quality would be reduced to a less-than-significant level with implementation of mitigation measures identified in Section 3.8.5. The remainder of this comment is consistent with the findings in the Draft EIR.
- I168-2** This comment expresses the opinion that the project would pollute the environment and the community and would drive people away who truly love Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I168-3** This comment requests that the City listen to the community striving to make a turn around after bankruptcy just a few years ago and help Vallejo become how it once was; a lovely city on the bay, centrally located and full of lovely people and business. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I169

Commenter: Jason Kish

Date: November 2, 2015

- I169-1** This comment expresses the opinion that making Vallejo more industrial is a terrible idea because it would be taking resources out of Vallejo since many of those employed would not reside in Vallejo. This comment also expresses the opinion that the waterfront should be developed with a combination of decent housing and nice shops for commuters and travelers on the way to wine country.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring

environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter I170

Commenter: John Kocourek

Date: September 18, 2015

I170-1 This comment questions how often portland cement would be produced.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The Orcem plant would ideally operate in Mode 1, however, dependent on market conditions operation in Mode 2 or 3 may be required.

I170-2 This comment asks what raw materials are used in the production of portland cement.

Clinker is the main raw material used in the production of portland cement and GBFS is the primary raw material used in the production of GGBFS. In addition, the Orcem plant would import gypsum/anhydrite, limestone and pozzolan which are raw materials used in the production of other cement products.

As discussed in Section 2.4.2.2 Orcem Operation Production Process, raw materials would be transported to the site via shipping, rail and truck transport. Raw materials would be loaded onto trucks and port and driven to the project site. Rail transport would bring smaller consignments of gypsum, anhydrite, limestone, pozzolan, clinker and portland cement from Arizona, Nevada and California. Lastly, truck transport would bring loads of gypsum, anhydrite, pozzolan, and limestone from sources in California and Nevada. Section 2.4.2.2 Orcem Operations, provides details on how raw materials would be stored on site, moved to the production facilities, how cement products would be produced, and ultimately how the finished products would be stored and transported off-site. Please refer to Section 2.4.2.2 in the Draft Final EIR for more information.

I170-3 This comment questions what the origin of portland cement clinker is.

Please refer to the response to comment I127-2 above for information regarding the transport of raw materials to the project site.

I170-4 This comment asks if clinker production could be added to the capabilities of the Vallejo Orcem facility.

Clinker production is not included as part of the proposed project. If such activity is proposed in the future, an amendment to the applicant's use permit would be required and subsequent environmental review would also be required.

I170-5 This comment asks if new permitting and a revised EIR would be required to allow clinker production. See response to comment I170-4.

I170-6 This comment asks if coal, coke or pet coke would ever be used as a fuel source at the Vallejo Orcem facility. Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter I171

Commenter: John Kocourek

Date: November 2, 2015

I171-1 This comment states that questions concerning the adequacy of the Draft EIR are provided in the attachment. In addition, this comment thanks Andrea for her patience in this challenging task of organizing and presiding over the public meetings. All comments provided in the attachment are addressed below. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-2 This comment alleges that the Draft EIR does not address local monitoring for air quality to ensure that the facility controls are adequate to prevent exposure to airborne dust.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding the MMRP, which would regulate mitigation during project construction and operation.

- I171-3** This comment asks what types of air quality monitoring would be performed and how often on-site monitoring to detect and measure dust particles outside of the mill enclosures and off-site monitoring to detect and measure airborne dust particles would occur.
- Pollution and air quality are addressed in Section 3.2 of the EIR. As discussed in Section 3.2.2 Existing Conditions, the BAAQMD operates a regional 32-station monitoring network which measures the ambient concentration of criteria pollutants. This monitoring stations account for all sources of air pollution within the project area and measures the overall background concentration of criteria pollutants including ozone, NO₂, SO₂, CO, O₃, and PM_{2.5}. Impacts to air quality are further discussed in Section 3.2.4 Impact Discussion.
- Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust.
- I171-4** This comment questions who would oversee and approve air quality monitoring procedures and who would perform the monitoring.
- Please refer to response to comment I128-4. All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.
- I171-5** This comment asks who would review air quality monitoring and how often results would be reviewed. Refer to response to comment I171-4.
- I171-6** This comment asks if residents would have access to air quality monitoring reports and where those reports could be found. Refer to response to comment I171-4.
- I171-7** This comment questions what happens when air quality monitoring systems fail or the equipment malfunctions. Please see response to comment I40-15.
- I171-8** This comment asserts that the Draft EIR does not address how negative pressure would be monitored to ensure that Vallejo residents aren't exposed to dust from Orcem operations if, for example, the negative pressure ventilation system fails. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would

regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.

I171-9 This comment asks how often the differential pressure between inside and outside the facilities would be monitored and what techniques would be used.

Pressurization of facilities is assumed based on industry and building standards that must be met. This does not directly relate to a CEQA reviewed impact.

I171-10 This comment questions who would monitor the negative pressure.

See response to I171-9 above.

I171-11 This comment asks what would happen if negative pressure dropped below the allowable differential pressure. Please refer to response to Comment I40-15.

I171-12 This comment claims that filters can fail or lose performance efficiencies but the Draft EIR does not give details of the high performance filters or specify how filter performance would be monitored to ensure that Vallejo residents are not exposed to airborne dust particles. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.

I171-13 This comment asks what the efficiency rating for Orcem's high performance filters is. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-14 This comment questions what size particles are intended to be captured by the high performance filters. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-15 This comment asks what methods would be used to test filters for proper performance and how often testing would occur. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-16 This comment questions how often the air being released from the facility through the filters would be monitored for dust particles. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I171-17** This comment asks what type of monitoring equipment would be used to verify quality of air released from filters. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I171-18** This comment questions who would perform the monitoring for filter effectiveness. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I171-19** This comment asks who would evaluate the results of filter discharge monitoring. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I171-20** This comment questions if Vallejo staff and residents would have access to monitoring reports and records and where those records would be found. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.
- I171-21** This comment asserts that the Draft EIR does not address the potential for accidental release of airborne dust to the environment downwind of the Orcem facility in an event such as ventilation failure, high performance filter failure, or breach of a facility enclosure. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate how mitigation applies to ongoing operations. Please also refer to response to Comment I40-15.
- I171-22** This comment questions how and when facility operators would know that dust was being released from the facility. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.
- I171-23** This comment asks what immediate actions would be taken if facility operators became aware that dust was being released from the facility. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.
- I171-24** This comment questions who would be notified in the event of accidental release of dust from the facility. Please refer to Master Response 7 for information

regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.

- I171-25** This comment asks if records and reports would be available for public review regarding the accidental release of dust. All Appendices, including the Hazards and Hazardous Materials Report, will be included with the Draft Final EIR and available for public review.
- I171-26** This comment claims that the Draft EIR does not address a similar requirement for signage with contact information for dust complaints during operation even though Vallejo residents could be impacted by routine operations of the Orcem facility. The signage required under construction BMP 8 will remain in place during facility operations.
- I171-27 This comment asks where Vallejo residents can find a telephone number and person to contact regarding dust or other air quality complaints during operation. Please refer to response to comment I171-26.
- I171-28 This comment questions who is responsible for responding to complaints and taking corrective action during operation and what is the time limit for responding to complaints. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Please also refer to response to Comment I40-15.
- I171-29 This comment alleges the Draft EIR does not consider the local impact of accumulation and build-up of diesel exhaust to the surrounding neighborhoods from consecutive hours of ships running on diesel in the port. Please refer to Section 3.2 (D), which addresses health impacts associated with diesel exhaust.
- I171-30 This comment asks how VMT will mitigate diesel exhaust from ships during temperature inversions or frequent spare the air days. Please refer to Master Response 3 for mitigation measures regarding ships.
- I171-31 This comment summarizes the Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in California Ports and claims that a new terminal in Vallejo would be expected to have shore power available and ships using the terminal should be required to have capabilities to use shore power.

In December 2007, CARB approved the “Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in California Port” regulation. This regulation utilizes two options to reduce at-berth emissions from auxiliary engines: 1) turn off engines and connect to some other source of power (most likely grid-based shore power), or 2) use alternative techniques to achieve equivalent emission reductions. However, this regulation defines a California Port as the Ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco and Hueneme (CARB 2015). Since Vallejo is not named a California Port in the regulation it is not required to comply. In addition, the CARB 2007 regulation applies to container, passenger, and refrigerated cargo vessel, not to the proposed project’s bulk carrier and break-bulk vessels.

I171-32 This comment questions if ships berthing at VMT would be subject to the same ARB At-Berth regulations as ships berthing in ports of Oakland and San Francisco. See Response I171-31.

I171-33 This comment asks if VMT would supply a shore power system. Please refer to Master Response 3 for mitigation measures concerning ships.

I171-34 This comment questions how many hours ships would be allowed to operate diesel while berthed at VMT if not connected to shore power and how ships not using shore power would provide equivalent emission reductions. Please refer to Master Response 3 for mitigation measures concerning ships.

I171-35 This comment alleges that the Draft EIR does not mention if testing or analyzing imported GBFS would occur to ensure it does not contain toxic or hazardous components as it is known to contain trace amounts of hexavalent chromium which is listed as a carcinogen, as well as other constituents which many of concern.

The raw materials handled on the site would not be regularly tested for toxic or hazardous components. As indicated in in Draft EIR Section 3.7, and more specifically in Draft EIR Appendix I-9, GBFS is non-hazardous. As indicated in Appendix I-9, the only material classified as a hazardous substance is Portland cement clinker, which would be stored indoors and not in open areas, and subject to engineering controls and monitoring.

As discussed in Draft EIR Section 3.7.4 (pgs. 3.7-19 through 3.7-21), worker airborne and dermal exposure to trace levels of hexavalent chromium and/or crystalline silica, if present, shall be limited to levels below the California Occupational Safety and Health Administration (OSHA) permissible exposure limits PEL using engineering controls and monitoring. The project is designed to utilize

engineering controls most likely to reduce employee exposure to airborne hexavalent chromium such as local exhaust ventilation, process enclosure, process modification, and improved general dilution ventilation. The milling process would be carried out in a closed circuit system under negative pressure (no outlet to the exterior, except through high performance filters). Portland cement clinker material (“clinker”) would be stored in closed (i.e., indoor) storage areas, whereas GBFS gypsum, pozzolan rock, and limestone materials could be stored in open areas. The operator would maintain the material at optimum moisture content so as to form a protective crust and implement dust control measures to limit fugitive dust.

Exact types and quantities of such materials would depend on market conditions and facility capacity. The general types of hazardous materials to be transported, stored and handled will be documented in the facility’s hazardous materials business plan, to be submitted to the CUPA (i.e., the Solano County Department of Resource Management, Environmental Health Services Division) via the California Environmental Reporting System.

I171-36 This comment asks when GBFS would be analyzed for hazardous components, what type of analysis would be performed and where would it be performed. See response I171-35 above.

I171-37 This comment questions if it is assumed that GBFS is non-hazardous despite its origin.

It is not assumed the GBFS is non-hazardous, but determined to be non-hazardous based on product-specific laboratory testing, as indicated in Draft EIR Section 3.7, and more specifically in Draft EIR Appendix I-9.

I171-38 This comment asks if every shipload of GBFS is considered to be identical in hazardous materials properties.

There will be slight variations in the chemical composition of GBFS, as indicated in Draft EIR Appendix I-9, Section 2.0. See response I171-35 above

I171-39 This comment questions if every shipload of GBFS would be sampled and analyzed for hazardous components and if not, how often would GBFS be sampled to ensure that it is not hazardous. See response I171-35 above.

I171-40 This comment asks who would perform GBFS analysis and where the reports can be found. See response I171-35 above.

I171-41 This comment asserts that the Draft EIR does not specifically address the expected health affects to Vallejo residents. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

I171-42 This comment questions how many residents are expected to get cancer as a result of the VMT-Orcem operations.

The Draft EIR determined that implementation of mitigation measure MM-3.2-2 would reduce cancer risks to a less-than-significant level, meaning the cancer risk would be less than the BAAQMD significance threshold of ten in one million. As shown in Section 3.2.5 in Table 3.2-19 mitigated cancer risks would range from 9.39 in one million to 9.995 in one million depending on the control technique used. The Health Risk Assessment, provided in Appendix D-1 of the Draft Final EIR, includes Figures 8.1 and 8.2 which map the base case and mitigated case, respectively, of the risks of cancer at the full complement of 48 ship calls per year. As shown in Figure 8.1 Unmitigated Full Operations, a majority of the project area would be at a risk of less than 7.5 in one million with only a few areas being at a higher risk of 7.5-10 and over 10. Figure 8.2 Mitigated Full Operations, shows that a majority of the surrounding area would be at a risk of less than 6 in one million with only a few areas being a higher risk of 6-8 and 8-10 in one million. For additional information regarding potential health impacts resulting from implementation of the proposed project please refer to Master Response 1.

I171-43 This comment asks what the estimated number of cancers occurring because of the potential carcinogens that would not be mitigated. Please refer to the response for comment I128-42 above and to Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that would result from implementation of the proposed project.

I171-44 This comment questions what additional mitigations would be required to reduce expected VMT-Orcem related cancer risk to zero.

As discussed in Section 3.2.3, Thresholds of Significance, the project's contribution to an increase in cancer risk is not considered significant if it would be less than a 10 in one million chance. This mean if an individual would have greater than a 0.001% chance of contracting cancer as a result of implementation of the proposed project, the project's contribution to cancer risks would be

significant. Since the Draft EIR determined that implementation of mitigation measure MM-3.2-2 would reduce the cancer risk to below the 10 in one million threshold, no significant impact would occur. Since the project would not exceed the 10 in one million threshold no further mitigation is required.

I171-45 This comment alleges that after permits and approvals for projects such as VMT-Orcem operations are issued Vallejo residents would be affected by any problems that arise and it may be difficult to find a City official who would be responsible for responding to complaints regarding operations, especially at night. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-46 This comment asks where residents can find a telephone number and person to contact regarding operation complaints, who is responsible for responding to complaints and what the time limit is for response. Please refer to the response for comment I171-27 above.

I171-47 This comment questions which City of Vallejo department is responsible for ensuring air quality as a result of VMT-Orcem operations. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I171-48 This comment asks which City of Vallejo department is responsible for responding to noise complaints related to VMT-Orcem operations. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I171-49 This comment claims that steel companies are confronted with the possibility of the presence of radioactive materials in scrap and therefore it is possible for some radionuclides to be deposited in slag. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I171-50 This comment asks how often GBFS would be analyzed for the presence of radioactive materials.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with

required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

I171-51 This comment questions what chemical compounds of concern are in GBFS that would be analyzed prior to use at the Orcem facility.

GBFS is the raw material that would be used to produce GGBFS at the Orcem plant. As discussed in Section 3.7.4 Impact Discussion (A), Operational Impacts Orcem Project Component, a laboratory analysis of a GBFS sample was undertaken by Weck Laboratories to analyze the potential hazards of GBFS. GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. Results of the lab analysis are provided as Attachment A in Appendix I-9 of the Draft EIR. The finished product, GGBFS, is a finely ground powder capable of emitting fugitive dust particles if not properly contained within closed processing, storage and loading facilities. Appendix I-9 also includes material safety data sheets for limestone, pozzolan and gypsum which are additional materials that may be used on site.

I171-52 This comment claims that the Draft EIR states that pet coke may imported at some future date and that the Draft EIR should have given an explanation of what it is so residents could evaluate potential implications. This comment also includes some background information on pet coke.

A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. Since pet coke is not on the list of materials that could be handled by VMT, any future handling of pet coke would require subsequent environmental review.

I171-53 This comment asks why types of pet coke would be imported to Vallejo. Please refer to the response for comment I171-52 above.

I171-54 This comment asks where pet coke would be imported from. Please refer to the response for comment I171-52 above.

- I171-55** This comment asks why VMT would be off-loading pet coke into Vallejo. Please refer to the response for comment I171-52 above.
- I171-56** This comment asks what the intended destination of pet coke would be. Please refer to the response for comment I171-52 above.
- I171-57** This comment asks what pet coke would be used for when it reaches its intended destination. Please refer to the response for comment I171-52 above.
- I171-58** This comment claims the Draft EIR does not consider additional truck traffic if the Port of Richmond were to be used for import of raw materials. Please see Response A1-19.
- I171-59** This comment asks how many trucks would be needed to transfer imported materials from Richmond to Vallejo. If the Port of Richmond were used it would be for a short period of time, thus this analysis was not required. Please see Response A1-19.
- I171-60** This comment asks what the impact of extra truck traffic would be. Please see Responses to the above comments and Response A1-19.
- I171-61** This comment asks what the maximum number of days allowable for the “short-term emergency” would be. Please see Response A1-19.
- I171-62** This comment asks what would happen if the railroad became inoperable. If the railroad became inoperable Orcem/VMT would operate at a reduced level as they would be limited to the maximum daily truck trips allowed under the project description.
- I171-63** This comment questions how Orcem would import and export materials without the railroad and what the impact would be. See the Response to comment I171-62 above.

Letter I172

Commenter: Maureen Kocourek

Date: November 2, 2015

- I172-1** This comment questions if the City of Vallejo can charge fees to VMT in association with boat traffic and docking.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I172-2 This comment questions if the City can charge VMT/Orcem fees to repair/maintain roads that would deteriorate due to increased traffic. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

I172-3 This comment asks if shore power would be available for ships docking at the terminal, if not why, and what requirements would there be to mitigate air quality associated with diesel emissions if shore power is not available. Please refer to Master Response 3 for information regarding shore power.

Letter I173

Commenter: Wayne Law

Date: November 2, 2015

I173-1 This comment questions how the Construction/Destruction plan can be evaluated when it hasn't been written yet and may not be approved.

One form of future mitigation found in the Draft EIR is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Mitigation measure MM-3.3-4 requires the preparation of a Construction/Deconstruction Pollution Prevention Plan which would detail steps to be taken, including equipment selection, operational procedures, and on-site monitors to ensure that no construction or deconstruction debris is accidentally deposited or remains in Napa Rove or Bay-Delta waters. The plan would be required to conform to all USACE, RWQCB, BCDC and City of Vallejo permit conditions. This Construction/Destruction Pollution Prevention Plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required. If the project were approved, then prior to construction the Construction/Destruction Pollution Prevention Plan would be required to be submitted to the City for review and approval by the City and an independent environmental mitigation monitor. If the City or independent mitigation monitor does find the plan adequate and the plan is not approved then the applicant would have to revise the plan until it meets the City's standards in order to begin construction. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and

Conditions of Approval which would regulate mitigation during project construction and operation.

I173-2 This comment questions when historical sites would be examined by someone with knowledge of how to do it and what their qualifications would need to be. As discussed in Cultural Resources Section 3.4.2 Existing Conditions, six structures were identified in the 2008 Historic Resources Evaluation as potential historic resources with a California Historic Resource Status Code of 3S, Appears Eligible for National Register or California Register through Survey Evaluation. In 2014, these structures were verified and the historical status reevaluated by Carey and Company. The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time

I173-3 This comment questions what ensures against the loss of history associated with the significant impact 3.4-1.

The flour mill, grain silos, administrative building, garage, manager's house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic District. As discussed in Section 3.4.4(A) the flour mill, grain silo and dock would be demolished as part of the proposed project which would cause a significant impact to historic resources. Mitigation measure MM-3.4-1a requires a historic preservation plan be implemented to aid in preserving those historic resources proposed to be retained on the site including the administrative building, garage, manager's house, and the barn. Mitigation measure MM-3.4-1b would require an existing conditions study be performed prior to construction on the project site to establish the baseline condition of the structures. Finally mitigation measure MM-3.4-1c would require that upon completion of construction the qualified architectural historian evaluates the level of success for preserving the character-defining features of the identified historic resources. Mitigation measure MM-3.4-2b would require the project sponsor to install permanent interpretative exhibits at the Vallejo Naval and Historic Museum that provide information regarding the history of the Sperry Flour Mill including images, narrative history, drawings and other archival resources. The Draft EIR concluded that implementation of Mitigation Measures MM-3.4-1a, MM-3.4-1b, and MM-3.4-1c would reduce the impact to historical resources to a less-than-significant level. Please refer to Section 3.4.4 Impact Discussion (a) and Section 3.4.5 Mitigation Measures of the Draft Final EIR for additional information regarding the analysis and proposed mitigation.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-4 This comment questions what guarantees there are that vibration from construction equipment would not loosen the hill or cause unsettlement for the homes located on the hillside. Please refer to Section 3.5.4, Geology and Soils Impact Discussion. The Impact discussion notes the project does not make slope failures more likely or affect landslide hazards for off-site properties. Refer to 3.5.5 Mitigation Measures for a full text of mitigation measures MM-3.5-1.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-5 This comment asks who and how fuel usage ratios and employee transportation would be monitored when Orcem can't even guarantee compliance with the City's Climate Action Plan since it does not cover marine and rail operations.

Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation. Section 3.6.4 (b) evaluates consistency with Vallejo's Climate Action Plan (CAP). Table 3.6-10 depicts the various strategies of the CAP and analyzes the project consistency with each. This impact was still determined to be significant even though the project would not directly conflict or obstruct implementation of the CAP because the CAP does not include port/maritime or rail-related emissions as part of the GHG inventory or forecast assessment. Since the CAP does not include maritime or rail-related emissions in the GHG inventory, there is nothing to evaluate the potential emissions against to measure consistency and therefore consistency cannot be guaranteed.

I173-6 This comment questions what affect hazardous materials would have on the marine environment and claims that while the Draft EIR says there would be a significant impact (for impacts 3.7-1 through 3.7-8) it is never explained in what form or manner that impact would occur. Additionally, this comment

asks if there are any studies on how removing creosote pilings would affect the marine, air and sound environment.

Table ES-1 in the Executive Summary details only those impacts that were determined to be significant or potentially significant. Impacts that were determined throughout the EIR to be less than significant without mitigation are not detailed in this table. Additionally, the far right column of the table shows the significance of impacts after implementation of the proposed mitigation. Each impact is examined in detail in the Impact Discussion of Sections 3.1 through 3.13. The hazards impacts mentioned in this comment are discussed in detail in Section 3.7.4 where the form or manner of impact is discussed and mitigation proposed to reduce those impacts. For example, impact (a) in Section 3.7.4 examines potential construction and operation related hazards for both VMT and Orcem. This section describes potential impacts from hazards during construction such as the release of asbestos containing materials or the potential for toxins to be found in dredge material. Mitigation for these impacts are provided in Section 3.7.5 Mitigation Measures.

Potential impacts to marine life and the aquatic environment are examined in Section 3.3 Biological Resources. Specifically, potential impacts to aquatic resources from hazardous materials are analyzed in Section 3.3.4 (a) Exposure to Contaminants from Bay Sediments, Recycled Concrete, Creosote Pilings, and Construction Debris. As part of the permitting process for dredging sediments representative samples would be collected to determine suitability for each disposal option permitted. If analytical analysis shows that either organic or inorganic contaminants are present in sediments at unacceptable concentrations for any aquatic or beneficial reuse site, adherence to the Long-Term Management Strategy (LTMS)-required best management practices (BMPs) for dredging and disposal procedures (e.g., use of silt curtains, upland disposal) would ensure that any potential impact from the resuspension or leaching of organic or inorganic contaminants from dredging or dredging materials would result in less-than-significant impacts. The Draft EIR found that removal of the estimated 444 creosote pilings at the VMT site would result in a significant impact from the release of toxic PAHs from creosote piling fragments if the pilings are not removed properly. Section 3.3.5 identifies mitigation measure MM-3.3-3, which requires a piling removal plan using BMPs for removal of the pilings. With implementation of mitigation measure MM-3.3-3, impacts to marine wildlife would be less than significant.

Section 3.3.4 found that the deliberate or accidental release of construction and deconstruction materials into the Napa River and the Bay-Delta ecosystem would result in a significant impact to special status species and the Bay-Delta ecosystem in general. Mitigation measure MM-3.3-4 requires a construction/deconstruction pollution prevention plan. With implementation of mitigation measure MM-3.3-4, impacts to special status species and the Bay-Delta ecosystem would be less than significant.

Section 3.3.4 found that underwater noise generated from impact hammer pile driving of pilings, there is a potential significant impact to special status fish species, migrating fish, and marine mammals. Section 3.3.5 identified mitigation measure MM-3.3-5 and mitigation measure MM-3.3-6 to reduce the effects of underwater noise transmission. For a full analysis please refer to Section 3.3.4 (a) in the Draft Final EIR. A full text of mitigation measures is provided in Section 3.3.5 Mitigation Measures, of the Draft Final EIR.

I173-7

This comment references impacts 3.10-1 through 3.10-8 and asks why other residents along Winchester, Remington, Browning and the end of Lemon Street are not mentioned and questions whether VMT/Orcem would compensate the people for their lack of sleep and loss of real estate values.

Noise impacts are discussed in Section 3.10 Noise of the Draft EIR. Section 3.10.4 (A) evaluates if the project would expose persons to noise levels in excess of standards established by the local general plan or noise ordinances. VMT and Orcem project components are analyzed separately in addition to an analysis for the project as a whole. Noise-sensitive locations (NSL) closest to the project are identified in Table 3.10-4. These NSLs represent the worst-case scenario for receptors in the project area because they are located closest to the project and would be most heavily impacted by noise. The combined analysis for VMT and Orcem utilizes a worst case-scenario for noise generation which would include Orcem production, rail and truck movements on the local road network, plus noise generated by VMT unloading a vessel and transporting material by truck, rail, and barge. Table 3.10-28 shows the results of the combined noise levels from all VMT and Orcem operational activities. According to the table, increases in the total noise level for residents at NSL-1 through NSL-10 would vary from 1 dB to 10 dB. Noise impacts were only determined to be exceed allowable increases at four locations NSL2 (Bay Village Apartments), NSL5 (Colt Court residences), NSL7 (Sonoma Boulevard residences) and NSL9 (Lemon Street residences east of Sonoma Boulevard). The Draft EIR discusses that the increase at these locations would be a very slight increase of less than 1 dBA above the allowable

increase of 3 to 5 dBA. The actual exceedance is of the order of 0.5 dBA and due to rounding, a slight exceedance is identified. However, an exceedance of this magnitude is considered imperceptible and it is considered impractical to provide mitigation for such a small amount. Other residences are not considered in the analysis because they are located further away from the project site than the NSLs listed in Table 3.10-4 and therefore the noise impact would be less than what is determined for the NSLs in the Draft EIR. Noise impacts were determined to be imperceptible at residences closest to the project and therefore noise impacts would be both imperceptible and insignificant for residences located further away from the project. For more information please refer to Section 3.10.4 (A) in the Draft Final EIR.

Loss of property values is an economic issue that is not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I173-8

This comment references impacts 3.12-1 through 3.12-6 and questions if residents along the rail lines are also being notified of the project and what noise increases along the rail is expected. Additionally, this comment asks if the City can do anything to stop train noise once the project is approved and who would inform parents of the children who play around the tracks of this change.

Please refer to the response to comment I173-7 for information regarding the NSL studied for the project. Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Mitigation measure MM-3.10-2 is proposed to reduce the noise impact of plant operations to less-than-significant levels. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

I173-9 This comment states that the final lighting plan proposed in mitigation measure MM-3.1-1 is not available for review.

The draft lighting plan is included in the Draft Final EIR as Appendix C. One form of future mitigation found in the Draft EIR is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Mitigation measure MM-3.1-1 requires the final lighting plans which would include provisions to ensure outdoor lighting is designed to minimize potential glare or light spillover to surrounding properties through appropriate site design and shielding of light standards including use of minimal reflective exterior materials. The final light plans would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required. If the project were approved, then prior to issuance of a building permit the final lighting plan would be required to be submitted to the City for review and approval. If the City does find the plan adequate and the plan is not approved then the applicant would have to revise the plan until it meets the City's standards in order to for a building permit to be issued.

I173-10 This comment refers to impact 3.2-5 and questions what the intensive land uses are that were not taken into account in the Bay Area 2010 Clean Air Plan.

Impact 3.2-1 and 3.2-5 both discuss the project's consistency with the 2010 Clean Air Plan. These impacts are analyzed in Section 3.2.4 (a) and (c), respectively. Impact 3.2-1 determined that the project would conflict with the 2010 Clean Air Plan and therefore, would have a significant impact.

However, Impacts 3.2-1 and 3.2-5 involved the proposed rezoning of the 5.25-acre portion of the site. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone these impacts would be reduced from significant and unavoidable to less than significant. Updated conclusions are provided in Section 3.2.4 (A) and (C) of the Draft Final EIR.

I173-11 This comment refers to mitigation measures MM-3.3-1 and MM-3.3-2 and asks what the qualifications of the approved biologist would be and who would monitor activities to ensure no violations occur. Qualifications of a qualified biologist typically require successful completion of a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree,

which includes a major field of study in biological sciences, agriculture, natural resource management. All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-12 This comment states that the creosote piling removal plan proposed in mitigation measure MM-3.3-3 is not available for review. Please refer to the response to comment I173-9 for information regarding future mitigation.

Measure 3.3-3 requires that a Piling Removal Plan is developed prior to removal of any pilings from the VMT site. The Plan would begin with an inventory of all existing pilings, their individual condition and suitability for removal using Best Management Practices (BMPs). The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required. If the project were approved, then prior to issuance of permits the creosote piling removal plan would be required to be submitted to the City for review and approval. If the City does find the plan adequate and the plan is not approved then the applicant would have to revise the plan until it meets the City's standards in order to for permits to be issued.

I173-13 This comment states that the construction/destruction pollution plan proposed in mitigation measure MM-3.3-4 is not available for review. Please refer to the response for comment I173-1 above.

I173-14 This comment states that the NOAA Fisheries-approved sound attenuation reduction plan proposed in mitigation measure MM-3.3-4 is not available for review. Please refer to the response to comment I173-9 for information regarding future mitigation.

Measure 3.3-4 requires that a NOAA Fisheries-approved sound attenuation reduction and monitoring plan prior to beginning construction which would provide details on the sound attenuation system, methods used to monitor and verify sound levels and all BMPs to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. Sound monitoring results would be made available to the NOAA Fisheries. BMPs that would be incorporated are provided in the full text of the mitigation measure in Section 3.3.5 Mitigation Measures of the Draft Final EIR. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts

to a less-than-significant level. The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required.

I173-15 This comment states that the Wharf Lighting Plan proposed in mitigation measure MM-3.3-7 is not available for review. Please refer to the response to comment I173-9 for information regarding future mitigation.

The draft lighting plan is included in the Draft Final EIR as Appendix C. Measure 3.3-7 requires that a Wharf Lighting Plan is developed and implemented which would minimize, to the maximum extent practicable, artificial lighting installed on and adjacent to the VMT wharf. Requirements of the plan are provided in the full text of the mitigation measure in Section 3.3.5 of the Draft Final EIR. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to a less-than-significant level. The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required.

I173-16 This comment states that the Invasive Species Control Plan proposed in mitigation measure MM-3.3-9 is not available for review. Please refer to the response to comment I173-9 for information regarding future mitigation.

Measure 3.3-9 requires an Invasive Species Control Plan be prepared in consultation with the RWQCB, U.S. Coast Guard, and California State Lands Commission Marine Invasive Species Program personnel prior to any in-water deconstruction activities. Requirements of the plan are provide in the full text of the mitigation measure in Section 3.3.5 of the Draft Final EIR. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to a less-than-significant level. The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required.

I130-17 This question refers to mitigation measure MM-3.4-1a and questions who would be monitoring and knowledgeable of the history of Sperry Mill.

Please refer to the responses for comments I130-2 and I130-3 above for information regarding historically significant structures and the implementation of mitigation measure MM-3.4-1a. All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation

Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-18 This comment references mitigation measure MM-3.4-1b and questions how often the historical architect and structural engineer would inspect the site and what remedies or fines there are for violations.

Measure 3.4-1b requires period site visits to monitor the condition of the historical resources during construction activities. The architect and structural engineer would be the monitoring team and if during construction they determine that substantial adverse impacts are occurring they are required to notify the project sponsor who is required to follow the monitoring team's recommendations for corrective measures including halting construction. The monitoring team would prepare reports for site visits and submit them for review and approval by Planning Division staff. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to a less-than-significant level. A full text of the mitigation measure is provided in Section 3.4.5 Mitigation Measures of the Draft Final EIR.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-19 This comment refers to mitigation measure MM-3.4-1c stating that the report is a no cost report and questioning what if the report was a failure and who would pay for those costs.

This measure is meant to be implemented in coordination with mitigation measures MM-3.4-1a and MM-3.4-1b explained above in the response to comments I130-17 and I130-18, respectively. As described above, mitigation measure MM-3.4-1b requires frequent site visits by the historical architect to evaluate the preservation of historic buildings in accordance with the plan required in mitigation measure MM-3.4-1a and meeting the baseline conditions determined in mitigation measure MM-3.4-1b. Mitigation measure MM-3.4-1c requires evaluation of the level of success in preserving the character defining features of the historic resources as determined by the Secretary of the Interior's Standards for the Treatment of Historic Properties. If during the periodic site visits required in mitigation measure MM-3.4-1b, the historical architect determines that

substantial adverse impacts are occurring they would be required to recommend corrective measures. Mitigation measure MM-3.4-1c requires the project sponsor to make repairs in the event of damage to historic resources and that the repair work would restore the character-defining features in a manner that does not affect the eligibility of the historic property for the California Register of Historical Resources. All repairs are subject to review by Planning Division staff in consultation with the architectural historian or historical architect. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to a less-than-significant level. A full text of the mitigation measure is provided in Section 3.4.5 Mitigation Measures of the Draft Final EIR.

I173-20 This comment references mitigation measure MM-3.4-2a and questions where the resource is for the guidelines mentioned.

A full text of the mitigation measure is provided in Section 3.4.5 Mitigation Measures. This mitigation measure requires the preparation of a Historic American Building Survey (HABS) by a qualified professional who meets the standards for history, architectural history, or historic architecture (as appropriate) as defined in the Secretary of the Interior's Professional Qualifications Standard. The guidelines referred to in this mitigation measure are the HABS Historical Report Guidelines. A copy of the guidelines is available on the National Park Service website under Heritage Documentation Programs, Standards and Guidelines.

I173-21 This comment references mitigation measures MM-3.4-3 and MM-3.4-4 and questions who would monitor this process since surely the project sponsors would not be expected to monitor themselves. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-22 This comment references mitigation measure MM-3.5-1 and questions who would monitor the maintenance of adequate slope stability. Please refer to the response to comment I173-21.

I173-23 This comment references mitigation measure MM-3.6-1 and questions who would monitor the implementation of measures required to reduce greenhouse gases. Please refer to the response to comment I173-21.

I173-24 This comment refers to mitigation measure MM-3.6-2a and states that encourages is not a requirement and there is no accountability if employees do not do it.

This impact was determined to be significant because the City’s adopted CAP does not fully extend to marine and rail operations. The project itself does not directly conflict or obstruct implementation of the CAP and is therefore not required to mitigate. However, encouraging commuting alternatives and reducing the amount of energy used for landscaping maintenance and irrigation would serve to further reduce any GHG emissions estimated in the analysis. This impact was determined to be significant and unavoidable because regardless of the proposed mitigation the CAP did not fully extend to marine and rail operations and there is no assurance that emissions would be reduced to a level that would be consistent with the overarching objective of the CAP.

I173-25 This comment refers to mitigation measure MM-3.7-1a/b and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-26 This comment refers to mitigation measure MM-3.7-2a/b/c and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-27 This comment states that the Hazardous Materials Contingency Plan proposed in mitigation measure MM-3.7-3 is not available for review.

One form of future mitigation found in the Draft EIR is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Mitigation measure MM-3.7-3 requires that a Hazardous Materials Contingency Plan be followed during excavation. The plan would specify measures to be taken to protect worker and public safety and specify measures to be taken to identify, manage, and remediate wastes. A list of the minimum requirements for what must be contained in the plan is provided in the full text of the mitigation measure in Section 3.7.5 of the Draft Final EIR. The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required. If the project were approved, then prior to issuance of permits the Hazardous Materials Contingency Plan would be required to be submitted to the City for review and approval. If the City does find the plan adequate and the plan is not approved then the applicant would have to revise the plan until it meets the City’s standards in order to for permits to be issued.

All Mitigation Measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting

Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-28 This comment states that the Emergency Response Plan proposed in mitigation measure MM-3.7-4 is not available for review.

One form of future mitigation found in the Draft EIR is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Mitigation measure MM-3.7-4 requires both BMT and Orcem to prepare an Emergency Response Plan for project operations which establishes responsibilities, procedures, and a chain of command to follow in the event of a fire, vehicle/truck collision, train derailment, or cargo ship incident. The plan shall include general notification requirements to local and regional agencies with emergency response capabilities of the location and operational profile of the project, including address, directions, lists of hazardous materials stored on site, and access information. Information must be sufficient in detail to allow quick recognition and access in the event of an emergency. Additional requirements of the plan are provided in the full text of the mitigation measure in Section 3.7.5 of the Draft Final EIR. The plan would only need to be prepared if the project is approved by the City of Vallejo so it is dependent on a future action in order to become required. If the project were approved, then prior to issuance of permits the Emergency Response Plan would be required to be submitted to the City for review and approval. If the City does find the plan adequate and the plan is not approved then the applicant would have to revise the plan until it meets the City's standards in order to for permits to be issued.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I173-29 This comment refers mitigation measure MM-3.8-1 and questions who would monitor the Dredge Material Management Plan. Please refer to the response to comment I173-21.

I173-30 This comment refers mitigation measure MM-3.8-2 and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-31 This comment refers to mitigation measure MM-3.10-2 and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-32 This comment refers to Mitigation Measures MM-3.10-3a/b and MM-3.10-4 and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-33 This comment refers to mitigation measure MM-3.12-1 and questions who would monitor this process. Please refer to the response to comment I173-21.

I173-34 This comment refers to Mitigation Measures MM-3.12-2a and MM-3.12-2b and questions if the train system is independent of any local codes and requests.

Mitigation measure MM-3.12-2a requires the applicant to work with the California Northern Railroad to limit train movements through Vallejo between 9:00 a.m. and 4:00 p.m. As stated in Section 3.12.6, the City does not have jurisdiction over the railroad. While the City can require the applicants work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad will agree to desired hours of operation. For this reason, the impact was determined to be significant and unavoidable despite implementation of mitigation.

I173-35 This comment refers to mitigation measure MM-3.12-3 and questions why only the segment between the project site and Sonoma Boulevard through the intersection of Lemon Street and Sonoma Boulevard is considered for the structural pavement assessment.

Mitigation measure MM-3.12-3 focuses on the segment of Lemon Street between the project site and Sonoma Boulevard because it would serve a higher truck volume than the remainder of Lemon Street. The remainder of Lemon Street appears to be constructed and maintained sufficient to accommodate the project truck traffic. The remainder of Lemon Street would be assessed regularly as part of the City's pavement management plan, and repaired and reconstructed when needed.

I173-36 This comment refers to mitigation measure MM-3.12-4 and questions why these improvements run up to Curtola Parkway and why Sonoma Boulevard is not considered for road improvements.

Mitigation measure MM-3.12-4 deals with the safety and convenience of vehicle, bicycle, and pedestrian trips and therefore is required for the entire length of

Lemon Street. Please refer to the response for comment I173-35 above for information regarding the required physical improvements to Lemon Street.

I173-37 This comment questions how many jobs are really guaranteed to the people of Vallejo and what new tax revenues are created since someone is already paying the property taxes on the land.

As discussed in the Project Description Section 2.4.2.1 VMT Operation, during regular operation 25 individual full time employees are expected for cargo loading and unloading, site maintenance operations, and administrative duties. As discussed in the Project Description Section 2.4.2.2 Orcem Operation, during operation 20 full time employees and 20 administrative and sales are expected. The Draft EIR evaluates the worst-case scenario and for purposes of quantifying potential noise, air quality and traffic impacts only the maximum number of employees is considered.

Tax revenues are an economic issue that is not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I173-38 This comment references the Reduced Operations Alternative and questions why, if they can do with this much less operations, it isn't that way from the start.

As discussed in Chapter 6, CEQA requires EIRs to examine a reasonable range of alternatives to the project which would feasibly attain most of the objectives but would avoid or lessen any of the significant impacts of the project. The Revised Operations Alternative was examined in the EIR as part of this reasonable range of alternatives. For more information please refer to Chapter 6 in the Draft Final EIR.

I173-39 This comment questions the environmentally superior alternative, No Project Alternative, and asks if the City has done a request for the site to other developers to investigate other options.

As discussed in the Project Description, this site is currently owned by VMT. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring

environmental review under CEQA. This EIR was prepared for the project as proposed by the applicants.

I173-40 This comment asks what City notices were sent out regarding the project. Please refer to Master Response 10 for information regarding public outreach.

I173-41 This comment references the NOP responses and states that no mention is made of any effort to notify residents by mail or other individual ways to ensure awareness. Please refer to Master Response 10 for information regarding public outreach.

I173-42 This comment references the public review information provided in the introduction and questions why the minimum days and not more was provided for review of the EIR.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. At the time the EIR was published a standard 45-day comment period was anticipated. However, the City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA.

I173-43 This comment states an understanding that the area is zoned light industrial although the EIR states the area is designated as intensive use and employment. This comment also questions the rezone of the portion of the site designated as open-space community park.

Section 3.9 Land Use and Planning, examines compliance with the City’s General Plan, zoning code and other applicable land use regulations. As stated in Section 3.9.1 Regulatory Setting, the City of Vallejo General Plan designated the project site as “Employment”. The City of Vallejo zoning ordinance zoned the project site “Intensive Use.” The City of Vallejo Zoning Code (Chapter 16.34) designates “General Industrial Uses” as “Permitted Uses” within the Intensive Use designation, while “Heavy Industrial Uses” are permitted upon issuance of a major use permit.

The proposed project is no longer requesting the rezone of the 5.25 acres to industrial uses. Impacts that were determined to be significant and unavoidable

due to the proposed rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 of the Draft Final EIR.

I173-44 This comment questions if the flour mill was designated as heavy industrial use and if it would require that same designation today. The flour mill qualified under “General Industrial Uses” which are considered “Permitted Uses” within the Intensive use zoning designation under the City’s Zoning Code (Section 13.34.020.C.2).

I173-45 This comment questions what the natural depth of the shore is now verse what is proposed to be dredged. The current depths of the water immediately adjacent to the project site range from 12 to 40 feet. Details about the proposed dredging requirements are discussed in the Project Description in Section 2.4.1.1 VMT Construction. In this section it states that the channel would be dredged to a depth of 38.0 feet below mean lower low water (MLLW) to accommodate deep draft vessels and barges typically engaged in carrying bulk and bulk-break cargoes. This would equate to approximately 89,800 cubic yards which is subject to a permit from the U.S. Army Corps of Engineers (USACE). The depth would be maintained through a USACE Section 10 Maintenance Permit. Beneficial reuse of the dredge material would be sought through possible sale disposal on site, or would be deposited at the Carquinez disposal site in compliance with guidelines of the San Francisco Bay Long-Term Management Strategy for Dredging. It is assumed that maintenance dredging may occur on average for 5 days every 4 years. For additional information please refer to Section 2.4.1.1 of the Draft Final EIR.

I173-46 This comment questions why another facility is necessary when one is already in place in Stockton. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I173-47 This comment claims that those in the neighboring areas are going to have a strong drop in real estate values and questions who would pay for those losses. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

- I173-48** This comment questions why not all of the impacted area has been notified even though residents are required to notify neighbors within 300 feet for any small impact they may be responsible for. Please refer to Master Response 10 for information regarding public outreach.
- I173-49** This comment asks if all residents along the train corridor know that the lines would be used again and noise, dust, and whistles would be generated several times a day. Please refer to Master Response 10 which describes the City's outreach regarding the project.
- I173-50** This comment asks if this is really the direction the City wants to take its waterfront properties and states that the citizens rely on the Planning Commission to make good, healthy decisions for the community. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I174

Commenter: Wayne Law

Date: October 5, 2015

- I174-1** This comment expresses opposition to the project claiming that Vallejo's waterfront is a gem and a very unique asset. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I174-2** This comment states that many cities have moved forward from industrial roots to new and healthier environments and Vallejo should join that forward movement to attract others to share in that vision. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I174-3** This comment expresses intent to address just a few pages of the project to site disagreement with the proposal and ask some questions. All comments and questions raised in this letter are addressed in the response to comments I174-4 through I174-28 below.
- I174-4** This comment claims that real estate value in the area will decline and asks who is going to compensate residents for that. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I174-5 This comment claims that the Draft EIR mentions the project would still produce some of the old non-green cement but fails to give percentages of how much and asks who holds them accountable to some unknown percentage.

Section 2.4.2.2 Orcem Operation, states that Orcem would be capable of operating in three modes of production: Mode 1 import of GBFS and production of GGBFS, Mode 2 import of clinker and production of portland cement, and Mode 3 import of GBFS and production of GGBFS, and import of portland cement. The environmental analysis contained in Chapter 3 examines the impacts from the three production modes or from the mode resulting in the most severe environmental impacts.

I174-6 This comment asks what will happen to the land in the future and if Vallejo would get stuck cleaning up toxic waste left over from the project. This comment does not include a specific comment on the Draft EIR; however, federal laws dictate industrial cleanup requirements that would be imposed on the project sponsor.

I174-7 This comment asks what guarantee the people would have that the project would follow the set guidelines and who would pay for the policing. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

I174-8 This comment asks why the City is not inviting developers to make other offers for the land like they have with all other Mare Island projects. This comment also suggests building a multi-use sports/concert complex which would attract people and not send them running away.

As noted in Section 2.2 Existing Project Site, VMT owns a majority of the project site and has a long term lease with the City for the remainder of the site. Orcem would be leasing a 4.88-acre portion of VMT property for its operations. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I174-9 This comment asks if citizens realize that the trains running to the waterfront go all through the City and that the toxins transported would be affect more than just residents close to the project.

Section 3.2 Air Quality discloses all impacts to air quality including those resulting from the movement of trucks and trains and Section 3.12 Transportation and Traffic discloses all potential impacts related to the movement of trains and trucks throughout Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I174-10 This comment claims that the project simply cannot keep lighting within the site and that high overhead lights won't stay within the site due to the fact that light is naturally reflected.

As discussed in Section 3.1.4 (C) placement of lighting fixtures would minimize overspill onto water and adjacent areas and all proposed lighting would be shielded or designed to prevent off-site glare and use of reflective exterior material would be minimized. This would be accomplished through implementation of mitigation measure MM-3.1-1 which requires the completion of final lighting plans subject to review and approval by the City prior to issuance of building permits. The draft lighting plan is included in the Draft Final EIR as Appendix C. This mitigation measure would be enforced through the MMRP, included as Appendix M of this EIR, and approval by the City would be contingent on demonstration that stated goals of mitigation have been met. Please refer to Sections 3.1.4 (C) and 3.1.5 for a text of the analysis and a full text of the required mitigation.

I174-11 This comment claims that heavy cement trucks damage asphalt streets causing the breakage of substrate and asks who is going to pay for road repairs. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

I174-12 This comment claims that dust and air pollution will naturally spread through trains and trucks and simply cannot be contained on site.

Impacts to air quality resulting from truck and train exhaust and fugitive dust emissions are included in the analysis for air emissions resulting from project operation in Section 3.2.4 (B) of the EIR. Table 3.2-13 shows the combined maximum annual emissions of criteria pollutants from both the VMT and Orcem projects. The Draft EIR determined that NO_x emissions would be the only criteria pollutant to exceed the established threshold of significance. While implementation of mitigation measure MM-3.2-1 would reduce impacts, it would not reduce impacts to a less-than-significant level for NO_x and the impact would remain significant and unavoidable.

I174-13 This comment asks if the people just have to accept the significant and unavoidable impacts.

Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the Draft Final EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable. If the Draft Final EIR is finalized and certified, the City of Vallejo, as the lead agency, would be required to make findings on all significant impacts under Section 15091 of the CEQA Guidelines. Section 15093 of the CEQA Guidelines explains that if the City were to approve a project which would result in significant impacts identified in the EIR but not avoided or substantially lessened, the City would state in writing the specific reasons to support its action based on the Draft Final EIR and other information in the record. This written statement is called a Statement of Overriding Considerations. Please refer to Section 15090 and Section 15091 of the CEQA Guidelines for additional information on Draft Final EIR certification and findings.

I174-14 This comment states that millions of taxpayer dollars were invested in the clean up along Highway 37 and asks why they are headed in a different direction now with other parts of the waterfront access. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I174-15 This comment claims that the area is zoned “light industry” but this project is beyond heavy industry and asks why Vallejo City officials are allowing this in this zone so close to residential properties.

General Plan land use designations and zoning are analyzed in Section 3.9 Land Use and Planning. As discussed in Section 3.9.1, City of Vallejo Zoning Code, the project site is zoned “Intensive Use.” Intensive Use is the heaviest industrial zone in Vallejo and under Section 16.34 of the City’s Zoning Code “Heavy Industrial Uses” are permitted upon issuance of a major use permit (Section 16.34.040.B.1). This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an

application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. Please refer to Section 3.9.4 for a complete discussion on the project's consistency with the General Plan, Zoning Code and other applicable land use documents.

I174-16 This comment asks what amount the City is receiving for the land lease, how much land is being leased and where the location is.

According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. The portion of the site being leased by the City to VMT is represented by Assessor Parcel Number (APN) 0061-160-230.

I174-17 This comment asks how much impact there would from disturbing the river bed when it is dredged out to a depth of 38 feet and how deep is the current natural depth.

Impacts related to dredging required by the project construction are thoroughly examined in Section 3.8 Hydrology and Water Quality. Specifically, Section 3.8.4 (A) analyzes the potential for the project to degrade water quality. Additional impacts from dredging to the marine environment are examined in Section 3.3.4 (A) and potential hazards from dredging are examined in Section 3.7.4 (A). Please refer to Section 3.3.4 (A), Section 3.7.4 (A) and Section 3.8.4 (A) for additional information.

I174-18 This comment asks how much impact the new byproduct of steel has on the environment and by what authority it claims to be green.

Impacts to the environment from GBFS, a non-hazardous substance, are examined throughout the EIR. Specific impacts related to potential hazards from GBFS are analyzed in Section 3.7.4 (A). A laboratory test for GBFS was conducted and results are provided in Appendix I-9 of the Draft EIR. Please refer to Section 3.7.4 (A) and to Appendix I-9 for information regarding the potential hazards of GBFS.

I174-19 This comment states that around the clock means 24 hours per day, 7 days per week, 365 days per year.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I174-20 This comment claims there is no way to contain light.

Please refer to the response for comment I174-10 above.

I174-21 This comment references impact 3.2-1 and asks how much more intense and compared to what originally.

Impact 3.2-1 involved the proposed rezoning of the 5.25-acre portion of the site. Under the Draft EIR the 5.25-acre portion of the site outside the City limits, currently designated as “Open Space Community Park” would be annexed into the City and redesignated “Employment” and zoned “Intensive Use.” However, the rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone this impact would be reduced from significant and unavoidable to less than significant. An updated conclusion is provided in Section 3.2.4 (A) of the Draft Final EIR.

I174-22 This comment asks why we are measuring air pollution by year of the truck instead of having them meet smog control standards. Smog index specifications are incorporated into the CARB diesel truck regulation and are therefore based on EPA and CARB engine standards, by engine model year. Smog index specifications are a compliance measure for truck fleets to ensure that truck fleets are compliant with CARB regulatory requirements. The emissions analysis for the proposed project used the actual EPA and CARB standards, which represent the requirements trucks must meet during smog testing.

I174-23 This comment references impact 3.3-6 and claims that seals are present on the green buoy right across from the site daily and asks how long the project would really wait for them to leave.

Mitigation implemented for impact 3.3-6 would require a NOAA Fisheries-approved sound-attenuation plan (as required in mitigation measure MM-3.3-5) with additional actions to reduce the effect of underwater noise transmission on marine mammals. This action would be enforced through the MMRP, included as Appendix M of this EIR, and approval from the City would be contingent on demonstrating that the plan meets the specified goals of the mitigation measure.

I174-24 This comment claims you can't contain light in open areas since it bounces around. Please refer to the response for comment I174-10 above.

I174-25 This comment claims that the Draft EIR says accidental release of materials into the Napa River and Bay-Delta ecosystem would pose a significant threat and then it is referred to as less than significant in column 3.

Table ES-1 contains a summary of all effects found to be significant throughout Chapter 3 of the Draft EIR. Impacts that were determined to be less than significant prior to mitigation are not listed in this table. The first column summarizes the impact, the second column provides the mitigation measures and the third column gives the level of significance after mitigation. If the third column says less than significant, it means that the implementation of the mitigation described in column two would reduce the impact to a less-than-significant level.

I174-26 This comment claims that the CAP is in place but the project doesn't have to follow it since they are in the marine environment and asks why the CAP isn't changed to include the marine environment.

Consistency with the CAP is evaluated in Section 3.6.4 (B) and was determined to be a significant and unavoidable impact. The Draft EIR does not state that the project is not required to comply with the CAP; it states that compliance with the overarching goals of the CAP to achieve reduction targets established for 2020 and 2035 cannot be guaranteed since the CAP does not extend fully to rail and marine operations. Table 3.6-10 demonstrates how the project is consistent with various strategies of the CAP. Please refer the Level of Significance After Mitigation discussion in Section 3.6.6 for additional information regarding this conclusion. A full analysis of the impact is provided in Section 3.6.4 (B) and a full text of the mitigation measures are provided in Section 3.6.5.

I174-27 This comment claims that when talking about spills the EIR says only that they will have a small spill kit there and asks what would happen if a larger spill occurred.

Potential hazards resulting from construction and operation of the project are assessed in Section 3.7 Hazards and Hazardous Materials. Section 3.7.4 (B) of the EIR determined that VMT and Orcem impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with implementation of mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures

required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to Section 3.7.4 (B) for a full text of the analysis and to Section 3.7.5 for a full text of the mitigation measure.

I174-28 This comment states that comments in this letter are only in response to about 30 pages of the Draft EIR but could continue if commenter had more time to review the Draft EIR.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I175

Commenter: Judith Lerner

Date: October 25, 2015

I175-1 This comment claims that from looking at the map, Orcem takes up most of the space that could be used for loading and unloading material and asks if VMT would handle additional shipping that besides the Orcem raw materials.

VMT would primarily handle Orcem raw materials but would handle additional commodities as well. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. Section 2.4.2.1 VMT Operation, states that the primary focus of VMT operations would be aggregates but the terminal would be designed to include both shipping and receiving of a wide range of products through the wharf, including loading and unloading of vessels through the wharf, along with a combination of barge and other small vessels. The capacity and projected maximum cargo volumes for VMT include shipping of Orcem materials and additional handling of materials identified in the commodity list. VMT's maximum average monthly cargo of 160,000 metric tons would include 40,000 metric tons of material associated with Orcem Phase 1, and approximately 63,400 metric tons of material associated with Orcem Phase 2.

I175-2 This comment asks if the Planning Commission has been fed a story about the potential for Vallejo to become a Bay Area shipping Center.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I175-3 This comment asks who is paying for the VMT project and claims that if the City is funding some of the project in hopes of bringing additional business to the area then it would be important to know what other materials may be handled through VMT.

The project is being proposed by Vallejo Marine Terminal LLC who would also be responsible for fully funding the project. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. Please refer to the response for comment I175-1 above for information regarding the restricted listed of commodities that could be handled through VMT.

I175-4 This comment claims that if there is potential for additional shipping those effects should also be considered.

The commodities that could be handled by VMT have been evaluated throughout the Draft EIR. Section 2.4.2.1 VMT Operation, states that the primary focus of VMT operations would be aggregates but the terminal would be designed to include both shipping and receiving of a wide range of products through the wharf, including loading and unloading of barges and vessels. The capacity and projected maximum cargo volumes for VMT include shipping of Orcem materials and additional handling of materials identified in the commodity list. VMT's maximum average monthly cargo of 160,000 metric tons would include 40,000 metric tons of material associated with Orcem Phase 1, and approximately 63,400 metric tons of material associated with Orcem Phase 2. Potential impacts associated with the import and handling of materials through VMT are analyzed throughout Chapter 3. For example, Section 3.2.4 analyzes potential air quality impacts resulting from the proposed project including transfer of materials from VMT with the potential to generate fugitive dust and necessary mitigation is provided in Section 3.2.5 of the Draft Final EIR. Potential hazards associated with materials that may be imported are analyzed in Section 3.7.4 and necessary mitigation is provided in Section 3.7.5 of the Draft Final EIR to reduce these impacts to less-than-significant levels.

I175-5 This comment states that if there is little chance of shipping anything other than raw materials for Orcem then the project should not be called two different things.

Although the two components depend on each other and are being evaluated together due to this dependence, they are owned by separate entities. VMT is owned by Vallejo Marine Terminal LLC while Orcem is owned by Orcem California. VMT owns the land and Orcem would be leasing a portion of the land. VMT would handle additional commodities that are not for use by Orcem. Please refer to the response for comment I175-1 above for information regarding the shipping potential of VMT.

Letter I176

Commenter: Jean Likover

Date: September 25, 2015

I176-1 This comment states that the commenter cannot read the entire document by the City's deadline and requests an extension of the review period.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA.

Letter I177

Commenter: Laura Jean Likover

Date: November 2, 2015

I177-1 This comment asserts that the ambient noise level measurements of 57 or 58 dB are not correct and questions who determined the ambient noise level and where were the measurements taken.

Noise impacts are evaluated in Section 3.10 of the Draft EIR. As stated, the primary sources used to support the analysis includes a technical noise impact assessment report conducted for the project by an independent acoustical engineer, AWN Consulting. The assessment for the VMT component is included in Appendix K-1, the assessment for the Orcem component is included in Appendix K-2 and the cumulative assessment for both VMT and Orcem is included in Appendix K-3 of the Draft EIR. Section 3.10.2 Existing Conditions, details the methods used to determine the ambient noise level of the project area. Five unattended long-term surveys and four attended short-term surveys were

conducted in order to determine the existing baseline noise environment (illustrated on Figure 3.10-2). The five unattended long-term (LT) locations included the following: LT1 represents Sandy Beach Road residential land uses located along the waterfront (55 L_{dn}); LT2 was on a bluff overlooking the project site and adjacent condominium units located at the northwest terminus of Seawitch Lane (53 L_{dn}); LT3 represents the residential land uses within the Harbor Park Apartments along Winchester Street (52 L_{dn}); LT4 represents noise-sensitive land uses along Lemon Street west of Sonoma Boulevard (57 L_{dn}); and LT5 quantified ambient noise levels from vehicular traffic along Sonoma Boulevard (63 L_{dn}). The four short-term (ST) monitoring locations included the following: ST1 Lake Dalwigk Park, 70 feet from the center of Lemon Street at Sheridan Street (57 to 59 dBA L_{eq}); ST2 75 feet from the center of Sonoma Boulevard south of Solano Avenue (62 to 63 dBA L_{eq}); ST3 center of Alden Park, Mare Island (48 to 53 dBA L_{eq}); and ST4 eastern most terminus of York Street (49 to 51 dBA L_{eq}). Additional information can be found in Section 3.10.2 of the Draft Final EIR and definitions are provided in Section 3.10 Noise Background and Terminology. The ten nearest noise-sensitive locations used in the analysis in Section 3.10.4 Impact Discussion, are provided in Table 3.10-4 and illustrated on Figure 3.10-3. Section 3.10.4 analyzes all potential noise impacts from construction and operation of each component individually and the combined project. Mitigation measures are provided for all significant impacts in Section 3.10.5. Please refer to Sections 3.10.2, 3.10.4 and 3.10.5 of the Draft Final EIR for additional information.

Letter I178

Commenter: Laura Jean Likover

Date: November 2, 2015

I178-1 This comment questions who would ensure and inform the public of the independent review to see that CEQA is consistent with “Friends of Lavina vs. County of Los Angeles.”

In *Friends of LaVina vs. County of Los Angeles* (1991) the California Court of Appeal held an agency may comply with CEQA by adopting an EIR prepared by a consultant retained by the applicant so long as the agency independently reviews, evaluates and exercises judgement over the issues raised and addressed in the EIR. The EIR was prepared by Dudek, an environmental consulting firm with over 35 years of experience in California, which was retained by the City of

Vallejo. CEQA Guidelines Section 15084 (a) allows for preparation of the EIR directly by or under contract to the Lead Agency (City of Vallejo).

Letter I179

Commenter: Donna Linney

Date: November 2, 2015

I179-1 This comment asks what the cement factory would do to the environment and water.

Potential environmental impacts of the project are evaluated throughout Chapter 3 of the Draft EIR. Table ES-1 in the Executive Summary presents a summary of all the potentially significant environmental impacts that could result from the project, the proposed mitigation measures, and the level of significance of the impact after the implementation of the mitigation measures. Any impacts determined to be less than significant prior to mitigation are not included in this table but are included in the analysis of impacts in Chapter 3. Potential impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Public Services and Recreation, Transportation and Traffic and Utilities and Service Systems are evaluated in Chapter 3 of the EIR. Please refer to Chapter 3 of the EIR for information regarding all potential impacts resulting from implementation of the proposed project and to Table ES-1 for a summary of only those impacts determined to be significant.

Letter I180

Commenter: Richard T. Loewke

Date: November 2, 2015

I180-1 This comment states that in general the Draft EIR is complete and technically accurate with respect to its description of the project and analysis of potential effects and evaluation of both the individual and the cumulative effects at direct and indirect levels. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I180-2 This comment notes that the analysis was carried out at the absolute worst-case level taking into account the maximum potential effects and consequently a number of effects classified as being potentially significant may ultimately prove

to be smaller in scope. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I180-3 This comment states support for mitigation measures subject to refinements outlined in subsequent comments and expresses commitment to work with the City, responsible agencies and the community to ensure all environmental effects of the projects are minimized to the maximum extent possible. This comment also includes a belief that the project would provide a wide range of benefits to the community including creation of approximately 189 well-paid direct and indirect jobs, over \$2 million annually in tax revenue, and generation of nearly \$62 million annually in economic activity. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I180-4 This comment expresses the opinion that the Revised Operations Alternative (ROA) in the Executive Summary and the Alternatives Chapter fails to include the more complete information, found on pages 6-11 and 6-12. This comment also claims that this information should be included in both earlier summaries so the reader understands the full scope of its benefits. The purpose of an Executive Summary is to provide an abbreviated version of the project results which clearly lays out where more detail can be located.

I180-5 This comment asserts that the isolation of truck trips on a maximum daily basis as opposed to worst-case maximum average monthly basis is inconsistent with the methodology universally used in CEQA analysis and called for in the General Plan. This comment also states that utilizing this method would result in 177 one-way trips, compared to the 295 reflected in the Draft EIR. The CEQA analysis does examine a worst-case maximum average monthly rate, but this is broken down to a maximum daily basis to help readers visualize the impact.

I180-6 This comment states that since the documentation in the Biological Resources chapter and appendices clearly shows that virtually all of the remaining pilings are so badly deteriorated, mitigation measure MM-3.3-3 should state this established fact as a matter of record and allow use of the direct pull method without need for further justification. Although the commenter is correct in stating that the Draft EIR indicates that many of the existing wood pilings are badly deteriorated, whether or not they can be removed with the least environmentally damaging method available (i.e. vibratory) is unknown. That is the intent of mitigation measure MM-3.3-3. If the demonstration indicates that very few, if any of the pilings can be removed by vibratory extraction, then the direct pull method can be

employed with additional measures in place to recover potentially toxic debris from Bay waters.

- I180-7** This comment asserts that pages 1-1 and 1-2 of the Introduction incorrectly state that VMT would operate on 27.67 acres of the project site instead of what is stated in the Project Description that VMT would operate on a portion of the 27.67 acre site which includes the 8.05-acre VMT terminal area. These numbers have been updated in the FEIR project description.
- I180-8** This comment claims that mitigation measure MM-3.2-1 should be revised to call for implementation after 20 or more vessels arrive at the site since evidence presented in Appendix D-1 shows there is no potential for combined operational NOx to exceed the threshold until at least 20 vessels arrive in any given year. Mitigation measure MM-3.2-1 was revised per Master Response 2.
- I180-9** This comment claims that according to their air quality and greenhouse gas experts, compressed natural gas front end loaders are not currently available, and therefore commenter suggests mitigation measure MM-3.6-1 be revised to biodiesel powered which would result in an equally effective level of mitigation. The use of natural gas-fueled front loaders would occur once annual ship calls exceed 20. This number of ship calls is not expected to occur until several years following the start of the project and is furthermore dependent on product demand. The project proponent believes that natural gas-fueled front end loaders will be available at the time 20 ship calls are reached. Until that time, other mitigation measures would be implemented as described in Section 3.2, Table 3.2-19.
- I180-10** This comment references corrections made to Appendix D-1, attached to the letter, regarding minor inconsistencies with respect to projected lifecycle savings in GHG emissions which would result in substantially greater savings for Mode 1 than first reported and slightly less for pure cement based projects than first reported. This comment also claims that these changes should be updated in Table 3.6-8 and subsequent text but should not affect the threshold or impact conclusions but should be included in the Draft Final EIR for sake of accuracy. This comment is noted.

Letter I181

Commenter: Christy Logan

Date: October 7, 2015

- I181-1** This comment questions why Orcem chose Vallejo as their headquarters. As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the property. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations.

Letter I182

Commenter: Kathy McKinney-Tovar

Date: November 2, 2015

- I182-1** This comment provides background information on dray off which, if it occurred in Vallejo, would result in NO_x emissions higher than the mitigation measure would control and questions what, if anything, Orcem and VMT can do to prevent dray off from occurring. The proposed project would comply with applicable rules and regulations, including the CARB Drayage Truck Regulation, which requires that dray-off trucks meet the same regulatory requirements as drayage trucks.
- I182-2** Commenter claims that accounting of the emissions from ships docking at VMT are not included in the calculation of the annual emissions of NO_x and that VMT should ensure that vessels docking at the terminal comply with CARB's "Fuel Sulfur and Other Operation Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline" regulation. The proposed project would comply with applicable rules and regulations, including the CARB Fuel Sulfur and Other Operation Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline regulation.
- Draft Final EIR Section 3.2 addresses all emissions associated with project activities. Emissions from ship auxiliary engines while at berth are included in the "Shipping" category in Tables 3.2-11, 3.2-12.
- I182-3** This comment states that materials including dry bulk and break-bulk cargoes that would be handled through VMT would generate PM and recommends that PM

monitors be installed in the vicinity surrounding the VMT and Orcem operations to demonstrate effectiveness of PM control measures.

Please refer to Master Response 7 for a description of the MMRP and response to comment I40-15. Section 3.2 describes procedures and dust controls for operational activities. In summary, raw materials would be stored in stock piles, conveyed via conveyors, and processed in sealed processing equipment. Finished product would be conveyed via sealed conveyor systems into storage silos. In addition, as part of its permitting process, the BAAQMD stipulates operating, air quality monitoring, air quality measurement, recordkeeping conditions, and backstop measures, in accordance with its rules and regulations.

- I182-4** This comment summarizes mitigation measure MM-3.6-1 and questions how and where forklifts and front-end loaders would be fueled since VMT does not plan to build or operate a compressed natural gas fueling facility. It is assumed that VMT will install available small compressor appliance(s) that can be attached to natural gas lines.

Letter I183

Commenter: Michael Mees

Date: November 2, 2015

- I183-1** This comment expresses concern that the project does not go far enough to mitigate potential risks to air and water quality since it does not take into account the increased pollution from trucks, trains, and ships providing the transportation infrastructure from the plant or increased emissions if the plant is required to run in Mode 2 and produce portland cement as opposed to the desired green cement.

Section 3.2.4 (b) quantifies the potential construction and operation related air quality emissions for VMT and Orcem. Emissions related to trucks, trains and ships are accounted for in the modeling assumptions. According to Section 3.2.4 (b) Operational Impacts, it is assumed that transportation emissions for both Orcem and VMT would include port activities, truck movements both on site and on the local roadway network, rail activity, barge activity, and off-road vehicle movements.

Section 3.2.4 (b) Orcem Analysis reiterates that the project would operate in three modes of production and states that details regarding the material production associated with these modes and phases, and quantity of materials by phase are included in Appendix D-1 of the Draft EIR. Estimates of the annual criteria

pollutant emissions reflect operation at a maximum production rate of up to 900,000 metric tons per year of which 760,000 metric tons per year would be milled. Emissions were calculated using industry-accepted sources including CARB's Ocean Going Vessels (OGV) Marine Emissions Model, CARB's California Harbor Craft Emissions Inventory Database, CARB's OFFROAD2011 off-road equipment inventory, CARB's EMFAC2014 on-road vehicle emissions inventory, EPA AP-42, and vendor data.

I183-2 This comment expresses concern regarding increased traffic from and trucks and trains and potential implications to access by emergency vehicles. This comment also expresses a lack of confidence in the City or Orcem to keep up with required maintenance of the roads. Please refer to Master Response 8 for information regarding road improvements.

Emergency access is addressed in Section 3.12.4 (d) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (a) and (d) for information regarding the analysis. A full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

I183-3 This comment expresses concern for the effects of the project on the ecology of the water front and delta since birds and mammals that haven't been seen for nearly a century are starting to come back. This comment also states that the vision statement for the Vallejo Waterfront PDMP spells out clearly the importance of the waterfront and that this vision should be applied to this area as well.

Potential impacts to biological resources were evaluated in Section 3.3 Biological Resources of the Draft EIR. The impact discussion in Section 3.3.4 (a) analyzes potential impacts to special status species both terrestrial and marine. Mitigation measures are provided in Section 3.3.5 for any potentially significant impacts to biological resources. These measures include the development and implementation of an approved Creosote Piling Removal Plan (MM-3.3-3), Construction/Destruction Pollution Prevention Plan (3.3-4), Impact Hammer Pile Driving Noise Reduction for Protection of Fish (3.3-5), Impact Hammer Pile Driving Noise Reduction for Protection of Marine Mammals (3.3-6) and Wharf Lighting Plan (3.3-7) to reduce impacts from construction and operation to the marine environment and special status species. The Draft EIR concluded that implementation of the identified mitigation measures would reduce all impacts to a less-than-significant level. Please refer to Section 3.3.4 (a) of the Draft Final EIR for a full analysis of potential impacts and to Section 3.3.5 of the Draft Final EIR for a full text of mitigation measures.

- I183-4** This comment expresses the opinion that the project is not in line with the vision and goals for the City’s future and expresses opposition to the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I184

Commenter: Amy Meeter

Date: September 23, 2015

- I184-1** This comment asks how many trucks would go in and out per day and at what hours the trucks would be on the road.

Truck traffic is quantified for both the VMT portion and the Orcem portion in Section 3.12 Transportation and Traffic. Table 3.12-8 shows the projected number of truck trips daily generated by VMT and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). Table 3.12-9 shows the projected number of truck trips daily generated by Orcem and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). For more information regarding the VMT and Orcem operations please refer to Section 2.4.2 of the Draft Final EIR and for information regarding truck generation and traffic impacts please refer to Section 3.12.4 (a) of the Draft Final EIR.

Letter I185

Commenter: Elaine Mein

Date: November 2, 2015

I185-1 Commenter expresses a lack of understanding when the General Plan allowed the former flour mill, long dormant, to be zoned for heavy industrial.

As discussed in the Project Description, Section 2.2 Existing Project Site, the project site is designated as “Employment” in the City’s General Plan and zoned “Intensive Use” in the City’s Zoning Code. As detailed in Chapter 16.34 of the Zoning Code, “General Industrial Uses” are “Permitted Uses”, whereas “Heavy Industrial Uses” are permitted upon issuance of a major use permit which requires Planning Commission Review. The flour mill previously occupying the land was considered a “General Industrial Use” and as such was permitted within the “Intensive Use” zoning designation. The Permitted Uses section (Section 16.34.020) of the zoning code was last amended July 10, 2012 and the Permitted Uses Subject to a Major Use Permit section (Section 16.34.040) was last amended December 8, 2009. The General Plan, approved in July 1999 has designated this segment of land as “Employment.” Employment uses include industrial, general commercial services and professional office complexes.

A full analysis of the project’s consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

I185-2 This comment claims that even though it is using best available control technology, NOx emissions would still be above significant emission standards and questions from whom and in what part of California would Orcem be purchasing emission rights. Please refer to Master Response 6 regarding offsets.

I185-3 This comment expresses the opinion that impacts of noise, traffic and toxic emissions on the downwind local residential areas are horrific. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I185-4 This comment questions what kind of compensation would be given to those who would lose significant value on their homes. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA

Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I186

Commenter: John Meyer

Date: September 24, 2015

I186-1 This comment questions how the marine terminal would affect all adjacent marine waterfronts and coastlines.

The Draft EIR examined the potential impacts the project would have on the marine environment including, but not limited to, aquatic life, hazards, runoff and water quality.

The Biological Resources section examines potential impacts to aquatic life in the surrounding area in Section 3.3.4 (A). The Draft EIR concluded that impacts from construction on disturbed and lost habitat would be less than significant. The temporary loss of lower and middle intertidal and subtidal artificial hard substrate and the permanent loss of artificial hard substrate caused by removing the existing creosote pilings were both determined to be less-than-significant impacts. Removal of the pilings would be a significant impact because of the potential for release of toxic polycyclic aromatic hydrocarbons from creosote piling fragments. Mitigation measure MM-3.3-3 would require the implementation of a Creosote Piling Removal Plan. This plan would inventory all existing pilings at the wharf, document their individual condition, and suitability for removal using BMPs. The Draft EIR determined that implementation of mitigation would reduce impacts to a less-than-significant level. The proposed deconstruction and construction activities could result in the introduction of construction debris and sediment runoff into the Napa River and greater Bay-Delta ecosystem. Mitigation measure MM-3.3-4 would require the preparation and implementation of a Construction/Deconstruction Pollution Prevention Plan. This plan would detail all steps to be taken, including selection of equipment, operational procedures, on-site monitors, etc. that will be employed to ensure that no construction or deconstruction debris is accidentally deposited or remains in Napa River or Bay-Delta waters. Both plans would be required to conform to all USACE, RWQCB, BCDC, and City of Vallejo permit conditions and be reviewed and approved by the City of Vallejo and a third-party independent environmental mitigation monitor. The Draft EIR concluded that implementation of this mitigation

measure would reduce impacts to a less-than-significant level. A full text of both mitigation measures is provided in Section 3.3.5 of the Draft Final EIR.

The installation of the wharf would result in overwater shading of 0.33-acre of subtidal and intertidal habitat. The Napa River flows past the VMT Site and because of its location at the mouth of the river as it flows into San Pablo Bay, the site experiences twice daily high wave and tidal currents that maintain seafloor sediments and sediments in suspension. This results in naturally turbid water that limits ambient light penetration and phytoplankton production. Based on these existing conditions at the site, the potential effect of shading on sensitive species is expected to be less-than-significant.

Section 3.7.4 (A) evaluates potential impacts to the marine environment from dredging. Based on the limited historic sediment sampling data available for Mare Island Strait, current sediment in the Mare Island Strait may have elevated concentration of metals contaminants. The proposed dredging activities would be required to adhere to San Francisco BCDC and the Dredged Material Management Office requirements; including obtaining a BCDC permit and submitting a sediment quality sampling plan. The dredging activities would also be required to adhere to applicable California Department of Fish and Wildlife requirements under Fish and Game Code Sections 1601 and 1603. Transportation and/or disposal of potentially contaminated dredge material could result in a significant impact. Mitigation measure MM-3.8-1, described in the Hydrology and Water Quality discussion below, would reduce these impacts to less-than-significant levels.

Section 3.8.4 (A) discusses the project's potential to degrade water quality. Both VMT and Orcem would be required to complete a Stormwater Pollution Prevention Plan (SWPPP) in accordance with SWRCB and San Francisco RWQCB requirements.). The SWPPP must specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction-related pollutants into nearby receiving waters (in this case, the Bay-Delta In addition to the SWPPP mitigation measure MM-3.8-1 would require VMT to develop a Dredge Material Management Plan. This plan would outline procedures necessary to evaluate the suitability of dredged materials for either on-site beneficial reuse or in-bay disposal at the Carquinez disposal or other approved site. The Draft EIR concluded that preparation of the SWPPP and implementation of the mitigation measure would reduce potential impacts to a less-than-significant level. A full text of this mitigation measure is provided in Section 3.8.5 of the Draft Final EIR. The Draft

EIR concluded that preparation of a SWPPP would be sufficient to reduce Orcem impacts to a less-than-significant level.

Please refer to Draft Final EIR Sections 3.3 Biological Resources, 3.7 Hazards and Hazardous Materials, and 3.8 Hydrology and Water Quality for additional information regarding potential impacts of the project on the marine environment.

Letter I187

Commenter: J. Milliken

Date: October 11, 2015

- I187-1** This comment expresses the opinion that this project is wrong for Vallejo and its operation would be a constant threat of problems such as pollution, safety, noise and quality of life and that Vallejo needs clean green jobs. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I188

Commenter: Mary Lou Molinaro

Date: November 2, 2015

- I188-1** This comment expresses opposition to the proposed project due to the noise pollution, traffic increase, breaking down roads and requests that the City not sell out the citizens for something so potentially damaging. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I189

Commenter: Coleen Cole Morrison

Date: October 7, 2015

- I189-1** This comment states that at the St. Vincent's Hill Heritage Association meeting on September 14, an audience member asked why there would be no public meeting in South Vallejo and was given a response that the Norman King Center was booked and that the Cal Maritime theater was too expensive. Please refer to Master Response 10 for information regarding public outreach. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I189-2** This comment includes a notice sent via email regarding the booking of the Norman King Center for Sunday, October 25, for a community meeting for

VMT/Orcem. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I189-3 This comment states that if the City does not use this booking a group of concerned citizens will use the booking to hold an informal meeting for South Vallejo residents and teach them how to enter questions and comments into the public record.

Two public hearings were held for the proposed project on October 7, 2015 and October 25, 2015. The October 25th meeting was held in South Vallejo. These hearings were extended past their original times to allow for all people present to have a turn to voice their concerns and comments. Please refer to Master Response 10 for information regarding public outreach.

Letter I190

Commenter: Robert Morrison

Date: September 29, 2015

I190-1 This comment expresses the opinion that it seems odd the only applicant for usage of VMT is Orcem and asks who other potential applicants might be.

As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the property. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations. The only tenant on the VMT property would be Orcem; however, VMT would still handle other commodities through the terminal and may look for other water-dependent tenants in the future. These commodities are listed in the Draft Final EIR Section 2.4 where it is also noted that modifications to the list of commodities handled through the VMT Terminal in the future may require an amendment to the applicant's use permit which would be subject to a discretionary process and subsequent review under CEQA.

I190-2 This comment suggests that Orcem is a trial for other high intensity industries and questions why Vallejo can't attract other non-heavy industry applicants for such a unique location on the water.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter I191

Commenter: Robert Morrison

Date: September 29, 2015

I191-1 This comment questions what other alternatives there are for shipping products other than by truck.

As described in Section 2.4.2.1 VMT Operation, cargo handled through VMT would be by ship, rail and truck. Table 2-3 summarizes maximum material volumes and transport methods. Alternatives to the proposed project are evaluated in Chapter 6. Section 6.4.2 discusses the Revised Operations Alternative which would modify the operation of the project to decrease potential impacts related to air quality, greenhouse gas emissions and transportation and traffic. This alternative would include appropriate steps be taken by VMT to identify and implement a program for favoring contracts with operators which utilize barges, rather than trucks or trains, as their primary means of moving goods. Additionally under this alternative, VMT would actively direct their marketing efforts to attract operators which utilize barges and would implement a program to award contracts to barge users who are otherwise equally competitive with operators expecting to primarily utilize truck and/or train traffic. For additional information regarding this alternative please refer to Section 6.4.2 of the Draft Final EIR.

Letter I192

Commenter: Tiara Neal

Date: November 2, 2015

I192-1 This comment asks how the ferry would be affected by the proposed project.

Impacts related to potential collisions on the Bay are addressed in Hazards and Hazardous Materials Section 3.7.5. (b). The Draft EIR concluded that it is unlikely the structures would pose any navigation hazards in the immediate

project are because they would be located adjacent to existing shoreline in the same general vicinity as the wharf and would not extend into Mare Island Strait. The limited number of vessels traveling through Mare Island Strait would not be navigating through the area where the proposed VMT wharf would be constructed further reducing the possibility for potential vessel collisions with the structures. A notice would be published in the Local Notice to Mariners in accordance with USACE requirements (33 CFR 66.01) notifying small pleasure crafts of changes in navigational hazards caused by the VMT project. As discussed in the Project Description Section 2.4.2.1 VMT Operation, an average of 7.5 vessels per month would use the port. This is a relatively low number of vessels and would not be expected to cause congestion on the waterways.

Letter I193

Commenter: Tiara Neal

Date: November 2, 2015

I193-1 This comment claims that the environmental reports are old and asks for something current and up to date. The Draft EIR references reports prepared for the proposed project as well as reports prepared for previous projects proposed on the project site. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. For instance, as discussed in Section 3.3.2 Existing Conditions, an updated biological survey and site visit was completed by a Dudek biologist in April 2014. The Biological Resources Assessment (included as Appendix E-3) states that the tree survey completed in 2008 was subsequently reviewed by a Dudek certified arborist in 2014 and determined to be complete. The assessment of marine biological impacts presented in Section 3.4.4 of the EIR is based on surveys and research that were conducted specifically for the proposed project and are provided in Appendices E-4 through E-7 of the EIR.

I193-2 Commenter expresses joy from hearing the birds and seals and asks how that loss would be mitigated.

Potential impacts to biological resources were evaluated in Section 3.3 Biological Resources of the Draft EIR. The impact discussion in Section 3.3.4 (a) analyzes potential impacts to special status species both terrestrial and marine. Mitigation measures are provided in Section 3.3.5 for any potentially significant impacts to biological resources. These measures include the development and implementation of an approved Creosote Piling Removal Plan (MM 3.3-3),

Construction/Destruction Pollution Prevention Plan (3.3-4), Impact Hammer Pile Driving Noise Reduction for Protection of Fish (3.3-5), Impact Hammer Pile Driving Noise Reduction for Protection of Marine Mammals (3.3-6) and Wharf Lighting Plan (3.3-7) to reduce impacts from construction and operation to the marine environment and special status species. The Draft EIR concluded that implementation of the identified mitigation measures would reduce all impacts to a less-than-significant level. Please refer to Section 3.3.4 (a) of the Draft Final EIR for a full analysis of potential impacts and to Section 3.3.5 of the Draft Final EIR for a full text of mitigation measures.

Letter I194

Commenter: Tiara Neal
Date: November 2, 2015

- I194-1** This comment questions if the surrounding cities including Napa, Benicia and American Canyon know how the project would affect them as well. Please see Master Response 10 regarding public outreach. The project was widely noticed and other cities often have staff that is responsible for following adjacent projects.
- I194-2** This comment references the Highway 37 bird viewing which attracts many visitors and asks if they would still come given all the trucks, trains and noise from the plant. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I195

Commenter: Tiara Neal
Date: November 2, 2015

- I195-1** This comment questions what will happen to the view, the sunset, the water, the fresh air and asks how air pollution would be mitigated. Draft Final EIR Section 3.2 addresses all emissions associated with project activities. Additional information on mitigation measures for air quality impacts is provided in Section 3.2.5. Mitigation Measures, of the Draft Final EIR.

Letter I196

Commenter: Tiara Neal
Date: November 2, 2015

- I196-1** This comment asks about the loss of residential home values.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I196-2 This comment questions who would ensure that the company makes green cement and asks what percentage would be green.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The total throughput of raw materials of the plant in Phase 1 would be up to 500,000 metric tons per year and in Phase 2 would be up to 900,000 metric tons per year. The phases were further broken up into five production milestones to assist with quantifying potential impacts. These five milestones included the following:

- Milestone 1: Import of 120,000 metric tons of primary raw material per year (Phase 1).
- Milestone 2: Import of 240,000 metric tons of primary raw material per year (Phase 1).
- Milestone 3: Import of 360,000 metric tons of primary raw material per year (Phase 1).
- Milestone 4: Import of 480,000 metric tons of primary raw material per year (Phase 1).
- Milestone 5: Import of 760,000 metric tons of primary raw material per year (Phase 2).

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I196-3 This comment asks how hazardous waste spills would be cleaned up.

Potential hazards, including spills, were examined in Section 3.7 Hazards and Hazardous Materials of the Draft EIR. Specifically, Section 3.7.4 (b) examines the potential for adverse impacts resulting from accidental release of hazardous

materials into the environment. Since the VMT and Orcem operations would include transportation of material by rail, ship, and trucks as well as industrial processes that could cause the release of hazardous materials in the event of an accident, this impact was determined to be significant. Mitigation measure MM-3.7-4 would require an Emergency Response Plan for project operations be prepared for both the Orcem and VMT facilities which establishes responsibilities, procedures, and a chain of command to follow in the event of a fire, vehicle/truck collision, train derailment, or cargo ship incident. The plan shall include general notification requirements to local and regional agencies with emergency response capabilities of the location and operational profile of the project, including address, directions, lists of hazardous materials stored on site, and access information. Information must be sufficient in detail to allow quick recognition and access in the event of an emergency. Additionally, the plan would designate staff persons responsible for addressing and immediately responding to hazardous materials leaks or spills and would establish training and record keeping requirements to ensure personnel is qualified and trained in California Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard. The Draft EIR concluded that implementation of mitigation would reduce the impact to a less-than-significant level. A full text of the mitigation measure is provided in Section 3.7.5 of the Draft Final EIR.

Letter I197

Commenter: Marie Neri

Date: October 7, 2015

- I197-1** This comment questions if the surrounding neighborhood has been notified or surveyed. Please refer to Master Response 10 for information regarding public outreach.
- I197-2** This comment asks if other businesses that would enhance the area have been considered. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter I198

Commenter: Paul Norberg

Date: October 29, 2015

- I198-1** This comment expresses opposition to the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I198-2** This comment references page 3 of the executive summary and claims that there is no restriction on the amount of clinker material processed and expresses the opinion that there should be no clinker processing allowed.
- As discussed in the Project Description Section 2.4.2.2 Orcem Operation, Orcem would be capable of operating in three different modes dependent on market conditions. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The total throughput of raw materials of the plant in Phase 1 would be up to 500,000 metric tons per year and in Phase 2 would be up to 900,000 metric tons per year.
- I198-3** This comment expresses the opinion that the unavoidable impact on air quality from truck emissions should disqualify the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Information regarding mitigation measures for trucks can be found in Master Response 2.
- I198-4** This comment expresses the opinion that the unavoidable impact of delays caused by truck traffic should disqualify the project.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I198-5** This comment claims that there is no mitigation for pavement deterioration and that Orcem should be responsible for maintenance of Lemon Street and any other streets where their trucks cause pavement deterioration.
- Please refer to the response for comment I172-2 and Master Response 8.
- I198-6** This comment expresses the opinion that the unavoidable delays to emergency vehicles caused by trains blocking the intersections should disqualify the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I198-7 This comment references the air quality appendix showing that Grace Patterson School, Harbor Park Apartments, Bay Village Townhouses and Sandy Beach residences would experience air and noise pollution. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

I198-8 This comment claims home values in the area would decline and school children would be exposed to excessive air pollution. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I198-9 This comment claims there are no restrictions on operation of the plant in modes 2 or 3 which would produce significantly more pollution and therefore, production should be limited to only mode 1.

Please refer to the response for comment I198-2 above.

I198-10 This comment requests that comments in this letter are entered into the public record as opposed to the project and claims that the potential benefit of a few jobs would not outweigh the negative impacts.

Responses to comments and concerns raised in this letter are provided in I198-1 through I198-9 above and all comments in this Draft Final EIR are incorporated into the public record.

Letter I199

Commenter: Shannon O'Hare

Date: September 29, 2015

I199-1 This comment asks who else would be using the dock.

In addition to handling raw materials for Orcem, VMT would handle a range of other commodities. A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter I200

Commenter: Jim

Date: November 2, 2015

I200-1 This comment expresses opposition to the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I201

Commenter: Louis and Rachel Orantes

Date: October 14, 2015

I201-1 This comment questions if this permit would allow for the production of portland cement, which would make the facility more dangerous and cause more pollution. This comment also asks if more space would be required for production of portland cement.

This permit would allow for the production of portland cement and no additional space would be required. As discussed in the Project Description Section 2.4.2.2 Orcem Operation, Orcem would be capable of operating in three different modes dependent on market conditions. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The total throughput of raw materials of the plant in Phase 1 would be up to 500,000 metric tons per year and in Phase 2 would be up to 900,000 metric tons per year.

Production of portland cement was accounted for throughout the impact analysis in the Draft EIR. Air Quality (Section 3.2), Hazards and Hazardous Materials (Section 3.7) and Transportation and Traffic (Section 3.12) include analysis of

Orcem in each of the three production modes. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

I201-2 This comment asks why the City selected this site for this project since it is so close to so many residential areas and schools.

The City did not select this site for the project. Vallejo Marine Terminal LLC owns this property and is proposing this project along with Orcem California. Vallejo Marine Terminal LLC and Orcem California have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I201-3 This comment asks how the City will meet their goal to improve air quality when the project would create significantly more pollution than is allowed by air quality standards.

Air quality impacts are discussed in Section 3.2.4 of the Draft EIR. Mitigation Measures for all significant air quality impacts are provided in Section 3.2.5 of the Draft EIR.

I201-4 This comment claims that noise levels are going to be unbearable for residents living on Sandy Beach, Bay Village, Harbor Park, Sea View and Lemon Street. Additionally this comment claims that the project is not in accordance with the California Act of 1973 and the law of Vallejo of 2012.

Please refer to the response to comment I130-7 for information regarding noise-sensitive locations.

I201-5 This comment claims that the project would exceed BAAQMD Guidelines and could cause cancer and chronic and acute health problems such as birth defects, asthma, bronchitis, and genetic damage. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

I201-6 This comment questions how the project's water use of 46,182 gallons per day can be justified when residents are being asked to only water three days per week and not wash cars because of the water shortage.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs and utilizes the Fleming Hill water treatment plant (WTP) to treat water delivered from the Sacramento River Delta, Lake Berrvessa, and Lake Curry. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

I201-7 This comment claims that rail crossing could delay fire and emergency vehicles up to 8 minutes and during this time a house could burn down or a patient could die while waiting for help.

Emergency access is addressed in Section 3.12.4 (d) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require

notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (a) and (d) for information regarding the analysis. A full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

I201-8 This comment states that the possibility for 144 trucks per day to use Lemon Street would create a traffic nightmare for the citizens.

Traffic impacts including congestion, road degradation, and pedestrian safety are all addressed in Section 3.12.4. Congestion impacts on roadways and freeways are evaluated in Section 3.12.4 (A) where the Draft EIR concluded that impacts would be less than significant. Please refer to Table 3.12-10 for details on the existing plus combined project delays. Potential impacts to roads, including Lemon Street, are discussed in Section 3.12.4 (C) where the Draft EIR concluded that operational impacts would be less than significant with implementation of mitigation measure MM-3.12-3. Pedestrian safety was addressed in Section 3.12.4 (E) where the Draft EIR concluded that pedestrian and bicycle safety impacts would be reduced to a less-than-significant level with implementation of mitigation measure MM-3.12-4. Please refer to Sections 3.12.4 (A), (C) and (E) for additional information on the analysis for these impacts and to Section 3.12.5 for a full text of mitigation measures.

I201-9 This comment raises concerns that ferryboat riders will see and hear glaring lights, dust and noise when they arrive to Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I201-10 This comment expresses the opinion that this project would cause suffering and discomfort for the citizens of Vallejo and if it passes it could open the City to possible law suits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I202

Commenter: Donald E. Osborne

Date: September 15, 2015

I202-1 This comment references a NOP comment made by Martin Robins, the General Manager of Vallejo San Francisco Bay Ferry, asking about potential disruption to the ferry schedule during construction and operation. Commenter states that he couldn't find this information in the Draft EIR.

The letter received from Martin Robins during the EIR scoping period in fact set out parameters for vessels coming to the VMT site. He noted the Ferry requires that the federal navigation channel in the Strait remains open and clear to normal and scheduled ferry traffic from 5am – 12am year round during operation and construction. The other requirement was that the ferries move at a speed of 10 knots and the ferry requires that they be able to maintain that speed during all transits of the area during construction and operation of the project. VMT vessels would be required to accommodate these requirements.

Impacts related to potential collisions on the Bay are addressed in Hazards and Hazardous Materials Section 3.7.5. (b). The Draft EIR concluded that it is unlikely the structures would pose any navigation hazards in the immediate project area because they would be located adjacent to existing shoreline in the same general vicinity as the wharf and would not extend into Mare Island Strait. The limited number of vessels traveling through Mare Island Strait would not be navigating through the area where the proposed VMT wharf would be constructed further reducing the possibility for potential vessel collisions with the structures. A notice would be published in the Local Notice to Mariners in accordance with USACE requirements (33 CFR 66.01) notifying small pleasure crafts of changes in navigational hazards caused by the VMT project. As discussed in the Project Description Section 2.4.2.1 VMT Operation, an average of 7.5 vessels per month would use the port. This is a relatively low number of vessels and would not be expected to cause congestion on the waterways.

Letter I203**Commenter: Donald E. Osborne****Date: September 16, 2015**

- I203-1** This comment states that the Hazards section only address navigational impacts and asks again about the impact to the regular Ferry schedule during construction and operation. See response to comment I202-1 above.

Letter I204**Commenter: Donald E. Osborne****Date: September 16, 2015**

Letter I204 was a duplicate letter of Letter I203 and thus not repeated.

Letter I205**Commenter: Donald E. Osborne****Date: September 16, 2015**

- I205-1** This comment states that Martin Robins, General Manager of the Vallejo San Francisco Bay Ferry, provided a comment on the NOP regarding potential disruptions in Ferry schedule during construction and operation and noted the federal requirement to keep the Strait open and clear to normal and scheduled ferry traffic from 5:00 a.m. to 12:00 a.m. year round. Please refer the response for comment I156-1 above.
- I205-2** This comment states that the issue is not addressed in the Draft EIR and there is no impact analysis on marine traffic other than the indication in the hazards section that structures would not pose navigational hazards. Please refer the response for comment I156-1 above.
- I205-3** This comment asserts that demolition of the existing wharf, construction of the new wharf and expected service of up to 7.5 vessels per month would certainly have an impact on marine traffic including the San Francisco Bay Ferry. Additionally this comment states that since there are analyses on rail and other ground traffic the Draft Final EIR should contain an analysis of impacts on the San Francisco Bay Ferry and the federal requirement to keep the Strait open and clear from 5:00 a.m. to 12:00 a.m. year round. Please refer the response for comment I156-1 above.

Letter I206

Commenter: Donald E. Osborne

Date: undated

- I206-1** This comment provides background on the Curtola Park and Ride, mentions several references made to the Curtola Park and Ride in the Draft EIR. Additionally, this comment asserts that the Draft EIR failed to consider the project upon completion and that the traffic and transit impacts would be significantly greater than those estimated in the Draft EIR. Please refer to the response to comment A9-15.
- I206-2** This comment asks why the traffic study conducted for the Draft EIR did not consider the fully operational SolTrans Curtola Park and Ride Hub upon its completion. Please refer to the response to comment A9-15.
- I206-3** This comment asks what exactly the projected impacts of the significant truck traffic passing the Curtola Park and Ride Hub upon completion would be. Please refer to the response to comment A9-15.
- I206-4** This comment asks what the net effect of increased truck traffic on the air quality of the Curtola Park and Ride Hub and residences in the immediate vicinity. Please refer to the response to comment A9-15. Please see Master Response 1 for information regarding potential air quality impacts that could result from implementation of the proposed project.

Letter I207

Commenter: Tom Ovens

Date: September 28, 2015

- I207-1** This comment claims that it feels like there is an attempt to keep the public uninformed regarding this project and expresses concern that residents have to wait until October 7 for a meeting. Additionally, this comment states that there are multiple aspects surrounding the project that require in depth examination. Please refer to Master Response 10 for information regarding public outreach.
- I207-2** This comment states that if portland cement is allowed commenter is opposed to the project and claims that, in itself, is unacceptable and should kill the project without further study. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I207-3** This comment asks if ships would generate their own power when docked which would burn low grade fuel and be extremely polluting. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.
- I207-4** This comment asks how many trucks and rail cars would come and go each day. Table 2-3 - Summary of Maximum Material Volumes and Transport Methods in the project description provides these numbers and these have been updated for the FEIR.
- Combined VMT and Orcem projects are expected to generate rail traffic consisting of 77-car trains at a rate of an average of 2.6 trains (in and out) per week. For more information regarding the VMT and Orcem operations please refer to Section 2.4.2 of the Draft Final EIR and for information regarding truck generation and traffic impacts please refer to Section 3.12.4 (a) of the Draft Final EIR.
- I207-5** This comment asks what penalties or recourse would there be if agreements are not kept. All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.
- I207-6** This comment asks what the approximate revenue to the City would be. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- I207-7** This comment requests that the public, especially those living in South Vallejo, is adequately informed about the October 7 meeting. This comment also claims that the Joseph Room would not be big enough if word gets out. Please refer to Master Response 10 for information regarding public outreach.
- I207-8** This comment requests that the project not be settled for without having satisfactory information on all elements and requests that serious consideration is given to public sentiment. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I208

Commenter: Naomi Patrick

Date: October 28, 2015

- I208-1** This comment expresses concern with moving forward with the proposed project and the opinion that this would be a dangerous company to bring into the community and would cause the City to be worse off than before. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I208-2** Commenter is newer to town and moved because of the charm and historic appeal. This comment also expresses the opinion that this project would destroy any positive strides Vallejo has achieved in advancing its public image. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I208-3** This comment expresses understanding for wanting to attract new businesses and encourage job and economic growth but doesn't believe that this should happen at the expense of children, infrastructure, financial stability and the environment. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I209

Commenter: Jennifer Pearson

Date: November 2, 2015

- I209-1** This comment questions if there has been any discussion between City staff and elected officials and staff or board members of the Greater Vallejo Recreation District regarding an alternative vision for the private waterfront planning area. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.
- I209-2** This comment questions the rezone of the Open Space Community Parkland and asks if that land will be evaluated by the Stand Land Commission. As discussed in

the Project Description, the total project site occupies a total of 32.55 acres. VMT owns a majority of this land and would lease a 4.88-acre portion of the site to Orcem for its proposed operations. The project site is designated as “Employment” in the General Plan and zoned “Intensive Use”. The proposed project is no longer requesting the rezone of the 5.25 acres to industrial uses. Impacts that were determined to be significant and unavoidable due to the proposed rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 of the Draft Final EIR.

I209-3 This comment questions if the entire waterfront area would be accessible to the public or if the proposed 32.55 acres would be privatized and gated. Due to the nature of the planned operations on the site, including shipping, the site would be a Department of Homeland Security-controlled site, and no public access would be permitted. The project site has been historically used for similar industrial uses and has been closed to the public. Implementation of the proposed project would therefore not change existing public access to the site. Public access to the waterfront in this area would continue to be provided adjacent to the project site along Derr Avenue to the north and Sandy Beach Road to the south.

For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

I209-4 This comment asks what the fate of the public Bay Trail would be if the project is approved. Please refer to the response for comment I163-3 above for information regarding public access to the site.

I209-5 This comment asks if the City would convey or rent any filled tidelands and/or waterfront land to VMT which will sub-lease to Orcem. As discussed in Section 2.2 Existing Project Site, a majority of the project site is owned by VMT. The remainder of the site, APN 0061-160-230, is being long-term leased to VMT by the City of Vallejo. VMT is leasing a 4.88-acre portion of the site to Orcem for its proposed operations.

I209-6 This comment refers to the question in comment 5 and asks if such a deal would be compatible with the General Plan or the current work to amend the City’s General Plan. A full analysis of the project’s consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component

consistency with each relevant policy or goal. The proposed project is consistent with most applicable land use plans, policies, and regulations of an agency with jurisdiction over the project. However there are several policies (those of the City's and BCDC) that rely on compliance with BCDC policies and plans and the project has been found to be potentially inconsistent with these policies. The final consistency determination will be made by BCDC. Please refer to Section 3.9.4 of the Draft Final EIR for more information.

I209-7

This comment asks if closing public access to the waterside land proposed for non-public uses would damage protected natural resources of filled tidelands and submerged lands. Impacts to biological resources were examined in Section 3.3 of the Draft EIR. The Draft EIR examined potential impacts to special status species (Section 3.3.4 A), riparian habitat (Section 3.3.4 B), sensitive natural communities (Section 3.3.4 B), wetlands (Section 3.3.4 C), wildlife nursery sites and wildlife corridors (Section 3.3.4 D), and ordinances and policies protecting biological resources (Section 3.3.4 E). Specific impacts to Marine Biological Resources are examined in each of these areas.

The Draft EIR identified significant impacts to special status species through use of vibratory hammer during piling removal (mitigation measure MM-3.3-3), deliberate or accidental discharge of construction and deconstruction materials into project site waters (mitigation measure MM-3.3-4), construction noise (Mitigation Measures MM-3.3-5 and MM-3.3-6), increase nighttime artificial lighting (mitigation measure MM-3.3-7), and wharf maintenance dredging (mitigation measure MM-3.8-1). The Draft EIR concluded that implementation of mitigation measures provided would reduce all identified significant impacts to a less-than-significant level. All other impacts identified in the analysis were determined to be less than significant and therefore do not require mitigation. For a full analysis of potential impacts to marine biological resources please refer to Section 3.3.4 of the Draft Final EIR. A full text of mitigation measures is provided in Section 3.3.5 of the Draft Final EIR.

I209-8

This comment asks if there are any land based buffer zones at the perimeter of the plant between the plant and residences. As discussed in the Project Description Section 2.4 Proposed Project, the Orcem component of the project would adjoin residential land uses to the east and southeast but all equipment and operational areas would be located more than 300 feet from the nearest residential zoning district boundary.

I209-9 This comment asks how many spillover impacts on neighborhoods are listed as significant and what percentage is that of the total impacts.

Potential environmental impacts of the project are evaluated throughout Chapter 3 of the Draft EIR. Table ES-1 in the Executive Summary presents a summary of all the potentially significant environmental impacts that could result from the project, the proposed mitigation measures, and the level of significance of the impact after the implementation of the mitigation measures. Any impacts determined to be less than significant prior to mitigation are not included in this table but are included in the analysis of impacts in Chapter 3. Please refer to Table ES-1 in the Draft Final EIR for a listing of potentially significant impacts and to Chapter 3 for a discussion of impacts found to be less than significant prior to mitigation.

I209-10 This comment asks if this is a “ghost plan” meant to divert community energies and disrespect citizens or is there a real plan behind this confusing process.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I209-11 This comment expresses the opinion that community members are reimaging alternatives for a preservation zone instead of allowing South Vallejo to deteriorate as a sacrifice zone.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I209-12 This comment questions why the applicants don’t consider Transfer Development Rights that could offer Orcem an industrial site on Mare Island that already has a port and then the site could belong to the City and the residents could organize a participatory process for considering alternative uses.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I210

Commenter: Delight and William Pendola

Date: September 30, 2015

I210-1 This comment expresses disbelief that Sandy Beach residents would only experience a 1 dB increase from the baseline noise level.

As discussed in Section 3.10.4 (A), the Draft EIR determined that Sandy Beach residences would experience a 1 dB increase in the ambient noise level as a result of the combined VMT operations activity (Table 3.10-11). Noise levels for the combined Orcem operations were divided into three scenarios. Scenario A would include noise impacts from production and truck movement which would represent normal operation of the Orcem plant when there is no vessel unloading or rail activity. Scenario B would include noise from production and truck movements plus the noise impact from vessel unloading. Scenario C would include noise from production, truck movements, and vessel unloading plus noise from rail activity. According to Table 3.10-21 for Scenario A, Sandy Beach residences would experience a maximum increase of 3 dB. According to Table 3.10-23 for Scenario B, Sandy Beach residences would experience an increase of 1 dB. According to Table 3.10-25 for Scenario C, Sandy Beach residences would experience a maximum increase of 1 dB. Please refer to Section 3.10.4 (A) in the Draft Final EIR for additional information.

I210-2 Commenter questions the credibility of all data in the Draft EIR, especially the conveniently max mitigated cancer risk which would be just under the 10 in one million BAAQMD Guideline. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter I211

Commenter: Delight and William Pendola

Date: September 30, 2015

I211-1 This comment expresses concern for the unmitigated levels of NO_x. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I211-2** This comment states that in order to receive a BAAQMD permit offsets are required and asks what and where those offsets would be and if Vallejo residents would have to accept those unmitigated levels of emissions. Please refer to Master Response 6.

Letter I212

Commenter: Petition Letter

Date: September 30, 2015

- I212-1** This comment thanks Ms. Ouse for her presence at the September 14th neighborhood meeting.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- I212-2** This comment asks that the project be put on hold for at least 60 days to give the community a chance to understand what the projects are about and how it would affect their lives.

Please refer to Master Response 10 for information regarding public outreach. CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA.

- I212-3** This comment requests hosting two or three town meetings with at least one held in in South Central Vallejo. This comment recognizes that the City is giving due process to the applicants and requests that due process be extended to the residents as well since they would be gravely impacted by the project.

The City of Vallejo held two public comment hearings on October 7, 2015 and October 25, 2015. The October 25, 2015 meeting was held close to South Vallejo to allow for residents to have easy access to the meeting spot. Both hearings were extended past their original times to allow for all people present to have a turn to voice their comments and concerns.

Petition I213 “No VMT/Cement Mill in South Vallejo!”**Signatures: Tony Orantes****Andrew Gides****Keith Orantes****Gabino Marquez****Mark Defiz****Javier Zaraze****Carlos Rodriguez****Rachel Orantes****Dwayne Pauletick****Dougar McConnay****Roberto Fernandez****Louis Chant****Jim Kale****Tom Arie Donch****Jason****Date: November 2, 2015****1213-1**

This comment expresses concern that the site is the wrong site for the proposed project because of its accessibility by heavy truck using a residential street (Lemon Street).

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively, while impacts to railways would be significant for both projects individually and cumulatively. Section 3.12.5 Mitigation Measures presents mitigation for all significant traffic impacts. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Mitigation measure MM-3.12-2a would be implemented to address significant impacts of delays from railroad operations.

These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements. Even with implementation of mitigation measure MM-3.12-2a, delays due to railroad operation were determined to be significant and unavoidable. Please refer to Section 3.12.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.12-1 and MM-3.12-2. Additional information regarding the project's less-than-significant impact on intersection and freeway congestion please refer to Section 3.12.4 Impact Discussion (A) in the Draft Final EIR.

I213-2 This comment expresses concern that diesel fumes generated by the proposed project's operations will generate six times the legal limit of NO_x pollutants, a known carcinogen.

NO_x is not considered a carcinogen by the Office of Environmental Health Hazard Assessment, the California State agency responsible for evaluating risks posed by hazardous substances. NO_x is designated by the EPA as a criteria pollutant, a pollutant which although not toxic may harm health, environmental, and property. NO_x emissions are addressed in Section 3.2 Air Quality of the Draft EIR. NO_x emissions are analyzed in Section 3.2.4 Impact Discussion (B) and (C) and health impacts from air emissions are evaluated in Section 3.2.4 (D). The Draft EIR concluded that the project would have a significant and unavoidable impact on cumulative increase in NO_x emissions despite implementation of mitigation measure MM-3.2-1.

The Draft EIR also concluded that implementation of mitigation measure MM 3.2-2 would reduce the cancer risk from toxic air contaminants, such as diesel exhaust, associated with the proposed project to a less-than-significant level. Full text of mitigation measures are provided in Draft Final EIR Section 3.2.5. The Health Risk Assessment prepared for the project and referenced throughout the health impact analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1.

I213-3 This comment expresses the opinion that the proposed project requires an inappropriate land use change for a census tract that is already suffering above-normal asthma rates.

As described in Section 3.9.4 of the Draft EIR, General Plan and Zoning Designations, the proposed use of the site by VMT and Orcem is consistent with

the City's existing General Plan and zoning designations for the majority of the site. Both the VMT and Orcem project components are classified as "General Industrial Uses," which are permitted in the "Intensive Use" zoning district. The project is no longer proposing the rezone of the 5.25 acres portion of the project site outside the City limits from "Open Space – Community Park" to "Employment." Updated conclusions are provided in Section 3.2.4 (a) and (d) of the Draft Final EIR. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

Letter I214

Commenter: Delight and William Pindela

Date: September 30, 2015

I214-1 This comment asks what will happen to the roads, traffic congestion, and ambulance service with 300 trucks per day and 2 100 car trains per week. Impacts to roads, traffic congestion and ambulance service are examined in Section 3.12 Transportation and Traffic of the Draft EIR. Please refer to the response to comment I201-8 for information regarding congestion emergency access. Please refer to the response to comment I201-7 for information regarding emergency access. Please refer to Master Response 8 for information regarding road improvement.

Letter I215

Commenter: Nancy A. Piotrowski, PhD

Date: November 6, 2015

I215-1 This comment expresses opposition to the project due to impacts to quality of life in terms of noise, light, and air pollution, negative health impacts to residents, negative property value impact to Vallejo homes, negative perceptual impact to the city overall, loss of structures of historical significance, and environmental impact to resident and migratory birds and other marine wildlife. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I215-2 This comment expresses belief that this project is not a good idea for Vallejo because it goes against the rising vision of Vallejo as a river town committed to good land stewardship, preserving naval and historical assets, developing local aesthetic and art culture and being a gateway to a marshland environmental resources and regional viticulture tourism. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I215-3 This comment asserts that the Draft EIR does not adequately address the range of potential environmental, health, and other damages the port may bring dependent on what it allows into port and how this may further disrupt the everyday life through increased rail cutting through town.

A list of materials restricting what could be imported and handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Impacts from products that could be handled through VMT, including portland cement, are examined throughout the Draft EIR. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker, gypsum, limestone and pozzolan are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. Portland cement clinker is the only commodity classified as a hazardous substance. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

I215-4 This comment expresses the opinion that the Orcem component of the project is not a good idea for all the significant and unavoidable impacts identified in the Draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I215-5 This comment asserts that the Draft EIR ignores historical and cultural impacts to structures on the property. Potential impacts to cultural and historical resources were evaluated in Section 3.4 of the Draft EIR. The flour mill, grain silos, administrative building, garage, manager's house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic District. As discussed in Section 3.4.4(A) the proposed project has the potential for damage to the administrative building and garage during construction which would be a significant impact. The Draft EIR concluded that implementation of Mitigation Measures MM-3.4-1a, MM-3.4-1b, and MM-3.4-1c would reduce the impact to historical resources to a less-than-significant level.

The Draft EIR also concluded that implementation of the project would result in a significant impact on historic architectural resources due to the loss of integrity of a potential Sperry Flour Mill Historic District associated with demolition of the flour mill, grain silos and dock. Mitigation measure MM-3.4-2a would require the project sponsor to undertake Historic American Building Survey (HABS) documentation of the property. The documentation would consist of measured drawings, photography and a written narrative report based on HABS Guidelines for Preparing Written Historical and Descriptive Data. Mitigation measure MM-3.4-2b would require the project sponsor to install a permanent interpretive exhibit at the Vallejo Naval and Historical Museum that provides information to visitors and occupants regarding the history of the Sperry Flour Mill including images, narrative history, drawings and other archival resources. This impact was determined to be significant and unavoidable despite implementation of mitigation due to the loss of the flour mill, grain silos and dock. Please refer to Draft Final EIR Section 3.4.4 (A) for a full analysis of impacts and to Section 3.4.5 for a full text of mitigation measures. The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time

I215-6 This comment alleges the Draft EIR dismisses health impacts in the neighborhood for both humans and animals. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

I215-7 This comment summarizes the opinion that this project should not proceed and that more desirable and healthy alternatives exist and the people of the community have the energy and the heart to develop those ideas.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I215-8 Commenter submitted sections of the Draft EIR to a readability analyses and most of it came back at a 12th grade reading level. This comment claims that a document with a lower reading level more accessible to the average Vallejo resident was necessary.

Due to the complex nature of the project the use of technical language is required to adequately analyze potential impacts. Section 2.4 Proposed Project clearly defines the two components of the project and thoroughly details the construction and operation processes for each. This information is used throughout the analysis in the Draft EIR. Throughout the analysis technical terms are defined to assist the reader with understanding how the analysis was conducted. For example, in Section 3.10 Noise Background and Terminology discusses the fundamentals of environmental noise, defines what noise is and how it is measured. This section also includes a list of definitions for measurements and terminology used throughout the section to quantify and analyze noise impacts. In Section 3.12, Existing Conditions, methodology regarding Levels of Service for intersections is described to help the reader understand how traffic impacts are being evaluated. This section describes what Level of Service is, how it is quantified, and provides information on what program was used to perform the analysis.

I215-9 This comment states that the supplementary air quality/modeling and analysis are unacceptable because they were not prepared to be read by the average resident but instead there were over 700 files, some of which couldn't be opened, and no legends were provided nor any crosswalks linking the files to the Draft EIR data. Section 3.2 summarizes results of the air quality analysis and is intended to be read and understood by people with or without technical expertise. The supplementary air quality/modeling files, the results of which are summarized in Section 3.2, are calculation files and EPA dispersion modeling output files. These file are complex and are intended as supplementary information for regulatory agencies, such as the BAAQMD.

I215-10 This comment asks if the Draft Final EIR will disclose all assumptions of the air quality modeling data analysis. This comment also alleges that the consultants

indicated there were multiple ways assumptions could be made and these assumptions need to be clear.

Key analysis assumptions are presented in Section 3.2. Detailed calculation and modeling assumptions are included in supplemental air quality/modeling files in Appendix D-1. Please refer to response to comment I215-9.

I215-11 This comment questions why viewing the supplemental data files for air quality required disclosure of name and private email information. Additionally, this comment asserts that requiring such information is a form of intimidation and is not acceptable. If requested this information could have been reviewed at the City but these files are extremely large and thus an email was requested to conveniently send the requested material.

I215-12 This comment questions why a more thorough and proactive approach was not planned for outreach. Additionally, this comment asks if planning about notification was done poorly, what else can be expected for larger project planning and execution problems from VMT/Orcem in the future. Please refer to Master Response 10 for information regarding public outreach. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I215-13 This comment claims that the proposed site is right in the middle of three major wildlife areas with significant flyaway value and the Draft EIR lacks attention to flyaway, nesting, and feeding impacts of the project given the 24/7 activity. The site does not have value as a known flyway site and the nearby habitats that may be used for these purposes are not affected by the project.

I215-14 This comment asserts that the Draft EIR does not address transport to the site of all materials to be used. Additionally, this comment claims that other Orcem-related companies (Ecocem) make mention of using high alkaline products yet these are not clearly identified in the discussion of materials transported to the site.

Section 2.4.2.2 Orcem Operation, states that the primary raw materials utilized in the production of GGBFS is GBFS which requires addition of a small quantity of gypsum/anhydrite to yield the final product. Other cement product raw materials are clinker, limestone and pozzolan. Orcem would be capable of operating in three modes of production as discussed in Section 2.4.2.2. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland

cement and Mode 3 would import GBFS and produce GGBFS with additional import of portland cement. The only raw materials required for the cements that Orcem intends to produce are GBFS, gypsum, anhydrite, clinker, limestone and pozzolan. The Draft EIR states that raw materials would be imported to the site through shipping, truck and rail. Shipping would be the primary method for imports of GBFS, gypsum, anhydrite, pozzolan and clinker. Trucks would bring gypsum, anhydrite, pozzolan and limestone while rail cars would bring smaller consignments of gypsum, anhydrite, limestone, pozzolan, clinker and portland cement. All raw materials required for cement production are covered in the transportation methods described in Section 2.4.2.2. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR.

I215-15 This comment alleges that the Draft EIR tsunami impact discussion does not discuss how material transported by barge would be protected in its transfer from the vessels to any building on land. Since this has the potential to affect humans and the bay, commenter claims that simply saying we are not in the inundation area is inadequate.

The Draft EIR (Section 3.8, Impacts G, H and I) adequately discloses both the 100-year flooding and tsunami potential at the VMT site, and indicated it could be subject to inundation. It should also be noted that Mitigation Measure MM-3.7-4 (Emergency Response Plan) would be implemented in the event a tsunami or other natural disaster causes accidents or structural damage to the facility (Draft EIR pg. 3.7-29).

I215-16 This comment claims that there is not enough information presented in the Draft EIR about ongoing monitoring of air quality and how adjustments can and should be made to protect local residents' health.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I215-17 This comment claims that Section 3.1 does not adequately address historic buildings and other structures which have value for Vallejo and California history. Please refer to the response for comment I215-5 above for information regarding the Draft EIR's evaluation of cultural and historic resources.

I215-18 This comment claims that creation of a homeland security port would be in direct conflict with public access needs in this area. Additionally, this comment asks if this land is by charter of the state for public use and how the public can still have access to these historical artifacts.

As discussed in Section 2.2, VMT owns a majority of the 32.55-acre project site and has a long-term lease with the City for the remainder of the site (APN 0061-160-230). Due to the nature of the planned operations on the site, including shipping, the site would be a Department of Homeland Security-controlled site, and no public access would be permitted. The project site has been historically used for similar industrial uses and has been closed to the public. Implementation of the proposed project would therefore not change existing public access to the site. Public access to the waterfront in this area would continue to be provided adjacent to the project site along Derr Avenue to the north and Sandy Beach Road to the south.

For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

I215-19 This comment asserts that remnants of pollutants from earlier uses in the Mare Island Strait and impacts from dredging are not addressed and should be given the risk they pose to local residents and wildlife.

Dredging and potential impacts to the environment is discussed throughout the Draft EIR. Specifically, impacts to biological resources from dredging and potential exposure to contaminants from sediments are evaluated in Section 3.3.4 (A). The Draft EIR found that the presence of organic or inorganic contaminants in Bay-Delta sediments at concentrations high enough to result in detectable increased loading of contaminants to Bay-Delta waters and therefore pose a threat to marine biota inhabiting the project site is not expected, either from dredging activities or placement/removal of pilings. As part of the permitting process for dredging these sediments, representative samples would be collected for physical, chemical, toxicity, and bioaccumulation to assess the quality of sediment and determine the suitability for each disposal option permitted. If analytical analysis shows that either organic or inorganic contaminants are present in sediments at unacceptable concentrations for any aquatic or beneficial reuse site, adherence to the Long-Term Management Strategy (LTMS)-required Best Management Practices (BMPs) for dredging and disposal would ensure that any potential impacts

from leaching of contaminants from dredge or dredging materials would be less than significant. The Draft EIR also examined resuspension of sediments from dredging in Section 3.3.4 (A). All in-water construction activities would be required to comply with USACE, EPA, RWQCB, and BCDC regulations and provisions in issued permits including BMPs for avoiding or reducing potential impacts related to resuspended sediments. Potentially increased turbidity from VMT construction activities is not expected to have a substantial effect on plankton productivity, since the shallow waters adjacent to the waterfront are naturally turbid with light penetrating less than a few feet from the surface. The Draft EIR determine that compliance with existing regulations and permit requirements would require strict adherence to BMPs for avoiding or reducing suspended sediments would ensure that the impact from contaminant exposure from resuspension of sediments would be less than significant. Please refer to Section 3.3.4 (A) of the Draft Final EIR for a full analysis of the impact.

Additional potential impacts from dredging are examined in Section 3.7 Hazards and Hazardous Materials and Section 3.8 Hydrology and Water Quality. Section 3.7.4 (A) examines potential impacts from the routine transport, use, and disposal of hazardous materials. The Draft EIR determined that transport and/or disposal of dredge material would be significant since there is the potential for dredge material to be contaminated. Mitigation measure MM-3.8-1 (from Hydrology and Water Quality) would require preparation of a Dredge Material Management Plan. This plan would outline procedures necessary to evaluate suitability of dredge materials for either on-site beneficial reuse or in-bay disposal at the Carquinez disposal facility or other approved site. The plan would be designed to ensure that dredged materials are handled in a manner that is consistent with the San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the San Francisco Regional Water Quality Control Board (RWQCB), and the Bay Conservation and Development Commission (BCDC). The USACE, San Francisco Bay RWQCB, and the BCDC would have review and approval authority over the plan and during dredge operations the applicant would be required to submit month reports to each agency describing the volume and destination of dredge materials with testing results to justify the decision. The Draft EIR determined that implementation of this mitigation measure would reduce impacts to a less-than-significant level. Section 3.8.4 (A) determined that the project would have a significant impact due to impacts on marine water quality from material dredging. Mitigation measure MM-3.8-1,

described above, would also be implemented for this impact. The Draft EIR determined that implementation of this mitigation would reduce impacts to a less-than-significant level. A full text of the Mitigation Measure is provided in Section 3.8.5 of the Draft Final EIR. Please refer to Draft Final EIR Section 3.7.4 (A) and 3.8.4 (A) for a full text of the analyses for these impacts.

I215-20 This comment asks where the Draft EIR discusses monitoring of potentially radioactive material from the slag that would be used. The proposed project does not contain potentially radioactive material. Please refer to Section 3.7.4 Impact Discussion for more information regarding the hazardous materials associated with the proposed project. VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

Additional information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation is provided in Master Response 7.

I215-21 This comment asks why no environmental justice report was completed as part of the Draft EIR. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter I216

Commenter: G. Plaskett

Date: September 29, 2015

I216-1 This comment asks how much noise would be involved after 5:00 p.m. and before 8:00 a.m.

The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than those specified in the Noise Element and would help to mitigate the potentially

significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

In order to reduce the noise impact of the continuous plant operation, it states in Section 3.10.4 of the Draft EIR, Impact Discussion, that the operations equipment staging area in the VMT would not be operated between the hours of 12:00 a.m. and 6:00 a.m. Furthermore, Mitigation 3.10-1c notes the project will be served only by the normal operating hours of the railroad: 7:00 a.m. to 6:00 p.m., Monday to Friday. In addition, all on-site rail loading and unloading activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

I216-2 This comment asks about nighttime lighting.

Nighttime lighting is addressed in Section 3.1.4 (C) of the Draft EIR. For the purposes of safety and security during operation indoor and outdoor lighting are proposed for project site. The draft lighting plan is included in the Draft Final EIR as Appendix C. During times that vessels are moored at the facility, 24-hour operations would be conducted for offloading or loading of cargo which would require extensive lighting for safety and security. The Draft EIR determined this to be a significant impact. Mitigation measure MM-3.1-1 would require that final lighting plans for VMT and Orcem be submitted to and reviewed by the City of Vallejo during the Site Development Review process. The City would verify that final lighting plans include provisions to ensure that outdoor lighting is designed so potential glare or light spillover is minimized through appropriate site design and shielding of light standards. The Draft EIR concluded that implementation of this mitigation would reduce impacts to a less-than-significant level. Please refer to Draft Final EIR Sections 3.1.4 (C) for a full text of the analysis and 3.1.5 for a full text of the mitigation measure.

Letter I217

Commenter: Regina Potter

Date: November 2, 2015

I217-1 Commenter states no knowledge of the project until October 24 and asks why this is such a hidden project and how soon the cement plant was supposed to move forward.

The project is being prepared as outlined in the CEQA Guidelines. CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public

review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60-day public comment period began on September 3, 2015, and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA. After public review, the Draft Final EIR was prepared which includes responses to all comments received during the public comment period and any necessary revisions to the Draft EIR. The Draft Final EIR will be independently reviewed and evaluated by the City of Vallejo and simply discloses information necessary for them to exercise judgement over the issues raised and addressed. Sections 15090 through 15097 of the CEQA Guidelines outline the remaining procedures in the EIR process. These steps include certification of the Draft Final EIR, findings, approval, Statement of Overriding considerations, Notice of Determination, disposition of a Draft Final EIR, process for a responsible agency, and mitigation monitoring or reporting. Please refer to the CEQA Guidelines for detailed information on these steps. Please refer to Master Response 10 for information regarding public outreach.

Letter I218

Commenter: Cynthia Ripley

Date: September 16, 2015

I218-1

This comment expresses interest in reading the ancillary reports regarding off-site mitigation for Bay fill submitted under separate cover and referred to in Section 2.25 (mitigation of Bay fill). Additionally, this comment states if there is proposed mitigation not listed in the charts or described in the body of the report they should be made available to the general public. The EIR states, “the project may also include mitigation in the form of several off-site alternatives; the required CEQA evaluation for several of these alternative measures is provided in other documentation and therefore not included in this EIR.” In these cases the CEQA documents are part of the public record and have already received public and agency review. They can be reviewed through a request to the City.

Letter I219

Commenter: Cynthia Ripley

Date: October 24, 2015

I219-1

This comment gives the commenter’s background as a member of the General Plan Working Group and a supporter of the San Francisco Bay Trail and intent to focus comments on waterfront public access.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I219-2 This comment provides background on the McAteer Petris Act which requires maximum feasible public access.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I219-3 This comment provides information on the San Francisco Bay Trail and states while it isn't always the case, public access requirements are often fulfilled by the development of segments of the San Francisco Bay Trail through a specific property.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I219-4 This comment restates the Draft EIR's finding that due to Homeland Security Regulations, the project site must be secured and would preclude on site public access and the proposal for off-site mitigation through installation of a new self-propelled personal watercraft launch.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I219-5 This comment claims that the improvement to the Vallejo Municipal Marina is not consistent with the scope, scale, and purpose of public shoreline access and the VMT/Orcem proposed mitigation needs to be reconsidered.

For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

I219-6 This comment provides two viable opportunities for appropriate off-site mitigation; completion of the "shovel ready" segment of the Bay Trail from the existing White Slough Bay Trail along Sacramento Street and Wilson Avenue to Lighthouse Drive (Segment 5 of the March 2015 Bay Trail-Vine Trail Feasibility and Preliminary Engineering Study) or funding of a preliminary engineering feasibility study for an alternative off street pedestrian/bikeway west of Sonoma Boulevard from the parking area near the Al Zampa Bridge to the Ferry Building.

These suggestions are noted and since this comment does not include a specific comment on the Draft EIR no further response is required.

Letter I220

Commenter: Mary L. Rodrick PhD

Date: November 4, 2015

I220-1 This comment thanks the City staff for providing a great deal of information at the public meetings. This comment thanks the Planning Commission members who attended the meetings and expresses surprise that most of the Planning Commission was not in attendance. Commenter also states that she did not speak because three minutes was not enough time to address the numerous concerns and comments regarding the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I220-2 This comment expresses an understanding that as Lead Agency the City is required to make findings regarding each significant impact. Commenter asserts that the problem is that the company paid by the City to prepare the EIR has decided what impacts are significant and these are based off of estimates when real examples like Orcem's other plants abroad could have been used.

The Draft EIR was prepared by Dudek, an environmental consulting firm with over 35 years of experience analyzing the environmental impacts of projects throughout California. Dudek was retained by the City to prepare the EIR and has prepared the Draft EIR under the direction of the City. Dudek is paid directly by the City, and the City is reimbursed for payment by the project applicants. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. Determining significance of the environmental effects caused by a project is outlined in Section 15064 of the CEQA Guidelines. This section states that there is no ironclad definition of significant effect because significance can often vary with the setting. It also states that careful judgement on the part of the public agency involved, in this case the City of Vallejo, based to the extent possible on scientific and factual data is required when determining the significance of environmental impacts. Direct and indirect physical changes in the environment must be considered in evaluating significance. Additionally, Section 15064 (c) states that the lead agency (City of Vallejo) must consider views held by members of the public as expressed in the whole record before the lead agency. All comments submitted on

this Draft EIR are part of the whole record that will be independently evaluated and considered along with the significance findings in the EIR, by the City of Vallejo before a decision is reached.

Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines. Thresholds of significance are quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. Individual public agencies are encouraged to develop their own thresholds which must be adopted by ordinance, resolution, rule or regulation and developed through a public review process. Thresholds considered may be previously adopted or recommended by other public agencies or experts. Each Section of the Draft EIR contains a heading titled Thresholds of Significance which lists the thresholds and states that the project would result in a significant impact if any of the thresholds were exceeded. Additionally, this section states where those thresholds came from. Generally the thresholds adopted come from Appendix G of the CEQA Guidelines, but they can also come from other public agencies. For example, Appendix G advises lead agencies to rely on CEQA significance criteria established by the local air pollution control agency (for the Bay Area, BAAQMD) to determine the significance of a project's air emissions. In Section 3.2.3, both the CEQA Guidelines and the 2010 BAAQMD CEQA Guidelines are discussed to establish what thresholds air emissions will be compared to in order to determine significance. For more information refer to the Thresholds of Significance heading in Sections 3.1 through 3.13 and CEQA Guidelines Section 15064, 15064.7 and 15131.

I220-3 This comment alleges that the Draft EIR is inadequate because there is mitigation proposed which has yet to be determined. Please refer to Appendix M of this Draft Final EIR for the MMRP, which identifies all required mitigation measures and assigns responsibility for implementation and monitoring of the measures.

I220-4 Commenter references her background as a retired scientist and environmentalist and claims that opinion levels of significance can vary from one company to another on the same project.

Please refer to the response for comment I173-2 above for information on how the Thresholds of Significance are established.

I220-5 This comment states historical photographs of the site show no homes in the area when the General Mills plant was built but now a large neighborhood has grown up around the abandoned plant and port.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I220-6 This comment states that many issues are classified as less than significant and commenter believes that none should be classified as less than significant.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I220-7 This comment alleges that many of these issues are being looked at as if they were in a vacuum when they should be accumulated with existing problems. This comment also asserts that although the EIR is a combination of two projects some of the environmental issues are considered as separate but the combined numbers may become significant.

The Draft EIR is required to examine the worst-case scenario for potential impacts which would result from the operation of both the VMT and Orcem projects together. The Draft EIR examines impacts from VMT and Orcem both individually and combined for all impacts analyzed throughout Chapter 3. For example, in Section 3.2.4 (B), potential air emissions are analyzed for construction and operation for VMT, then Orcem, then the combined project scenario. For construction, Table 3.2-7 shows that VMT construction emissions would not exceed levels identified in the BAAQMD thresholds, Table 3.2-8 shows that Orcem emissions would not exceed levels identified in the BAAQMD thresholds and finally Table 3.2-9 shows that the combined VMT and Orcem construction emissions would not exceed levels identified in the BAAQMD thresholds. For operation, Table 3.2-11 shows that VMT would exceed only the NOx threshold established by the BAAQMD, Table 3.2-12 shows that Orcem would also exceed the NOx threshold, and finally Table 3.2-12 shows that the combined project scenario would exceed thresholds for NOx and remain below thresholds for all other criteria pollutants. Mitigation for exceeding the NOx threshold is provided in mitigation measure MM-3.2-1 in Section 3.2.5.

I220-8 This comment claims many of the mitigation measures are more or less voluntary unless strict monitoring is implemented but the Draft EIR does not include any protocols for monitoring. All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program.

Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I220-9 This comment asks if the General Mills port was dredged annually as the VMT port would be and asks who would pay for dredging. It is assumed that dredging was regularly completed under General Mills Operations. The project Sponsor would be responsible for dredging costs associated with the project.

I220-10 This comment asks if the construction industry really needs an Irish company when plants near Stockton also make green cement. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I220-11 This comment states that the Draft EIR says Orcem may also be producing more toxic portland cement and environmental concerns should be based on that more toxic product.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The remainder of the description on Orcem operations provides information on the transport of raw materials to the site, movement of materials from ships to the plant, storage of raw materials, transport of raw materials from stockpile area to the process plant, drying and grinding raw materials and storage, loading and transport of finished product. All of these steps include information on both GBFS and clinker, the raw materials for the production of GGBFS and portland cement, respectively.

Impacts such as Air Quality, Hazards and Hazardous Materials, and Traffic also include analysis of Orcem in each of the three production modes. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. As indicated in Appendix I-9, the only material classified as a hazardous substance is Portland cement clinker, which would be stored indoors and not in open areas, and subject to engineering controls and monitoring. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component.

As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

I220-12 This comment asks how lighting for the factory and port, which would operate 24/7, would not be a significant effect.

The Draft EIR concluded that the proposed lighting required for safety and security during operations would be a significant impact. Mitigation was provided in Section 3.1.5. Mitigation measure MM-3.1-1 would require that final lighting plans for VMT and Orcem be submitted to and reviewed by the City of Vallejo during the Site Development Review process. The draft lighting plan is included in the Draft Final EIR as Appendix C. The City would verify that final lighting plans include provisions to ensure that outdoor lighting is designed so potential glare or light spillover is minimized through appropriate site design and shielding of light standards. The Draft EIR concluded that implementation of this mitigation would reduce impacts to a less-than-significant level. Please refer to Draft Final EIR Sections 3.1.4 (C) for a full text of the analysis and 3.1.5 for a full text of the mitigation measure.

I220-13 This comment asks how the impact on air quality can be significant and unavoidable and asks if even only an increased 10 cases of cancer out of one million can be insignificant.

Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable.

The cancer risk threshold used to evaluate significance in this project was established by the Bay Area Air Quality Management District (BAAQMD). The BAAQMD determined that an increase in the cancer risk below 10 in one million

would result in a less-than-significant impact and since the mitigated levels would be under that threshold the Draft EIR concluded that the project's impact on cancer risks would be less-than-significant. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project.

I220-14 This comment references the watering of the slag piles to reduce air pollution and asks how much water this is going to require.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs and utilizes the Fleming Hill water treatment plant (WTP) to treat water delivered from the Sacramento River Delta, Lake Berrvessa, and Lake Curry. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

I220-15 This comment claims that emissions will be measured after they have occurred then mitigated and asks how this can be significant but unavoidable.

Please refer to the response for comment I220-13 for a definition of significant and unavoidable.

I220-16 This comment provides a list of issues found to be less than significant in the Draft EIR which the commenter finds hard to justify.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I220-17 This comment asks why 100% biodiesel would not be required for GHG mitigation instead of just 20%. Mitigation measures are designed to address the severity of anticipated impacts.

I220-18 This comment asks why management plans for removal of hazardous materials would be prepared after the EIR is approved and not before.

One form of future mitigation is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Mitigation Measures MM-3.7-2a, MM-3.7-2b, and MM-3.7-2c were identified to reduce impacts from removal of hazardous materials. Mitigation measure MM-3.7-2a would require an abatement work plan to be prepared in compliance with local, state and federal regulations for any necessary removal of hazardous building materials. This plan requires that demolition plans incorporate necessary abatement measures for asbestos containing materials in coordination with the BAAQMD District Regulation 11-2-401.3. Mitigation measure MM-3.7-2b would require a California Department of Health Services (DHS)-certified lead inspector to survey the buildings for lead based paints and a qualified environmental specialist to survey the site buildings for the presence of polychlorinated biphenyls (PCBs), mercury, and other hazardous building materials. If found, materials would be managed in accordance with the Metallic Discards Act and other state and federal guidelines and regulations. Mitigation measure MM-3.7-2c would require a Waste Management and Reuse Plan be prepared to discuss types of wastes anticipated to be generated during construction and operation, the proposed waste handling procedures, proposed waste storage locations, inspection procedures, and proposed waste disposal. These mitigation measures are contingent on approval of the EIR because if the EIR is not approved, construction would not occur and therefore a plan for the removal of hazardous building materials would not be necessary. The plans would be subject to review and approval by the City of Vallejo.

All mitigation measures required in the Draft Final EIR would be enforced through a Mitigation Monitoring and Reporting Program. Please refer to Master Response 7 for information regarding Mitigation Monitoring and Reporting Programs and Conditions of Approval which would regulate mitigation during project construction and operation.

I220-19 This comment claims that there will be a permanent increase due to hopper noise, truck, rail traffic yet is considered less than significant.

Section 3.10.4 (C) examines the impact from a substantial permanent increase in ambient noise levels. The Draft EIR quantifies noise impacts from VMT, Orcem and the cumulative project scenario in Section 3.10.4 (A). Table 3.10-12 summarizes the significance determinations for the total VMT operational project-related noise level increase. For Orcem, Table 3.10-22 summarizes the noise impacts for Orcem under three scenarios that were assessed for both phases of operation. Both impacts from Orcem and VMT were determined to be significant. Mitigation measures MM-3.10-1a, MM-3.10-1b, and MM-3.10-2 would be implemented to reduce noise impacts. Noise reductions from implementation of these measures would range from 3-19 decibels. The Draft EIR concluded that implementation of mitigation would reduce Orcem operational noise to a less-than-significant level. A full text of mitigation measures is provided in Section 3.10.5 of the Draft Final EIR.

The cumulative scenario for noise examines the worst-case scenario for operational impacts which would include noise generated by Orcem production and truck movements on the local roadway network, plus noise generated by VMT unloading a vessel and transporting material by truck, rail and barge. The identified noise levels account for mitigation measures already required separately for VMT and Orcem. Table 3.10-29 summarizes the noise impacts of the combined project and identifies those locations where a significant increase in the existing ambient noise level may occur. Four NLSs, Bay Village apartments, Colt Court residences, Sonoma Boulevard Residences and Lemon Street residents east of Sonoma Boulevard, were determined to experience a very slight increase of less than 1 dBA above the allowable increase of 3 or 5 dBA. The Draft EIR notes that the actual exceedance is of the order of 0.5 dBA which is imperceptible and it is considered impractical to provide mitigation for such a small amount. The Draft EIR concluded that increases in the ambient noise levels from combined noise emissions from VMT and Orcem at all other locations assessed would be below the threshold of significance for permanent and significant noise impact to occur. Therefore, this impact is less-than-significant.

I220-20

This comment asks where water used to keep dust down would go and if it could be recycled in some way. Additionally, this comment asks what effect open slag pits would have on groundwater in the area.

Water quality and runoff are discussed in Section 3.8 Hydrology and Water Quality. Impact Discussion A provides information regarding techniques for reducing soil erosion and stormwater runoff. The project would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in

accordance with the State Regional Water Quality Control Board and the San Francisco Regional Water Quality Control Board. Information on the requirements for an SWPPP can be found in Section 3.8.1 in the Draft Final EIR. The SWPPP would specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby waters. The BMPS would address potential release of all construction contaminants including runoff from dewatering activities. Typically SWPPPs include BMPs for erosion control, sediment control, wind erosion control, tracking control, non-stormwater control, and waste management and materials pollution control. A list of the types of BMPs included in each of these categories is included in Section 3.8.4 Impact Discussion (A) in the Draft Final EIR. In addition, the City requires implementation of LID strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of an increase in runoff flows. Both VMT and Orcem would also be required to comply with NPDES-related stormwater permitting requirements including measures to reduce development and minimize impervious area, measures to limit directly connected impervious areas, and specifics on the location and design of vegetated swales and bio-basins. Appendix J-1 and J-2 of the Draft EIR describes how VMT and Orcem, respectively, intend to comply with NPDES-related stormwater permitting requirements. The Draft EIR concluded that impacts would be less than significant since both projects have been adequately designed to handle runoff in a manner that would not violate water quality objectives and because a SWPPP would be prepared for the operation phase of the project in compliance with NPDES permitting requirements.

Section 3.8.4(B) examines potential impacts to groundwater supplies and groundwater recharge. The City of Vallejo's municipal water system would supply the water for the project. According to the City's Urban Water Management Plan, its supplies are derived solely from lakes, diversions, retail purchases and other surface water rights; none of the supply comes from groundwater. Operation of the project would neither directly nor indirectly affect groundwater supplies nor lower the local groundwater table. Further, since the project would include vegetated swales and promote stormwater infiltration over runoff it would not interfere with groundwater recharge. The Draft EIR concluded that impacts were less-than-significant.

- I220-21** This comment states that environmental justice has not been addressed in the Draft EIR but is a very important issue that needs to be addressed. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter I221

Commenter: Phyllis Rosenberg

Date: September 29, 2015

- I221-1** This comment asks if the project is located on Mare Island.

As discussed in Section 2.1 Project Location, the project is located on a 32.55-acre parcel of land at 790 and 800 Derr Avenue in the southwestern portion of the City of the Vallejo fronting the Mare Island Strait. Please refer to Chapter 2, Project Description, in the Draft Final EIR for more information on the Project Location, the existing site, the project objectives and detailed information on the project components during construction and operation.

Letter I223

Commenter: Renee Sanders

Date: October 8, 2015

- I223-1** Commenter states she lives in the Sandy Beach Road Community and expresses her attempt to educate herself on the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I223-2** This comment asks if it is true that upwards of 300 trucks would use Lemon Street per day.

Truck traffic is quantified for both the VMT portion and the Orcem portion in Section 3.12, Transportation and Traffic. Table 3.12-8 shows the projected number of truck trips daily generated by VMT and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). Table 3.12-9 shows the projected number of truck trips daily generated by Orcem and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). For more information regarding the VMT and Orcem operations please refer to Section 2.4.2 of the Draft Final EIR and for

information regarding truck generation and traffic impacts please refer to Section 3.12.4 (a) of the Draft Final EIR.

I223-3 This comment asks if that assumption is true, what is being done to deal with traffic, wear/tear on the streets, air quality and safety.

Traffic impacts including congestion, road degradation, and pedestrian safety are all addressed in Section 3.12.4. Congestion impacts on roadways and freeways are evaluated in Section 3.12.4 (A) where the Draft EIR concluded that impacts would be less than significant. Please refer to Table 3.12-10 for details on the existing plus combined project delays. Potential impacts to roads, including Lemon Street, are discussed in Section 3.12.4 (C) where the Draft EIR concluded that operational impacts would be less than significant with implementation of mitigation measure MM-3.12-3. Pedestrian safety was addressed in Section 3.12.4 (E) where the Draft EIR concluded that pedestrian and bicycle safety impacts would be reduced to a less-than-significant level with implementation of mitigation measure MM-3.12-4. Please refer to Sections 3.12.4 (A), (C) and (E) for additional information on the analysis for these impacts and to Section 3.12.5 for a full text of mitigation measures.

Impacts to air quality resulting from truck and train movements are included in the analysis for air emissions resulting from project operation in Section 3.2.4 (B) of the EIR. Table 3.2-13 shows the combined maximum annual emissions of criteria pollutants from both the VMT and Orcem projects. The Draft EIR determined that NO_x emissions would be the only criteria pollutant to exceed the established threshold of significance. While implementation of mitigation measure MM-3.2-1 would reduce impacts, it would not reduce impacts to a less-than-significant level and the impact would remain significant and unavoidable.

I223-4 This comment asks what is being done to address the mile long trains that would be used to haul material in and out of Orcem and what time of day the trains would operate.

Train operations are evaluated in Section 3.12.4 (A) where it is noted that the combined project is expected to generate an average of 2.6 77-car trains per week. The Draft EIR concluded that delays caused by rail operations would be significant and unavoidable despite the implementation of Mitigation Measures MM-3.12-2a and MM-3.12-2b. These mitigation measures would work to limit the number of train movements to between 9:00 a.m. and 4:00 p.m. to avoid peak traffic hours. The City of Vallejo does not have jurisdiction over the railroad,

which is owned by the California Northern Railroad. This impact was determined to be significant and unavoidable because although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, they cannot ensure that the California Northern Railroad will agree to the desired hours of operation.

I223-5 This comment asks what the City of Vallejo is doing to deal with these kinds of changes in the community.

Please refer to the response for comment I223-3 and I223-4 above.

Letter I224

Commenter: Jesse Santana

Date: November 2, 2015

I224-1 This comment challenges the accuracy of the noise measurement of 60 dB at Lemon and 3rd street claiming that nothing but birds chirping can be heard pretty much all day.

Noise impacts are evaluated in Section 3.10 of the Draft EIR. As stated, the primary sources used to support the analysis includes a technical noise impact assessment report conducted for the project by an independent acoustical engineer, AWN Consulting. The assessment for the VMT component is included in Appendix K-1, the assessment for the Orcem component is included in Appendix K-2 and the cumulative assessment for both VMT and Orcem is included in Appendix K-3 of the Draft EIR. Section 3.10.2 Existing Conditions, details the methods used to determine the ambient noise level of the project area. The ten nearest noise-sensitive locations used in the analysis in Section 3.10.4 Impact Discussion, are provided in Table 3.10-4 and illustrated on Figure 3.10-3. Section 3.10.4 analyzes all potential noise impacts from construction and operation of each component individually and the combined project. Mitigation measures are provided for all significant impacts in Section 3.10.5. Please refer to Sections 3.10.2, 3.10.4 and 3.10.5 of the Draft Final EIR for additional information.

Letter I225

Commenter: Sarah

Date: September 22, 2015

- I225-1** This comment asks why the project is being proposed on the waterfront. As discussed in Section 2.2, VMT owns a majority of the 32.55-acre project site and has a long-term lease with the City for the remainder of the site (APN 0061-160-230). Due to the nature of the planned operations on the site, including shipping, the site would require waterfront access. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter I226

Commenter: Robert Schussel, PhD

Date: October 20, 2015

- I226-1** This comment asks approximately how much pollution a ship carrying materials to Orcem from a port in Asia would produce in its trip across the Pacific. Please see Master Response 4, which discusses the geographic boundaries of the analysis.

Letter I227

Commenter: Robert Schussel, PhD

Date: November 2, 2015

- I227-1** This comment asks how trucks and other equipment would be handled if the plant or marine terminal were to experience a problem that prevents either the loading or unloading of materials and would a plan be required as part of the approval process. It is assumed that if loading or unloading could not occur, operations would be delayed or halted until the problem was resolved. Without specific details regarding a potential problem it is difficult to know if there would be an associated CEQA impact.

Letter I228

Commenter: Robert Schussel, PhD

Date: October 20, 2015

- I228-1** This comment provides details on the three attached photographs taken by the commenter on Lemon Street, two facing west and one facing east. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I228-2** This comment asks if the Draft EIR calculations take into account the truck noise and emissions that would occur climbing the steep hills on Lemon Street. Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Please refer to Section 3.10.4, Impact Discussion, for a full discussion of if the project would generate noise impacts during project construction or operation.
- I228-3** This comment asks if neighborhood parking would be adjusted and what say the residents would have. This comment also expresses the opinion that trucks driving in the travel lane does not seem safe. Parking is not considered an environmental impact evaluated under CEQA and is therefore not addressed in the EIR.

Letter I229

Commenter: Robert Schussel PhD

Date: October 21, 2015

- I229-1** This comment asks what fines and violations have each of the Orcem plants in Europe received. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I229-2** This comment asks what hours trucks will be entering and leaving the plant in Vallejo and are the hours consistent with those quoted in the Irish Times (3 a.m. to 3 p.m.). Chapter 2, Project Description of the Draft EIR explains the proposed hours of operation. Section 2.4.2.1 VMT Operation, states that during the time that vessels are moored at the facility, 24-hour operations would be conducted for offloading or loading of cargo. Other VMT Terminal operations would be scheduled as two 10-hour shifts per day, six days per week. Section 2.4.2.2 Orcem Operation, states that the Orcem component of the project is proposed to operate continuously on a 24-hour basis. Since both facilities will operate continuously throughout the day, trucks will be entering and exiting the site 24 hours a day. These hours are not consistent with the hours of 3 a.m. to 3 p.m.

The proposed continuous operation is necessary to limit the environmental impacts associated with the proposed project. If the hours of operation are limited to a block of time throughout the day, impacts to traffic, air quality, and GHG emissions would be exacerbated as all trucks, trains and ships would be traveling to the facility at generally the same time. By allowing transport to the facility 24 hours a day, the arrival of trucks, trains and ships can be dispersed throughout the day, which would lessen environmental impacts.

I229-3 This comment asks whether the proposed hours for trucks are different from the hours in Europe. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-4 This comment asks how long will it take to build the Orcem plant and the VMT port. Section 2.4.1 of the Draft Final EIR, Construction, includes the on-site duration of the VMT and the Orcem project components. Since the publication of the Draft EIR, VMT has removed Phase 2 from the proposed project. However, the construction of the VMT wharf is expected to take 4–6 months, subject to project approval and permit conditions. The Orcem component work would be commenced concurrently with VMT and would take approximately 15 months.

I229-5 This comment asks what market conditions are being referred to on page 4 of the Executive Summary. This comment has been noted and since it does not address the adequacy or accuracy of the Draft EIR, no further response is necessary.

I229-6 This comment asks what is to prevent hazardous materials, coal, garbage, odorous materials from being off loaded at VMT. Section 2.4 Project Description of the Draft Final EIR includes Section 2.4.2 Operation that discusses the proposed operation of both project components, including the VMT project and Phase 1 and Phase 2 of the Orcem project. However, in the Draft Final EIR, Phase 2 of the VMT proposed project has been removed. Section 2.4.2 Operation has been updated accordingly. This section provides details about how cargos will be off loaded to trucks prior to completion of the rail access and to rail cars after the rail access is completed. An updated list of materials that would be handled by VMT can be found in the Chapter 2 Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

- I229-7** This comment asks if limitations on what is brought to the site are legally binding. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant’s use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.
- I229-8** This comment asks how many berths will the port terminal have in Phase 1 and Phase 2. Since the publication of the Draft EIR, VMT has removed Phase 2 from the proposed project. Section 2.4 Project Description contains an updated description of both project components.
- I229-9** This comment asks what hazardous byproducts are produced when GGBFS cement is made. Please refer to the response to comment I229-66 for more information regarding the components of the GGBFS and finished materials.
- I229-10** This comment asks what percent of the cement is comprised of GGBFS. This does not address the adequacy or accuracy of the Draft EIR, no further response is necessary.
- I229-11** This comment asks what materials in GGBFS cement are considered hazardous and how many metric tons will be brought to the site. Please refer to the response to comment I171-35 and I229-66 for more information regarding the components of the GGBFS and finished materials.
- I229-12** This comment asks why would a shipper want to use VMT over other ports such as Oakland.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I229-13** The comment states that VMT claims the ships they will use are not equipped to use shore power. The commenter then asks if other ports require the use of shore power.
- Please refer to Master Response 3 for information regarding shore power. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I229-14** This comment asks can shore power be required. Please refer to Master Response 3 for additional information regarding shore power.
- I229-15** This comment asks how many people will be employed at the proposed project once all components are built and what types of positions they will be. Section 2.4 Project

Description of the Draft Final EIR includes Section 2.4.2, Operation, that discusses the staffing of both project components. The VMT component of the project estimates 25 full-time jobs during regular daily operation and up to 40 jobs during vessel loading and unloading periods. Orcem Plant estimates 100 jobs during the 15-month construction phase and up to 40 full-time jobs during operation.

I229-16 This comment asks if employees at the proposed project site would be union employees. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-17 This comment asks what taxes will be generated by the proposed project. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-18 This comment asks if a fee can be charged per truckload and asks what other cities and ports do. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-19 This comment asks can the hours of trucks entering and leaving plant/port be regulated. Please see response to comment I229-2 above.

I229-20 This comment asks if the operating hours of the trains are regulated. Please see Response I53-2.

I229-21 This comment asks can penalties be assessed for blocking railroad crossings. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-22 This comment asks if the movement of ships will interfere with ferry operations. Impacts related to potential collisions on the Bay are addressed in Hazards and Hazardous Materials Section 3.7.5. (b). The Draft EIR concluded that it is

unlikely the structures would pose any navigation hazards in the immediate project area because they would be located adjacent to existing shoreline in the same general vicinity as the wharf and would not extend into Mare Island Strait. The limited number of vessels traveling through Mare Island Strait would not be navigating through the area where the proposed VMT wharf would be constructed further reducing the possibility for potential vessel collisions with the structures. A notice would be published in the Local Notice to Mariners in accordance with USACE requirements (33 CFR 66.01) notifying small pleasure crafts of changes in navigational hazards caused by the VMT project. As discussed in the Project Description Section 2.4.2.1 VMT Operation, an average of 7.5 vessels per month would use the port. This is a relatively low number of vessels and would not be expected to cause congestion on the waterways that would interfere with existing ferry operations.

I229-23 This comment asks what is the difference in making GGBFS cement versus using Portland Clinkers. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-24 This comment asks what additional materials are required for Portland clinkers. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-25 This comment states there is a list of products that will come to the port and asks if the materials allowed at the port can be restricted to the list in the Draft EIR.

An updated list of materials that would be handled by VMT can be found in Section 2.4.2.1 VMT Operation of the Draft Final EIR. This Section also notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

I229-26 This comment asks what other locally manufactured products will be handled at the proposed project other than cement.

See Response I229-25 above.

I229-27 This comment asks if the Port of Oakland operates 24 hours a day 7 days a week.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-28 This comment asks if other nearby ports operate 24 hours a day/7 days a week or have any new restrictions on operating hours, noise or emissions.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-29 This comment asks what does Impact 3.2.3 identified in the Draft EIR mean in plain language.

Impact 3.2.3 addresses whether the proposed project includes applicable control measures from the BAAQMD Air Quality Plan. The Impact 3.2.3 discussion shows that the proposed project would include applicable control measures from the Clean Air Plan as mitigation measures. Section 3.2 (A) describes in greater detail Impact 3.2.3.

I229-30 This comment asks if lower polluting devices are available, why their use is not being discussed.

This comment has been noted and since it does not address the adequacy or accuracy of the Draft EIR, no further response is necessary.

I229-31 This comment asks if critics would agree with the best practices for dust control that are proposed for the project.

Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust.

I229-32 This comment asks if the Bay Area 2010 Clean Air Plan (discussed in Section 3.2.) would allow the ozone levels generated by the proposed project. Ozone is a secondary pollutant, formed from precursor pollutants VOC and NO_x. VOC and NO_x react to form ozone in the presence of sunlight through a complex series of photochemical reactions. As a result, unlike inert pollutants, ozone levels usually peak several hours after the precursors are emitted and many miles downwind of the source.

The Draft EIR also determined that VMT and Orcem, both individually and combined, would exceed the Bay Area Air Quality Management District's threshold for NO_x emissions. Mitigation is provided in mitigation measure MM-3.2-1, which requires an air quality emissions report from trucks and on-site

equipment be submitted to the City of Vallejo for review. Despite this mitigation this impact would remain significant.

I229-33 This comment asks if there is a sea wall high enough to protect the site over the next 100 years. Sea level rise is discussed in Section 3.6.4 of the FEIR.

I229-34 This comment asks why the proposed project is utilizing less polluting equipment than the equipment being discussed in Section 3.6.1. The FEIR has been revised to show the use of some additional pollution control methodology.

I229-35 This comment asks why van pools are not required in mitigation measure MM-3.6-2a.

Mitigation measure MM-3.6-2a states that Orcem and VMT shall encourage employee commute alternatives such as carpooling, which could include van pools as well as traditional carpooling.

I229-36 This comment asks in Section 3.7.4 why there is not a requirement to disclose the origin of each truckload of dirt as well as testing of the dirt for contaminated materials.

The project applicants would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

I229-37 This comment asks what will be required on site for fire protection and handling of hazardous materials.

Section 3.11.4 (a) of the Draft EIR, Impact Discussion, states that the proposed project could increase the demand for fire protection due to the nature of the proposed uses on the site, which include heavy manufacturing and industrial uses. However, the project site is equipped with an existing 8-inch to 10-inch diameter looped water main that serves the overall site, delivering raw water for fire protection purposes. This fire protection system would be upgraded with placement of approved fire hydrants, and permanently maintained in accordance with the Vallejo Fire Department (VFD) standards to provide sustained water volumes for fire suppression purposes within the project site. In addition, VFD has confirmed that they have adequate equipment and personnel to serve the

proposed project, and the project would not increase response times or otherwise impact performance of VFD. Therefore, no new or physically altered fire protection facilities would be required as a result of the project, and impacts would be less than significant.

Section 3.7.1, Regulatory Setting, lists all applicable federal, state and local regulations pertaining to the handling of hazardous materials. The project is required to comply with these regulations where applicable. For more information please refer to Sections 3.7.1 (hazards) of the Draft Final EIR.

The Draft EIR determined that the risk of creating a significant hazard to the public or environment through routine use, transport or disposal of hazardous materials would be less-than-significant with implementation of mitigation measures MM-3.7-1a, MM-3.7-1b, MM-3.7-2a, MM-3.7-2b, MM-3.7-2c, MM-3.7-3 and MM-3.8-1 (from Section 3.8 Hydrology and Water Quality). Please refer to Draft Final EIR Section 3.7.4 for the full impact analysis and Section 3.7.5 for full text of mitigation measures.

I229-38 This comment states that under federal laws the VMT could park railroad cars on Mare Island or even on tracks or crossings with coal, garbage, odiferous or hazardous materials. The commenter asks how this can be prevented.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-39 This comment asks how much ground vibration will occur during the construction of the VMT and Orcem project components. Section 3.10.4 (B), Impact Discussion, evaluates whether construction of the proposed project would generate excessive groundborne vibration. The Draft EIR determined that, given the location of the nearest sensitive receptors to the project site and the distance between them and the construction activity, in particular pile driving for the dock at a distance of 900 feet or greater, it is unlikely that there would be any perceptible vibration off site during construction activity. Therefore, vibration impacts during construction of the VMT or Orcem project components are considered less than significant. Refer to Table 3.10-30 for vibration levels associated with typical construction equipment and activities.

I229-40 This comment asks if there is the possibility that the ground vibration caused during construction will damage nearby buildings and roads.

Section 3.10.4 (B), Impact Discussion, evaluated whether construction of the project components would generate excessive groundborne vibration. The Draft EIR concluded that groundborne vibration levels for the operation of heavy construction equipment that would be used in demolition or construction of the project components would not be expected to cause damage to residential buildings or roads of normal California construction.

I229-41 This comment asks when the proposed project is at full operating capacity, how much more noise and emissions will nearby residents experience compared to the former flour mill operation that occupied the proposed project site.

A comparison of the conditions experienced with the former flour mill operation that previously occupied the site is not possible because the Flour Mill has not been in operation for close to two decades. The Draft EIR established the baseline condition of the project site by evaluating the existing conditions of the site prior to construction. See Section 2.2 Existing Project Site, for a discussion of the baseline conditions.

I229-42 This comment asks how many more trucks, railroad cars and this will be entering and leaving the proposed project compared to the former flour mill operation that occupied the proposed project site.

Please see Response I229-41 above.

I229-43 This comment asks if the construction hours proposed in Section 3.10.14 (7 a.m. to 9 p.m. 6 days a week) can be modified to Monday through Friday 7 a.m. to 6 p.m. and Saturday 9 a.m. to 5 p.m. The commenter states the proposed standard is excessive for those living close to the construction. Section 3.10.4 of the Draft EIR, Impact Discussion, states that the City of Vallejo designates allowable hours for construction activity within its Noise Element in Policy 2b. The allowable hours are 7:00 a.m. to 9:00 p.m. (City of Vallejo 2012). This comment will be included in the Draft Final EIR so that it can be considered by the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-44 This comment asks why hourly average for noise is used to create noise thresholds when much of the noise is intermittent, which makes it even more intrusive. The comment states the models used for the proposed project are flawed. Please see Response I52-12.

I229-45 This comment asks what can be done to create some noise standards during construction.

Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. The Draft EIR determined construction impacts during the construction of the VMT project component would generate temporary noise levels up to 75 dBA Leq at the closest residential receptor locations, resulting in potentially significant construction noise nuisance impacts. Construction of the Orcem plant would be temporary and would not exceed established standards so impacts would be less than significant. The Draft EIR also determined that the combined effects of construction of the VMT and Orcem project components would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

Section 3.10.5, Mitigation Measures, of the Draft Final EIR presents mitigation for all significant noise impacts. Mitigation measures MM-3.10-3a and MM-3.10-3b would require a number of measures that will be adhered to during construction of the VMT facility in order to lessen noise impacts during the construction of the VMT facility and during pile-driving activities. Mitigation measure MM-3.10-4 would require a number of measures to be adhered to during construction of the Orcem facility in order to further reduce potential noise impacts during the construction of the Orcem facility. Mitigation measure MM-3.10-4 would also decrease the temporary increase in ambient noise levels caused by the combined effect of construction of the VMT and Orcem project components. Please refer to Section 3.10.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.10-1 to MM-3.10-4.

I229-46 This comment asks if mitigation measure MM-3.12.2a can mandate truck routes and the number of trucks on each route. Through Resolution 10-294 N.C., the City has previously designated truck routes. Lemon Street has not been re-designated as a truck route; rather, project trucks are allowed to use Lemon Street because it is the most direct route between the State Route network and the project site. Other routes would require longer truck trips through the City and large vehicle turning movements that cannot be accommodated by the current roadway design. As described in Section 3.12 of the EIR, physical improvements to Lemon Street would be required under mitigation measure MM-3.12-3.

I229-47 This comment asks if mitigation measure MM-3.12.2a can mandate the timing trucks, railroad cars and ships can enter and exit the proposed project.

The Orcem project component has proposed to operate a continuous operation (24 hours a day) in order to limit the environmental impacts associated with the proposed project. In order to reduce the noise impact of the continuous plant operation, it states in Section 3.10.4 of the Draft EIR, Impact Discussion, that the operations equipment staging area in the VMT would not be operated between the hours of 12:00 a.m. and 6:00 a.m. In addition, Section 3.12 Transportation and Traffic includes mitigation measure MM-3.12-2 to reduce the traffic impact caused by trains travelling to and from the project site. Mitigation measure MM-3.12-2 states that rail activity would be limited to the hours of 9:00 a.m. and 4:00 p.m. The City could consider further restrictions under the use permit which would become conditions of permit approval.

I229-48 This comment asks why the project applicant is not required to pay for 100 percent of the road upgrades since the upgrades would be due to the proposed project.

As discussed in Section 3.12.5, mitigation measure MM-3.12-3 would require the applicants to make improvements to Lemon Street in order to provide for safe and efficient vehicle movements. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to the roads to a less-than-significant level. Please refer to Section 3.12.4 (C) for a full analysis of the impact and to Section 3.12.5 for a full text of the mitigation measure.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-49 This comment asks if a fee will be levied on each truck to pay for the damage to the roads generated by the proposed project operations. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I229-50 This comment asks how many railroad crossings will need to be upgraded and who will be responsible for paying for these upgrades.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I229-51 This comment asks if any costs associated with the upgrade to railroad crossings be required as a condition of approval. Please see Response I229-50 above.

I229-52 This comment asks why the revised operations plan is not the preferred plan. Section 6.0, Alternatives, gives a brief overview of the Alternatives analyzed in the Draft Final EIR and states the environmentally superior alternative. CEQA requires the lead agency reviewing the proposed project to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Draft Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to supports its action based on the Draft Final EIR and/or other information in the record.

The lead agency (City of Vallejo) is required to fully examine the Draft Final EIR record prior to deciding whether the specific benefits of a proposed project outweigh the unavoidable adverse environmental effects. The City of Vallejo has in no way reached a decision about the proposed project and will carefully examine and consider the Draft Final EIR (including the Revised Operation Alternative) before coming to a final decision. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-53 This comment asks how much of the materials from the project site will be leaked into the soil and waterways and what effect will this have on the ground water, the environment and wildlife.

Pollutants to water are discussed in Draft Final EIR Section 3.8 Hydrology and Water Quality. Section 3.8.4 Impact Discussion, discusses how the proposed project would include appropriately sized storm drain systems with both volume- and flow-based design treatment systems (retaining media/sand filters), as well as rainwater harvesting/reuse LID tanks, which would decrease peak discharge rates compared with the existing system conditions. As part of the project's permitting and approval, the applicants will be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the Stormwater Regional Control Board and the San Francisco Regional Water Quality Control Board requirements. The SWPPP will include the BMPs necessary to prevent stormwater runoff from carrying construction related

pollutants into nearby receiving waters (in this case, the Bay-Delta). Section 3.8.5 of the Draft EIR, mitigation measures for Impact 3.801.

Because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives, and because a SWPPP would be prepared for the operational phase of the project in compliance with NPDES permitting requirements (GIP 2014-0057-DWQ), the operational impacts of the VMT and Orcem project component would be less than significant.

I229-54 This comment states that the Air Quality Appendix states that the estimated number of cases of cancer (9.74 million) due to the proposed project is below the threshold of 10 per million and is therefore not a significant impact. The commenter asks what the standard error of measurement is for the 9.74 million value.

The HRA was prepared in accordance with OEHHA 2015 guidelines. The HRA is an assessment of predicted cancer risk and is not based on measured values. The CEQA threshold for cancer risk is 10 in a million. A proposed project would exceed the level of significance if the predicted cancer risk is equal to or greater than 10 in a million. Predicted cancer risk is not rounded up or down. A predicted cancer risk of 9.7 is considered by the BAAQMD to be below the CEQA threshold of 10 in a million.

I229-55 This comment asks if the limited number of jobs (about one per acre) satisfies the General Plan definition of employment for this land.

Section 3.9 Land Use and Planning, examines compliance with the City’s general plan, zoning code and other applicable land use regulations. As stated in Section 3.9.1 Regulatory Setting, the City of Vallejo General Plan designated the project site as “Employment” and the project is consistent with this zoning.

I229-56 This comment asks what types of manufacturing currently exist in Vallejo that would be attracted to VMT.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-57 This comment asks what types of businesses are most likely to use the VMT.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-58 This comment asks what bulk break commodities are contemplated for the 8.05 acres, and can the commodities/materials can be spelled out and limited to those commodities that are listed.

Refer to the response to comment I229-25.

I229-59 This comment asks how much sewage discharge will be produced by both components of the proposed project.

Section 3.13.4, Impact Discussion, states the proposed project would generate a total of 2,400 gallons of wastewater per day (1,800 gallons from the VMT project component and 600 gallons from the Orcem project component), which would be collected by VSFCO sewer lines and treated at the Ryder Street WWTP. The Ryder Street WWTP has a permitted dry weather capacity of 15.5 mgd. The short-term wet weather capacity of the Ryder Street WWTP is 60 mgd. During the rainy season, the Ryder Street WWTP has a capacity of 35 mgd for full secondary treatment and an additional 25 mgd for primary treatment. The addition of 2,400 gallons of wastewater per day would constitute less than 0.02% of the total permitted dry weather treatment capacity of the Ryder Street WWTP. The Ryder Street WWTP has existing capacity to serve the proposed project and additional capacity would not be needed as a result of the proposed project. Therefore, impacts would be less than significant.

I229-60 This comment asks if 300 feet is a sufficient distance between the proposed plant and existing residences. Please refer to Master Response 1 for detailed information related to health impacts on children, the elderly and other sensitive receptors. Also see Section 3.10 of the Draft EIR, Noise, shows the noise sensitive land use locations in the project vicinity.

I229-61 This comment asks if each truckload of engineered fill be certified.

The impacts related to reuse of dredged materials for engineered fill are discussed in detail in the Draft EIR in Section 3.3.4 (which specifically addresses impacts to aquatic resources) and Section 3.8.4 (which discusses how such activities might violate water quality standards). Mitigation Measure MM-3.8.1 requires preparation of a dredged material management plan for the VMT project to ensure that dredged materials are handled in a manner that is consistent with the San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the San Francisco Regional Water Quality Control Board (RWQCB), and the Bay Conservation and Development Commission (BCDC).

I229-62 This comment asks if the project applicants will pay for all dredging costs.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-63 This comment asks what the other 120,000 tons of bulk materials will be. The commenter is concerned that garbage or odorous materials may be part of these shipments. Refer to the response to comment I229-25.

I229-64 This comment asks if the proposed project will use lower noise vehicles such as electric or natural gas vehicles.

Noise from tracks or cars was not found to be a significant impact resulting from the proposed project, thus lower noise vehicles were not considered as project mitigation.

I229-65 This comment asks if any of the railroad cars being used by the proposed project will be open and how dust will be dealt with when the greatest amount of dust is lost early in the trip. Railroad cars will be closed. Please refer to PDF-AQ-3.

I229-66 This comment asks what heavy metals and other hazardous chemicals/materials are contained in the GGBFS and finished materials.

As discussed on Draft Final EIR pgs. 3.7-18 and 3.7-20, GBFS, the raw material used in the process, is the principal material which would be stored, used and processed on the Orcem Site. GBFS has a low solubility in water and has inherent free moisture content, from 8% to 12%. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. It is nonflammable, nontoxic and nonexplosive. Laboratory analysis of a GBFS sample, undertaken by Weck Laboratories, California, is provided as Attachment A of the Orcem Hazards and Hazardous Materials Report (Appendix I-9). As indicated there, GBFS has the following typical chemical composition:

- Calcium, expressed as CaO; $41 \pm 3\%$
- Silicon, expressed as SiO₂; $35.5 \pm 2.5\%$
- Aluminium, expressed as Al₂O₃; $10.5 \pm 2\%$

- Magnesium, expressed as MgO; $7.5 \pm 1.5\%$
- Titanium, expressed as TiO₂; < 1%
- Sulphur, expressed as SO₃; <<1%.

GBSF is classified as non-hazardous, according to Table 2.1 of Draft EIR Appendix I-9. The commenter is referred to Draft EIR Appendix I-9 for a complete description of the chemical composition of GBFS, limestone, pozzolan rock, gypsum, and an inventory of oils, greases and lubricants to be stored on site. The project applicants would be subject to all federal, state and local laws pertaining to the evaluation, monitoring and transportation of hazardous materials.

Since no question specific to the adequacy or accuracy of the Draft EIR is raised, no further response is required.

I229-67 This comment asks what will the leaching and change in pH do to the environment? As discussed in Draft EIR Section 3.8, Impact 3.8-1, compliance with the State Water Resources Control Board Industrial General Permit will require implementation of an active treatment system to filter out pollutants of concern, and it will include a pH adjuster. Stormwater runoff within the site and from the site would be contained and treated as described in Draft EIR Section 3.8.

I229-68 This comment asks if truck routes are established, can the truck drivers or the applicants be fined for violations.

Section 2.4.2 of the Draft EIR, Operation, discusses how trucks would access the VMT Site from Derr Avenue coming from Lemon Street through a mixed commercial and residential area. They would travel to the freeway along SR-29 for southbound I-80 traffic, and along Lemon Street for northbound I-80 and eastbound I-780 traffic. Lemon Street has not been re-designated as a truck route; rather, project trucks are allowed to use Lemon Street because it is the most direct route between the State Route network and the project site. Other routes would require longer truck trips through the City and large vehicle turning movements that cannot be accommodated by the current roadway design. As described in Section 3.12 of the EIR, physical improvements to Lemon Street would be required under mitigation measure MM-3.12-3.

As for fining trucks that do not use this route, this comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft

Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-69 This comment states there are six common types of Pozzolan (fly ash) (discussed on page 2-17) and asks which type and how much can be expected to be brought and stored at the project site?

The commenter is referred to Draft EIR pgs. 3.7-19 and 3.7-20, as well as Draft EIR Appendix I-9 for a complete description of the chemical composition of GBFS, limestone, pozzolan rock, gypsum, and an inventory of oils, greases and lubricants to be stored onsite. Should the material be classified as a hazardous waste, it will be handled according to applicable laws and regulations, as discussed in Draft EIR Section 3.7, including applicable California Occupational Safety and Health Administration permissible exposure limits using engineering controls and monitoring. Exact types and quantities of such materials would depend on market conditions and facility capacity, however, the general types of materials to be transported, stored and handled will be documented in the facility's hazardous materials business plan, to be submitted to the CUPA (i.e., the Solano County Department of Resource Management, Environmental Health Services Division) via the California Environmental Reporting System. The only material classified as a hazardous substance is Portland cement clinker, which will be stored indoors, and handled according to OSHA regulations. See also response to Comment I171-35.

I229-70 The commenter states that fly ash from coal is considered a hazardous material and asks if it will be allowed on the project site. Fly ash from coal would not be transported to or handled on the project site. See also response to Comment I171-35.

I229-71 This comment states that gypsum and lime dust (discussed on page 2-21) are considered hazardous materials and asks why they are being kept in open storage. The commenter is referred to Draft EIR Appendix I-9 (pg 10, Table 3.2), which shows that gypsum and limestone are classified as a non-hazardous substance. See also response to Comment I171-35.

I229-72 This comment asks who determines the standard for fugitive particulate emissions. CEQA thresholds used in the analysis are based on thresholds developed by the BAAQMD.

I229-73 This comment asks if the proposed project would be required to comply with C3 and is there any discussion on what would need to be done. The project is required to comply with "C3" (referred to in Draft EIR Section 3.8 as the

Municipal Stormwater Permit). The commenter is referred to Draft EIR Section 3.8 and Draft EIR Appendix J-1 and J-4. This comment has been noted and since it does not address the adequacy or accuracy of the Draft EIR, no further response is necessary.

I229-74 This comment asks why the term self-propelled personal watercraft launch was used instead of kayaks and canoes. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-75 This comment asks who determined the self-propelled personal watercraft launch was adequate mitigation for the loss of 600 feet of waterfront. The commenter asks if this mitigation can be changed.

As discussed in Chapter 2, Project Description and Section 3.9, Land Use and Planning of the Draft EIR, the proposed project has been planned to take advantage of an existing industrial site and marine facilities that were historically used by General Mills. Public access to the site would be restricted due to Department of Homeland Security regulations for the security of active marine terminals. Public access to the shoreline would continue to be provided to the north and south of the project site. In addition, VMT proposes to install a new self-propelled personal watercraft launch just north of the access ramp to K Dock at the south end of the City of Vallejo Municipal Marina. This public access improvement would be completed by VMT in lieu of providing direct public access to the waterfront within the project site.

Please see Response A2-6 for more information regarding this issue. Also the Land Use Section describes potential policy inconsistencies associated with this aspect of the project.

I229-76 This comment asks if the self-propelled personal watercraft launch is wanted by the marina and if it will create a security issue for the marina.

This comment does not include a specific comment on the adequacy or the accuracy of the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that it can be considered by the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-77 This comment asks where the Portland Clinkers will come from.

Sourcing of the portland clinker is not required to be examined under CEQA and are not within the scope of this EIR. Since no question specific to the accuracy or adequacy of the Draft EIR is raised, no further response is required.

1229-78 This comment asks if the Portland Clinkers will arrive via ship or truck. The commenter also asks if they are arriving by truck, how many additional truck trips would be added.

Section 3.7.4 of the EIR, Impact Discussion, discusses how the Orcem project component would receive portland cement clinker via several alternative transport modes. Portland cement clinker is the only material classified as a hazardous substance. The project applicants would be subject to all federal, state and local laws pertaining to the evaluation, monitoring and transportation of hazardous materials. Section 2.4.2 Operation provides details on how many additional truck trips can be expected from the proposed project. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area.

1229-79 This comment asks who established the noise standards and whether they are appropriate for intermittent noise.

Section 3.10.1 of the Draft EIR, Regulatory Setting discusses the federal, state and City of Vallejo noise standards and ordinances. Please review this section to understand the regulatory setting that established the noise standards evaluated for the intermittent noise created by the proposed project. Section 3.10.4 of the Draft EIR, Impact Discussion concluded that because workers and construction equipment would use existing routes, noise from slow-moving passing trucks (75 dBA L_{max} at 50 feet) would be similar to existing vehicle-generated noise. For this reason, short-term intermittent noise from trucks would be minor when averaged over a longer time period (i.e., an hour, or more).

1229-80 This comment asks why interior noise levels are calculated on the assumption that windows in a home are closed since many residents keep their windows open (especially at night). The commenter asks if this should be taken into consideration and states that they believe the noise evaluation is flawed. Section 3.10 uses standard methods for assessing noise impacts, including customary ways of measuring ambient noise. There is no discussion of closed windows in Section 3.10.

I229-81 This comment asks if the residents will have to keep their windows closed to mitigate diesel particulates. Please refer to Master Response 7 for a description of the MMRP and response to comment I40-15.

I229-82 This comment asks out of the five nearest Portland cement plants how far are they from residential areas and how many truck trips and railroad cars do they require. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-83 This comment asks if there is proof that the lighting from the proposed project components would not significantly impact residents (including those on the top of the hill) marine wildlife and other wildlife.

The draft lighting plan is included in the Draft Final EIR as Appendix C. Potential lighting impacts are examined in Section 3.3.5 Impact Discussion (A) Increased Nighttime Artificial Illumination of Water. This was determined to be a significant impact. Measures that are often used to minimize the effects of artificial night lighting on marine biota include installation of wharf, pier, and dock lighting that is low to the dock or pier surface; use of low-voltage, sodium, LED, or non-yellow-red spectrum lights; and use of shielding to restrict the transmittance of artificial light over the water. Critical to reducing artificial lighting impacts to aquatic species is to restrict artificial lighting to the areas of the wharf that require artificial illumination and to limit overwater lighting. Mitigation measure MM-3.3-7 would require that VMT develop and implement a wharf lighting plan that would minimize, to the maximum extent practicable, artificial lighting installed on and adjacent to the VMT wharf. The plan would be required to include use of fully shielded, downward casting, low voltage, sodium, LED lights; restrict artificial lighting to those areas of the wharf and adjacent staging areas that require lighting; and direct all wharf and near wharf lighting to illuminate only the wharf and ground and not adjacent Napa river waters or the sky. A full text of the impact analysis is provided in Section 3.3.4 Impact Discussion (A) and a full text of the mitigation is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR. This impact was determined to be less than significant with incorporation of mitigation measure MM-3.3-7.

I229-84 This comment asks why 100 percent of the trucks are not required to comply with 2010 standards and how compliance will be verified.

Mitigation Measure MM-3.2-1 has been revised. Please refer to Master Response 2.

I229-85 This comment asks with continuous operations (24 hours a day, 7 days a week) how can compliance with the 2011 standards be met. Please see Master Response 2 for mitigation measures for trucks.

I229-86 This comment asks how air quality measurements made in Vacaville for PM10 be indicative of Vallejo which is 20 miles and several large hills away.

Please refer to response to comment I54-59.

I229-87 This comment asks what long term effects will there be to nearby residents since the NO_x levels would not be compliance with goal as established by the Clean Air Plan.

Please refer to Section 3.2 (A) of the Draft Final EIR for a discussion of the Clean Air Plan. Also, please refer to response to comment O4-43.

I229-88 This comment asks how average emissions calculated for equipment can be a meaningful indicator because equipment is only used for a small percentage of the time. Would peak levels be significantly higher?

Please refer to Section 3.2, Table 3.2-6 for BAAQMD CEQA thresholds of significance. The BAAQMD has developed these thresholds of significance to be health-protective. Proposed project emissions are compared to the BAAQMD thresholds of significance. Peak day emissions are not considered by the BAAQMD to be representative of typical facility operations..

I229-89 This comment asks why petroleum coke, a substance that is not considered environmentally friendly, being brought to the project site.

Please see response to comment O4-48.

I229-90 This comment asks how petroleum coke will be used and stored at the project site.

Section 3.2.4 of the Draft EIR, Impact Discussion, states that, if petroleum coke is imported, it would be imported via a sealed system to minimize fugitive dust and would be treated in a similar fashion as to what is currently planned for clinker imports. The sealed systems with any associated bag filters/release points would achieve an emission concentration of 2.5 mg/Nm³ (0.0011 grains/dscf) in line with the appropriate BACT limit (Appendix D-1).

I229-91 This comment asks how much dust will be generated from front end loaders putting product in to trucks.

Please refer to Section 3.2 for a discussion of emissions. Tables 3.2-11 and 3.2-12 show dust emissions associated with material loading, which includes dust from front end loaders.

I229-92 This comment asks what products will be made in mode 2 and mode 3 and will these products require any processing beyond grinding and lowering moisture content.

Section 3.2.4 of the Draft EIR, Impact Analysis, states that while the Orcem Plant would primarily produce GGBFS, the plant would also operate in a number of finished product operational modes within any given time frame, based upon market demand for GGBFS and other cement products. These modes may include:

- Orcem Mode 1 – GGBFS production only
- Orcem Mode 2 – Cement products production only
- Orcem Mode 3 – GGBFS production and cement

Details regarding the material production associated with these modes, associated phases, and quantity of materials by phase are provided in Appendix D-1.

I229-93 This comment asks what products are made at each of the European plants in mode 2 and mode 3.

This comment does not address the adequacy or accuracy of information provided in the Draft EIR and no further response is necessary.

I229-94 This comment asks why barge operations are not considered in the calculations of emissions. The Air Quality and Greenhouse Gas Evaluation prepared by Ramboll Environ in 2015 analyzed the transportation variation that results in the highest possible emissions. Although there are many potential ways for materials to be transported to and from the project site, four deep-draft vessels per month with truck and rail transport resulted in the highest emissions. Transport on barges (with the attendant small vessels) resulted in lower emissions per ton of material transported and thus was not included in the Draft Final EIR.

I229-95 This comment asks while the Bay Area Air Quality Management District may not have standards for SO_x, CO_x, etc., are there standards for SO_x, CO_x, etc. that can be used?

It is unclear what the commenter means by “CO_x”. Please refer to thresholds of significance in Section 3.2. Please note that Table 3.2-6 identifies a threshold of significance for CO. Sulfur is a constituent of diesel fuel. International Maritime

Organization (IMO), EPA and CARB regulations have greatly reduced the sulfur content of diesel fuel in the past 10 years. Due to these regulatory requirements, the BAAQMD has been in attainment of SO₂ federal and state standards for many years and, per its guidance, does not require quantification of SO_x or dispersion modeling of SO₂ emissions.

I229-96 This comment asks if there is enough 20 percent biodiesel available at the plant for all of the equipment and trucks in the plant as well as hauling materials on and off the site. The proposed project is a new facility. Sufficient equipment will be purchased/leased to meet the demands of the facility and relevant mitigation requirements.

I229-97 This comment asks if the risk of cancer increases the closer an individual is to the plant and or truck routes. How much does this risk increase. Cancer risk is dependent upon many variables, of which distance to the source of emissions is one. Please refer to Master Response 1 and Section 3.2 for a comprehensive discussion of cancer risks and impacts.

I229-98 This comment asks if the logic in the traffic analysis is flawed because much of the traffic comes from trucks which pollute more than cars. Both the air quality and traffic analysis take into account truck traffic that makes up the majority of project traffic.

I229-99 This comment asks if odor is a problem at the residences that are closer than Grace Patterson Elementary School. The analysis for odor emissions sites that the BAAQMD has no adopted thresholds for odor emissions and that odor generating uses included in their screening criteria are not included in the operation of the proposed project. A full analysis of odor emissions is provided in Section 3.2.4 Impact Discussion (E) of the Draft Final EIR. Refer to response to comment A9-8 for more information regarding odors.

I229-100 This comment asks what “application of offsets to Orcem’s contribution to NO_x emissions” means. Does it mean Orcem emissions have not been reduced locally but they are buying offsets from other regions to make up for going over thresholds. Please refer to Master Response 6 for information regarding offsets.

I229-101 This comment asks why isn’t the mitigation for lost habitat double or triple what is destroyed since this is what most agencies typically require. Final mitigation requirements are set within the agency permit requirements. The MMRP (discussed in Master Response 7) will include final agency sanctioned mitigation measures.

I229-102 This comment asks how many samples for contaminants will be required per cubic yard and how contaminated materials will be handled. See response to Comment I171-35.

I229-103 This comment asks how many permanent and part-time employees will be needed for VMT. Section 2.4 Project Description of the Draft EIR includes Section 2.4.2, Operation, that discusses the proposed operation of both project components, including details on staffing. The staffing section states that during vessel loading/unloading operations, there could be up to a total of 40 individuals working on the VMT site. During regular operations, it would be expected that 25 individuals engaged in cargo loading and offloading, site maintenance operations, and administrative duties would be at the facility on a permanent basis. Additionally, there would be truck drivers and rail equipment handlers who would enter and exit the site based on operational needs.

The Orcem Plant would create approximately 100 jobs for the duration of the estimated 15-month construction phase. Once the Orcem Plant is operating, the plant systems would be operated by up to 20 full-time employees, operating in shifts during a 24-hour period, together with up to 20 administrative and sales staff, for a total of up to 40 full-time jobs at the facility (applies to both operational Phases 1 and 2).

I229-104 This comment asks what magnitude earthquake are the project components designed to withstand and what protocols are there to control/contain hazardous materials during an earthquake event.

The commenter is referred to Section 3.5.4 of the Draft EIR (Impact 3.5-1), which discusses the project's potential to expose people or structures to potential adverse effects involving strong seismic ground shaking. Facilities would be constructed in accordance with the current version of the California Building Code and geotechnical design recommendations, as determined in the final design process by the City of Vallejo Building Division and project engineers. Appendix H-1 and H-2 provide preliminary seismic design information that is subject to change based on the City of Vallejo Building Division review and approvals of final plans. The commenter is also referred to Mitigation Measure MM-3.7-4 (Emergency Response Plan) which addresses actions to take in the event of an emergency, which includes the potential for an earthquake-caused emergency.

I229-105 This comment asks where fill for Phase 2 comes from and how will it be tested. Since the publication of the Draft EIR, VMT has removed Phase 2 from the

proposed project. Sourcing of fill is outside of the scope of the proposed project. The project applicants would be subject to all federal, state and local laws pertaining to sourcing and transportation of fill material.

I229-106 This comment asks if grading “fill in laydown area” obstruct views from the water or those on land outside the project site. Section 3.1.4, of the Draft EIR, Impact Discussion, discusses if the construction or operation of the proposed project would have a substantial adverse effect on a scenic vista. The Draft EIR concluded the proposed project would alter the existing view of the site from the six viewing locations and would result in minor view blockages of the Bay from some locations; however, the project would not result in any adverse impacts on a scenic vista and impacts would be less than significant. Please see Section 3.1.4 (A) for more details about this aesthetic analysis.

I229-107 This comment asks what is blended GGBFS. The Section 2.4.2.2 Orcem Operation, of the Draft EIR, provides a description of blended GGBFS.

I229-108 This comment asks during mode 2 will emissions be higher than mode 1. While the Orcem Plant would primarily produce GGBFS, the plant would also operate in a number of finished product operational modes within any given time frame, based upon market demand for GGBFS and other cement products. These modes may include: Orcem Mode 1 – GGBFS production only; Orcem Mode 2 – Cement products production only; and Orcem Mode 3 – GGBFS production and cement. Please refer to response to comments A1-4 and A1-5 for a discussion of impacts associated with cement production.

I229-109 This comment asks what the differences will be between mode 2 and mode 1 in terms of the types of products produced, emissions created, need for more trucks, etc. Please refer to response to comment I229-108 for a description of Modes 1 and 2 regarding types of product produced. Please refer to response to comments A1-4 and A1-5 regarding emissions. Truck trips are dependent on facility throughput and product demand, not on the mode of operation.

I229-110 This comment asks how often in Europe has mode 2 occurred and how often mode 3 at each plant.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-111 This comment asks if mode 2 and/or mode 3 can be restricted or not allowed.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-112 This comment asks if emissions reductions can be mandated for the proposed project so that the City can reach its CAP objectives. Please refer to Section 3.2 (A) of the Draft Final EIR for a discussion of the Clean Air Plan. Also, please note that compliance with BAAQMD rules and regulations is not the same as exceedance of CEQA significance thresholds. The proposed project would exceed the CEQA thresholds of significance for NOx and would be deemed significant under CEQA. The proposed project would comply with BAAQMD rules and regulations – BAAQMD cannot issue permits for operations that are not in compliance with BAAQMD rules and regulations. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-113 This comment asks for Impact 3.6.1, 3.6.2 and 3.6.3 if the City's CAP can be amended to include marine and rail so that the proposed project must meet these standards? Section 3.6.4 Impact Discussion (B) evaluates the project's consistency with the City's Climate Action Plan (CAP). Table 3.6-10 provides the strategies outlined in the CAP and information on how the project would be consistent with each strategy. The Draft EIR determined that although the project would not be in direct conflict with the CAP (as demonstrated in Table 3.6-10), the CAP does not include port/maritime or rail-related emissions as part of the GHG inventory and forecast assessment. Since these emissions are not accounted for in the CAP they cannot be adequately analyzed for consistency with the CAP. Mitigation Measures MM-3.6-2a through MM-3.6-2d are proposed for this impact. These measures require commuting alternatives, use of native vegetation and minimal turf to reduce the need for gas-powered lawn and garden equipment, drought-tolerant plant types, and the use of recycled water catchments for irrigation of landscaped areas. Even with implementation of the proposed mitigation, Impact 3.6-1 (exceedance of CO₂E emissions) and Impact 3.6-2 (consistency with the City's CAP) were determined to be significant and unavoidable. For a full text of mitigation measures MM-3.6-1 and MM-3.6-2a through MM-3.6-2d please refer to Section 3.6.5 Mitigation Measures of the Draft Final EIR.

I229-114 This comment states that on page 3.7.24 it is stated that construction does not have a significant impact. The commenter asks if construction will have a significant impact on those residents who live closest to the project site.

Section 3.7.6 of the Draft EIR finds there are potential impacts from the construction of the proposed project. The Draft EIR determined that with implementation of mitigation measures MM-3.7-1a and MM-3.7-1b would reduce impacts related to temporary use of hazardous materials, such as diesel fuels, lubricants, solvents, and asphalt during construction to a less-than-significant level. Implementation of mitigation measure MM-3.8-1 would also reduce impacts related to the transportation and/or disposal of potentially contaminated dredged material from Mare Island Strait during construction of the VMT component of the project to a less-than-significant level. In addition, the implementation of mitigation measures MM-3.7-2a through MM-3.7-2c, and MM-3.8-2, would reduce impacts related to the transport and/or disposal of ACMs, lead-based paints, PCB-containing equipment, mercury-containing equipment, mold growth, and chemical supplies within the project site during project construction to a less-than-significant level. Finally, implementation of mitigation measure MM-3.7-3 would reduce impacts related to contaminated soils or groundwater encountered by workers during excavation and grading in other parts of the project site to less-than-significant levels. These mitigation measures would reduce all potentially significant impacts to those residents who live closest to the project site.

The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than those specified in the Noise Element and would help to mitigate the potentially significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

I229-115 This comment asks on page 3.8.24, why is a 10-year storm event was used when the standard for runoff is normally a 50- or 100-year storm event. This is a reference to when the bio basin system would be required. By keying to a 10-year water event, the bio basin system would be used more often than if only triggered by a 50- or 100-year storms. In short, it is a more conservative approach.

I229-116 This comment asks why the applicants are not being asked to fund mitigation for the city-owned 5.25 acres of park.

The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone impacts determined to be significant and unavoidable due to this rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 (a) and (d) of the Draft Final EIR.

I229-117 This comment states that because of the temperate climate people leave their windows open and this should be part of the noise calculations.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-118 This comment asks where is the Table 2 that is referred to in Section 3.10.6.

Table 2 is included in the City of Vallejo's General Plan Noise Element. Table 2 is the City of Vallejo Land Use Compatibility Guidelines for Community Noise Environment.

I229-119 This comment asks how is the maximum decibel corrected for repetitive noises such as trucks every few minutes. The commenter states that an average does not make sense. An average does take into account repetitive noises as it takes measurements over time which typically include repetitive trips.

I229-120 This comment asks if decibel readings take into account the amount of noise generated with a fully loaded truck starting and stopping while going uphill. The noise assessments are designed to reflect the average type of use under conditions of operation and construction.

I229-121 This comment asks if the noise element in Policy 2b take into account distance of resident from construction site. Policy 2b limits all noise generating activities (for example construction and maintenance activities and loading and unloading activities) to the hours of 7:00 a.m. to 9:00 p.m.

I229-122 The commenter believes that averaging noise over an hour masks peak noise. The commenter would like to know how peak noise levels accounted for. There are established standard assessment methodologies that have been developed through many years of project analysis. These methods take into account peak noise levels and were used on this project.

I229-123 This comment asks since the City has not established a numeric limit for construction noise exposure, what are the standards used to determine that the VMT construction would not exceed established standards. What standards would be appropriate.

Refer to Section 3.10.1 Regulatory Setting for a description of the noise standards contained in the Vallejo General Plan and Vallejo Municipal Code and other relevant regulations for mitigating noise impacts. These regulations reflect established standard assessment methodology that have been developed through many years of project analysis. All these standards are applied to the proposed project.

I229-124 This comment asks if the City can establish standards for construction noise for the proposed project in order to protect the public.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-125 This comment asks if some of the noise levels in Table 3.10-7 are reaching or exceeding acceptable levels. These levels should be highlighted or placed in bold.

Section 3.10.4 of the Draft EIR, Impact Discussion, assessed the operational noise impacts of the VMT's bulk terminal operation by using a proprietary noise prediction model by Brüel & Kjær to assess the noise generation associated with each major piece of equipment and activity including wheeled loaders, loading hoppers and trucks, vessel engines, and transloading activity. Table 3.10-11 summarizes the noise levels from all VMT operations activity and compares them again existing baseline levels. The table notes the noise-sensitive location that would see an increase in noise level. Table 3.10-12 summarizes the significance determinations for the total VMT operational project-related noise level increases.

I229-126 This comment states there is an inconsistency between earlier pages that state the proposed project would generate 200 trucks per day and page 3.10.19 which states 67 (2,000 per month) per day. The commenter asks which figure is correct.

Page 3.10.19 of the Draft EIR states when trucks alone are used, a maximum of 2,000 truckloads per month would leave the site. Section 2.4.2.1 Operation, provides information on transportation of materials via shipping, rail and trucking. Table 2-3 gives a summary of VMT material volumes and transport methods. VMT would have a maximum of 87 trucks per day and Orcem would have 189 trucks per day. Section 2.4.2.2 Orcem Operation, provides information on the transportation of raw materials and finished product via shipping, rail and

trucking. Table 2-4 shows the maximum metric tons of raw material imported per month and metric tons of product exported per day. In the Transportation and Traffic section, Tables 3.12-8 and 3.12-9 depict the trip generation from trucks each day for VMT and Orcem, respectively. Please refer to Project Description Sections 2.4.2.1 and 2.4.2.2 and Transportation and Traffic Section 3.12.4 (A) for more information.

I229-127 This comment asks if loaded trucks going up hills make more noise and if so, has this been taken into account. Does this mean Table 3.10-8 is incorrect? There are established standard assessment methodologies that have been developed through many years of project analysis. These methods take into account typical types of operation and thus these methodologies were used on this project to account for expected project conditions.

I229-128 This comment asks how operating the railroad between 8 PM and 12 AM and 4 AM to 6AM (referred to on page 3.10.22) mitigates evening noise. The commenter asks if 8 PM to midnight is considered evening. Following the preparation of the Draft EIR, the California Northern Railroad confirmed the proposed project will only be served by the normal operating hours of the railroad from 7:00 a.m. to 6:00 p.m. Monday to Friday. Thus the project will operate under these conditions as well be limited during the hours of 9:00 a.m. and 4:00 p.m. (pending California Northern Railroad approval), as specified in MM-3.12-2 in Section 3.12, Transportation and Traffic.

1229-129 This comment asks how many times a locomotive warning horn would typically be used on a trip in and out of Vallejo.

Section 3.10.4 of the Draft EIR, Impact Discussion, assessed the operational noise impacts due to rail activity. The analysis notes that the noise from locomotive warning horns has not been included in this assessment as it is considered to be a sound made in the interest of public safety. Such sounds are exempt from noise impact assessments as per the guidance contained within Chapter 16 of the City of Vallejo's Municipal Code regarding exceptions to the City's noise performance standards.

I229-130 This comment asks if construction cannot start prior to 7 a.m. why should equipment in the staging area be allowed to start at 6 a.m.

Section 3.10.4 of the Draft EIR, Impact Discussion, states that the City of Vallejo designates allowable hours for construction activity within its Noise Element in Policy 2b. The allowable hours are 7:00 a.m. to 9:00 p.m. (City of Vallejo 2012).

The operation of the equipment storage area and maintenance building would not be subject to the hours for construction activity. These facilities would be located approximately 200 feet west of the nearest residential land use boundary and would not be operated between the hours of 12:00 a.m. and 6:00 a.m.

I229-131 This comment asks for effected locations, what effect will noise and other factors have on home values and how will property owners be compensated for their loss.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-132 This comment asks with trucks operate 24/7 at the proposed site, will there be confusion about when trucks will enter and leave the two sites.

The Orcem production facility would operate continuously for 24 hours a day in accordance with the hours of operation discussed in Chapter 2.0, Project Description. Please refer to response to comment I229-126 for a quantification of trucks.

I229-133 This comment asks what the noise and emission levels for a Genset Switcher and when this piece of equipment is not moving cars will the engine be turned off.

The operational noise analysis of the VMT and Orcem project components states that a low noise emission genset switcher is proposed which has a noise emission level 10 dB below a standard freight locomotive.

I229-134 This comment asks in mode 2, how many more trucks are required.

Section 2.4 Project Description of the Draft EIR includes Section 2.4.2, Operation, which discusses the proposed operation of both project components. Please refer to response to comment I229-126 for a quantification of trucks.

I229-135 This comment asks that in mode 2, will some of the raw materials be brought in by rail and if yes, how much.

The existing railway serving the site would be used by Orcem to import raw materials and export finished product. The volume of material to be transported by train per month would depend on the phase of operation; however, regardless of the monthly volume throughput a maximum of one train movement to and

from the site during any single 24-hour period (combined for Orcem and VMT) is representative of the worst-case for all phases and modes.

I229-136 This comment asks why is the existing baseline higher for NSL7 and NSL9 in Table 3.10.21. Baselines are based on measurements of existing ambient noise and vary due to location and surrounding existing noise conditions.

I229-137 This comment asks why the noise increase at NSL6 is not considered significant in Table 3.10.22. This noise increase is considered less than significant because the noise increase is below the established threshold.

I229-138 This comment asks what is the source for stating a one Db difference in environmental level is not detectable by the human ear on page 3.10.41. How dB(a) levels are measured is discussed within Section 3.10. The statement on page 3.10.41 is based on this discussion and common knowledge in noise impact assessment (refer to the following table taken from workplace health and safety regulations.

Typical Noise Levels	
Noise Source	dB(A)
pneumatic chipper at 1 meters	115
hand-held circular saw at 1 meters	115
textile loom	103
newspaper press	95
power lawn mower at 1 meters	92
diesel truck 50 km per hour at 20 meters	85
passenger car 60 km per hour at 20 meters	65
conversation at 1 meters	55
quiet room	40

I229-139 This comment states that on page 3.10.55 there is a statement that short intermittent noise from trucks would be minor when averaged over a longer period. The commenter asks if truck noise is often more intrusive when it is intermittent. Please see the response to I52-12.

I229-140 This comment asks if mitigation measure MM-3.10-1a will be required and will the project be allowed to go forward if the Northern Railroad does not comply.

Section 3.10.5, Mitigation Measures, of the Draft Final EIR presents mitigation for all significant noise impacts. Mitigation measure MM-3.10-1a would require the applicant to work with the California Northern Railroad to upgrade the existing track and any new track to a Continuous Welded Rail that will reduce the

noise level and the groundborne vibration generated as a result of rail operations. Implementation of mitigation measure MM-3.10-1a would be dependent on the California Northern Railroad since the City does not have jurisdiction over the railroad. While the City can require the applicant to work with the California Northern Railroad to make the recommended improvements, the City cannot ensure that the California Northern Railroad will agree to make the improvements. Therefore, the draft EIR concluded that impacts from VMT rail transportation activity would remain significant and unavoidable. This will be taken into account when considering project approval.

I229-141 This comment asks why the hours of construction in Section 3.10.59 differ from earlier sections. The commenter asks what are the correct times.

The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than those specified in the Noise Element and would help to mitigate the potentially significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

I229-142 This comment asks who pays for pothole repairs.

Please refer to Master Response 8 for more information regarding road improvements.

I229-143 This comment asks what days and dates were included in the traffic analysis. All supporting data and calculations, including the days and dates of traffic counts, intersection level of service calculations and freeway level of service calculations are included in the transportation technical appendix (Appendix L) in the Draft EIR. Appendix L.1 includes details about the intersection traffic counts specifically.

I229-144 This comment asks if LOS of D is the City of Vallejo's standard as stated on page 3.12.8. The City of Vallejo Traffic Impact Analysis Guidelines states that the City of Vallejo strives to maintain a LOS standard of D for all intersections.

I229-145 This comment asks how the decision was made that half of project traffic would use Lemon Street between Sonoma and Curtola as stated on page 3.12.10.

The Draft EIR states that because all of the project traffic would use Lemon Street between the project site and Sonoma Boulevard, and just over half of the project traffic is expected to use Lemon Street between Sonoma Boulevard and Curtola Parkway; therefore 24-hour traffic counts were taken at two locations on Lemon Street in order to provide a basis for assessing the neighborhood traffic impact along this roadway.

I229-146 This comment asks how many minutes of delay will railcars have on street traffic. The commenter requested not to discuss the hourly average, but the actual delay experienced.

Impacts from rail crossings on traffic and congestion are discussed in Section 3.12.4 of the EIR. The combined project is expected to generate rail traffic consisting of 77-car trains at a rate of an average of 2.6 trains (in and out) per week. The Draft EIR concluded that the trains would take approximately 7.6 minutes to traverse each grade and the impact would cause significant delays despite the implementation of mitigation measure MM-3.12-2a. It is noted that the railroad is owned by the California Northern Railroad and is not under the City's jurisdiction. The City can require the applicants to work with the California Northern Railroad to avoid peak commuting hours but they cannot guarantee that the California Northern Railroad would agree to the desired hours of operation. Additional analysis on railway, intersection and freeway congestion is provided in Section 3.12.4 (A) and a full text of the mitigation measure is provided in Section 3.12.5 of the EIR.

I229-147 This comment asks why truck traffic for mode 2 and 3 is in Appendix L rather than the main body since it is a critical piece of information. Information is placed in Appendices to strike a balance between simplifying the analysis for the lay reader and providing details for readers who want to delve deeper into project impact analysis.

I229-148 This comment states that according to Table 3.12-9, trucks will leave and enter the site every 3.47 minutes. The commenter asks what effect trucks have on traffic especially when fully loaded. The specific project details are presented in this Table and in Section 3.12.4 throughout as the impact analysis is based on these specific details. Thus project effects are described in Section 3.12.6.

I229-149 This comment asks if trucks from the project make the LOS F on the freeway segment even worse. The commenter states the text does not state what the threshold of significance is or where criteria A.6 is located. Thresholds of

significance are described in Section 3.12.3. The impacts from trucks on LOS are specially discussed in Section 3.12.4 and 3.12.66. Impacts under Criteria A6 are specifically presented in Table 3.12-12 and in the text following this Table.

I229-150 This comment states that Chart 3.12.9 shows 19 AM peak trips and 17 PM trips, but then it is stated the project only adds 12 peak hour and 4 PM peak hour trips to one LOS F segment (as stated on page 3.12.25). The commenter asks that this discrepancy be reconciled. Table 3.12-9 shows total AM and PM trips while the referenced text refers only to the one freeway segment that already operates at LOS F. Fewer trips impact this single intersection.

I229-151 This comment states that with current measures to conserve water why should VMT be allowed to use 4.95 million gallons and Orcem 9.9 million gallons per year. If home owners are forced to conserve why isn't this project?

No significant impacts were found with reference to water use. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that it can be considered by the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-152 This comment asks does 645KW peak demand include all power to ships if engines, APUs, etc. were not running. Peak demand assumes that auxiliary power unit (APU) are included in the demand numbers. This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included.

I229-153 This comment states that consumers are being told by PG&E to conserve electricity while this project adds an additional 6 megawatts of use. The commenter asks if this additional use make sense in light of need to conserve.

This comment does not include a specific comment on the adequacy or accuracy of the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that it can be considered by the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I229-154 This comment asks if consumers will experience any disruptions for upgrading of natural gas electricity for project.

Section 3.13.4 of the Draft EIR, Impact Analysis, concluded that although a new gas line and other improvements would be necessary to serve the Orcem project component, the natural gas demand would be met by existing supplies, and no new natural gas supplies would be necessary. Therefore, it is not anticipated that consumers will experience any disruptions.

I229-155 This comment asks who is proposing quick serve restaurant etc. at 1217 5th Street and asks if it been approved by Planning Commission.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I229-156 This comment asks what is the local effect to air quality if BAAQMD standards for NO_x and SO_x are not imposed. Please refer to Section 3.2 of the Draft Final EIR for a discussion of emission standards, emissions and air quality impacts.

I229-157 This comment asks what is the effect the proposed project will have on local air quality since it exceeds standards for CO₂ emissions.

It is unclear what the commenter means by “CO₂”. The proposed project would result in significant and unavoidable impact for NO_x emissions only. Please refer to Section 3.2 for a detailed account of emissions and impacts.

I229-158 This comment asks what evidence exists that Vallejoans will be the ones filling the jobs created by the proposed project. Does evidence from Allstate or Mare Island support this?

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that it can be considered by the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I230

Commenter: Robert Schussel

Date: October 21, 2015

I230-1 This comment expresses concern that the transportation of slag produces as much pollution as producing Portland cement. Please see Master Response 1 for information regarding air quality and health impacts to children, the elderly and all other sensitive receptors.

Letter I231**Commenter: Robert Schussel****Date: September 29, 2015**

- I231-1** This comment asks if an extension of the public review period for the draft EIR is being considered. Please refer to Master Response 10 for information regarding the public review period.
- I231-2** The commenter states that the timing of the October public scoping meeting was inappropriate for working members of the public and prevented them from attending. The commenter also states that public scoping meeting was held too close to the end of the public review period. Please refer to Master Response 10 for information regarding public outreach.

Letter I232**Commenter: Robert Schussel, PhD****Date: October 9, 2015**

- I232-1** This comment expresses concern that the Draft EIR does not adequately address the health hazards of diesel particulate matter that residents on or near the truck routes such as Lemon Street would be experiencing. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project.
- I232-2** This comment provides, as an attachment, the Long Beach and LA Ports Clean Air Action Plan which calls for shore power or cold ironing and expresses concern that this may not occur in Vallejo. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.
- I232-3** This comment asks that both of these comments be addressed in the EIR responses. Responses to both of these comments are provided in I232-1 and I232-2 above.

Letter I233**Commenter: Robert Schussel, PhD****Date: October 5, 2015**

- I233-1** This comment expresses the opinion that the issue of mitigation to Lemon Street needs to be addressed. Please refer to Master Response 8 for information regarding road improvements.
- I233-2** This comment expresses understanding that Lemon Street would sustain significant damage and is no longer a truck route and according to the Draft EIR the project applicants would pay a fair-share for the necessary improvements to Lemon Street. Please refer to the Master Response 8.
- I233-3** This comment asks what the City is proposing as VMT/Orcem's fair share. CEQA does not require EIRs to identify specific costs associated with mitigation measures; instead CEQA requires that the MMRP for an EIR identify the party responsible for implementation of mitigation measures, which varies based on the measure. The MMRP for this EIR is provided as Appendix M.
- I233-4** This comment asks how the fair-share percentage is determined. Please refer to the response for comment I233-3 above.
- I233-5** This comment asks if VMT/Orcem would be required to pay for periodic rehabilitation to the roadway since a significant amount of future damage to Lemon Street would occur from trucks going to and from the project site. Please refer to Master Response 8.

Letter I234**Commenter: Robert Schussel, PhD****Date: October 5, 2015**

- I234-1** This comment asks if trucks for the three Orcem plants in Europe have to go through residential areas near the plant to get to the major highway. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I235

Commenter: Robert Schussel, PhD

Date: October 5, 2015

- I235-1** This comment provides background on comments that the commenter hopes could be answered for the public on Wednesday. Responses to these comments are provided in the response to comments I234-2 through I234-11 above.
- I235-2** This comment references the three Orcem plants in Europe and asks how many metric tons per week of GGBFS is processed at each plant.
- Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- I235-3** This comment references the three Orcem plants in Europe and asks how far each plant is located from residents, homes and apartments.
- Please refer to the response for comment I234-2 above.
- I235-4** This comment references the three Orcem plants in Europe and asks what the emissions and noise standards are required at each location.
- Please refer to the response for comment I234-2 above.
- I235-5** This comment references the three Orcem plants in Europe and asks how many metric tons of GBFS is brought in per week by barge/ship and how much by rail and truck.
- Please refer to the response for comment I234-2 above.
- I235-6** This comment references the three Orcem plants in Europe and asks how many metric tons of GGBFS per week leaves each plant by truck, barge and rail.
- Please refer to the response for comment I234-2 above.
- I235-7** This comment references the three Orcem plants in Europe and asks if any of the plants have operated in Mode 2 or Mode 3, approximately how many metric tons were involved and how many extra round trips for trucks were required. Please refer to the response for comment I234-2 above.

I235-8 This comment references the three Orcem plants in Europe and asks what the hours of operation at each plant for ships/barges, trucks and rail. Please refer to the response for comment I234-2 above.

I235-9 This comment asks why there isn't any discussion in the Draft EIR about the impact of VMT on Ferry operations. Please refer to the response to comment I202-1.

I235-10 This comment asks if standards for certain emissions such as SOx are not in Vallejo code or enforced by agencies, how can they be regulated to an acceptable level. Please refer to response to comment I229-95.

I235-11 This comment claims that for marine and railroad the City currently does not have any standards for emissions and noise and asks what can be done to impose standards. The City noise standards apply to all noise sources. Air quality emissions are set and enforced by BAAQMD.

Letter I236

Commenter: Laraine M. Sears

Date: October 7, 2015

I236-1 This comment asks what the decrease of property values would be due to air pollutants and truck traffic caused by the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I237

Commenter: Robin Sears

Date: October 8, 2015

I237-1 The commenter asks what is the cost of ongoing road maintenance due to the increased truck traffic of the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I238

Commenter: Belinda Seidemann

Date: September 21, 2015

I238-1 This comment asks if someone at City Hall can provide the revenue projected from the proposed project for the City of Vallejo.

This comment addresses economic issues which are not within the scope of CEQA. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I239

Commenter: Belinda Seidemann

Date: September 21, 2015

I239-1 The commenter asks to be informed of the zoning for the proposed project.

Section 3.9, Land Use and Planning, of the Draft EIR describes the existing and proposed land use designations and zoning for the proposed project. As described in Section 3.9.4, General Plan and Zoning Designations, the majority of the project site is in the “Intensive Use” zoning district. Both the VMT and Orcem project components are classified as “General Industrial Uses,” which are permitted in the “Intensive Use” zoning district.

The project is no longer proposing the rezone of the 5.25 acres portion of the project site outside the City limits from “Open Space – Community Park” to “Employment.” This change will be discussed in the Draft Final EIR. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding land use and zoning consistency.

Letter I240

Commenter: Belinda Seidemann

Date: September 21, 2015

I240-1 The commenter asks what the estimates for diesel particulate are from ships arriving at the proposed project site.

As explained in Section 3.2 of the Draft EIR, Air Quality, The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to estimate emissions from construction and operation of the proposed project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state, to quantify criteria pollutant and greenhouse gas (GHG) emissions associated with the construction and operational activities from a variety of land use projects, such as residential, commercial, and industrial facilities. The CalEEMod model provided total annual PM_{2.5} exhaust emissions (assumed to be Diesel Particulate Matter) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles). The on-road emissions are a result of haul truck travel, worker travel, and vendor deliveries during building demolition, grading, and construction activities. A trip length of 0.65 mile was used to represent vehicle travel while at or near the construction site. Fugitive PM_{2.5} dust emissions were also calculated by CalEEMod (Appendix D-1). Table 3.2-15 provides the emissions of exhaust and fugitive PM_{2.5}.

Diesel particulate matter is considered a Toxic Air Contaminant (TAC). A Health Risk Assessment was prepared for the project that specifically evaluated health impacts of project-related TACs and PM_{2.5}. Air quality monitoring of annual diesel particulate matter and fugitive PM_{2.5} concentrations was conducted according to the EPA's atmospheric dispersion modeling system. As noted in Section 3.2.4 Impact Discussion (D), both cancerous and non-cancerous risks were evaluated utilizing the Bay Area Air Quality Management District's threshold criteria. Non-cancerous risks and local carbon monoxide emissions were determined to be less than significant. Cancer risks were determined to be significant as shown in Table 3.2-17, with the largest contributing sources to health risks being ship auxiliary engines, on-site equipment such as front-end loaders, and trucks. Table 3.2-19, listed under mitigation measure MM-3.2-2, details mitigation measures intended to allow for a choice of technologies based on the most cost-effective measures available at the time. The EIR determined that implementation of mitigation outlined in mitigation measure MM-3.2-2

would reduce cancer risks to a less-than-significant level. For additional information please refer to Draft Final EIR Section 3.2.4 Impact Discussion (D) and Appendix D-1 of the Draft EIR.

I240-2 The commenter asks what pollution control emission standards will be required to mitigate particulates of exhaust from entering California’s air.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. Section 3.2.5 Mitigation Measures, identifies how Mitigation Measures MM-3.2-1 and MM-3.2-2 would be implemented to reduce Impacts 3.2-2 and 3.2-4. Mitigation measure MM-3.2-1 requires that the proposed project will use 100% 2010 or newer model year heavy duty diesel trucks at the start of facility operations. Mitigation measure MM-3.2-2 provides a table with the maximum number of vessel calls per year allowable before additional mitigation is required. The project design features, also discussed in Section 3.2.4 Impact Discussion, would be implemented as well to ensure fugitive dust measures are implemented during project operation.

Letter I241

Commenter: Belinda Seidemann

Date: September 11, 2015

I241-1 The commenter asks how the benefits of the proposed project outweigh the disadvantages to residents in terms of environment, traffic noise, ambiance, loss of land, etc.

The Executive Summary (ES) included at the beginning of the Draft EIR and also found at the beginning of the Draft Final EIR, provides an overview of the potential impacts of the proposed project on the environment and the surrounding communities. ES. 5 details the project objectives and Section ES. 6, Summary of Impacts, presents a table summarizing all potentially significant impacts, the proposed mitigation and the level of significance after mitigation. CEQA requires the lead agency reviewing the proposed project to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Draft Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to supports its action based on the Draft Final EIR and/or other information in the record.

The lead agency (City of Vallejo) is required to fully examine the Draft Final EIR record prior to deciding whether the specific benefits of a proposed project outweigh the unavoidable adverse environmental effects. The City of Vallejo has in no way reached a decision about the proposed project and will carefully examine and consider the Draft Final EIR (including this Response to Comments) before coming to a final decision. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I241-2 The commenter asks if there is a way to make comments that are part of the official record.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. All comments received during the public review period will be included in the Draft Final EIR along with a response to each comment. The Draft Final EIR makes up the official record that will be reviewed by the Planning Commission in deciding whether or not to approve the proposed project. All comments submitted by the commenter during the public review period will be included in the Draft Final EIR so that the Planning Commission may consider them in making its decision.

Letter I242

Commenter: Belinda Seidemann

Date: September 22, 2015

I242 -1 The commenter asks why the economic study is being prepared so late in the process. The commenter states that an economic study should have been completed prior to proceeding with the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter I243

Commenter: Belinda Seidemann

Date: September 26, 2015

I243-1 This comment asks for an extension of the public review period to allow more time to review the Draft EIR.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. The City is not able to make any additional extensions of the review period under CEQA.

Letter I244

Commenter: Belinda Seidemann

Date: November 2, 2015

I244-1 The commenter asks how the benefits of the proposed project outweigh the negative impacts of the proposed project.

Please refer to the response to comment I188-1. This comment addresses economic issues which are not within the scope of CEQA.

I244-2 The commenter asks that the estimates of the cost of potential legal actions against the city of Vallejo relative to approval of the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I244-3 The commenter asks why ships supplying the ORCEM project component are not utilizing shore power. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.

I244-4 The commenter asks how the waste products arriving as raw materials for ORCEM will be evaluated for toxins and monitored before offload. The project applicants would be subject to all federal, state and local laws pertaining to the evaluation, monitoring and transportation of raw materials.

I244-5 The commenter asks how the water used in the proposed project’s process will be kept from entering the waterways.

Pollutants to water are discussed in Draft Final EIR Section 3.8 Hydrology and Water Quality. Section 3.8.4 Impact Discussion, discusses how the proposed project would include appropriately sized storm drain systems with both volume- and flow-based design treatment systems (retaining media/sand filters), as well as rainwater harvesting/reuse LID tanks, which would decrease peak discharge rates compared with the existing system conditions. As part of the project’s permitting and approval, the applicants will be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the Stormwater Regional Control Board and the San Francisco Regional Water Quality Control Board requirements. The SWPPP will include the BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby receiving waters (in this case, the Bay-Delta).

I244-6 The commenter asks why Orcem must operate 24 hours a day 7 days a week. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

I244-7 The commenter asks why the proposed project is being considered before the revised General Plan is implemented.

As discussed in Section 3.9 of the Draft EIR, Land Use and Planning, the proposed project is subject to several land use plans, policies, and regulations, including the Bay Plan, the City of Vallejo General Plan, and the City of Vallejo Zoning Ordinance. Table 3.9-2 Consistency of the Proposed Project with Relevant Goals, Objectives and Policies, of the Draft Final EIR lists the individual policies of plans determined to be applicable to the various components of the proposed project. A consistency determination was also provided in Table 3.9-2 for each applicable policy and regulation. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is

expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

I244-8 The commenter asks that an accurate map of areas and residences likely to be affected be provided. Please refer to Master Response 1 for detailed information related to health impacts on children, the elderly and other sensitive receptors. Also see Figure 3.10-3 in the Section 3.10, Noise, of the EIR, which shows the noise sensitive land use locations in the project vicinity.

I244-9 The commenter asks how much it will cost the City of Vallejo to provide emergency services and police to support any accidents involving the proposed project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I244-10 The commenter asks how the project applicant plans to mitigate the effects of its operations on our migratory bird population, including Osprey nesting in the vicinity.

Refer to Section 3.3.5 Mitigation Measures, Mitigation for Impact 3.3-1 which addresses the steps that will be taken if construction activities begin during the raptor nesting season.

Letter I245

Commenter: Grace Seldner

Date: October 28, 2015

I245-1 This comment expresses disapproval for the project and claims that Vallejo does not need a business that will pollute the air or ruin the roads with huge trucks.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I246

Commenter: 70-Year Resident

Date: October 19, 2015

- I246-1** This comment asks why Vallejo leadership always discourages industry of any kind such as this cement plant, but allows shops for marijuana. This comment also expresses the opinion that the plant could be monitored by the EPA and the pollution would doubtfully be more harmful than lung damage caused by smoking. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I247

Commenter: Ambrosio Seveses

Date: November 2, 2015

- I247-1** This comment asks what is going to happen to the eagles that are nesting on the piles in the area.

Impacts to both terrestrial and marine wildlife are dealt with extensively in Section 3.3, Biological Resources, of the Draft EIR. Section 3.3.4 Impact Discussion, identified potential impacts to active raptor nests if project implementation would disturb an active nest. Section 3.3.5 Mitigation Measures, identifies mitigation measure MM-3.3-1 which requires surveys for raptor or other nesting migratory bird nests within the project site and the immediately adjacent area no more than 30 days before any construction activity during the nesting season. With implementation of mitigation measure MM-3.3-1, impacts to raptor nests would be less than significant.

- I247-2** This comment asks what will happen to the wildlife that live in the area, especially endangered wildlife.

Impacts to both terrestrial and marine wildlife are dealt with extensively in Section 3.3, Biological Resources, of the Draft EIR. As described Section 3.3.5 Mitigation Measures, there would be impacts to special status species; however all impacts would be reduced to less than significant with mitigation measures.

Letter I248

Commenter: Ravi C. Shankar

Date: September 22, 2015

I248-1 This comment expresses support for the proposed project because it is creating jobs in Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. The commenter is supportive of the use that is being proposed by the applicants. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I248-2 This comment asks what EPI approvals can the people discover to be at ease and asks what is the long-term economic impact of these impacts.

This comment addresses economic issues which are not within the scope of CEQA. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I249

Commenter: Cameron Shearer

Date: November 2, 2015

I249-1 This comment asks who will cover the costs of homes and businesses that must be taken by eminent domain in order to allow the noise and other pollution.

This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall

not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I249-2 This comment asks how much income will the terminal and factory individually generate for the city on an annual basis after all expenses for road maintenance, police and fire and all other city services have been paid.

Please refer to Response I249-1.

I249-3 This comment asks if the up-river communities of American Canyon, Napa and all other who have vested interest in water tourism, food fish and the qualitative features of the river have been notified about the proposed project and their input solicited. Please refer to Master Response 10 for information regarding public outreach.

I249-4 This comment asks if adequate consideration has been given to higher revenue producing industries such as a ferry hub and embarkation point for the Napa Wine Train and other low-impact industries.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

I249-5 This comment asks if any consideration was given to locating the factory alongside one of the industrial wharfs in Richmond, Contra Costa or Marin industrial terminals. The commenter states that it makes sense to coordinate the proposed project with an existing terminal instead of building something new.

Please refer to Response I249-4 above. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I249-6 This comment asks for the complete chronology of the proposed project from its introduction to city staff/government through the current proposal being considered.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I249-7 This comment expresses the commenter's opinion that elected officials should not waste the time of the electorate with proposals such as the proposed project.

Please refer to Response I194-4 above. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I249-8 This comment asks for the names of council members and staff that advanced the proposal at each step.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I250

Commenter: Dave Shipley

Date: October 3, 2015

I250-1 The commenter is concerned about the chemistry of the dust. The commenter asks if the plant is tying up industrial waste in concrete similar to that of gypsum board. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust. Additional information on fugitive dust and other air quality impacts is provided in Master Response X. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM2.5. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR. Please refer to Master Response 5 for information regarding cumulative air quality impacts.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. Section 3.2.5 Mitigation Measures, identifies how Mitigation Measure MM-3.2-1 would be implemented to reduce Impacts 3.2-2 and 3.2-4.

I250-2 This comment states that mitigation should include particulate measurement as part of the day to day measurement at the plant with some thought to measuring accumulation in the surrounding soil.

Please see Response 195-1 above. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I250-3 This comment questions how the impact to emergency response will be mitigated given that the trains will block emergency access to the Kaiser and Sutter emergency rooms. The commenter expresses concern that the hospitals are already difficult to reach and adding additional time due to rail traffic will result in fatalities.

Potential impacts to emergency access are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. Section 3.12.4, Impact Discussion, identifies Impact 3.12-5, which states that the proposed project would have a significant impact on emergency access, based on the potential delays generated by train crossings at the grade crossings in Vallejo, American Canyon, and crossings further north. Section 3.12.5 Mitigation Measures, identifies mitigation measure MM-3.12-2a, which requires the applicants to work with the California Northern Railroad to limit train movements through Vallejo to between 9:00 a.m. and 4:00 p.m., thus minimizing the traffic queueing associated with train movements across the grade crossings throughout the city during peak commute hours. The Draft EIR found that implementation of MM-3.12-2a would be dependent on the California Northern Railroad, since the City does not have jurisdiction over the railroad. While the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad will agree to the desired hours of operation. In addition, similar blockages may occur, if to a somewhat lesser degree, if the crossings take place any time between 6:00 a.m. and 8:00 p.m., because traffic levels remain at or above 70% of peak-hour traffic volumes during these periods.

Section 3.12.5 Mitigation Measures, also identifies mitigation measure MM-3.12-2b, which requires the project applicants to notify the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing

during emergencies prior to the issuance of permits for rail operations. Mitigation measure MM-3.12-2b would provide emergency service providers with the opportunity to plan alternative routing during emergencies; however, delays due to rail operations could still impact emergency evacuation routes. For this reason, Impact 3.12-5 would remain significant and unavoidable with mitigation measures MM-3.12-2a and MM-3.12-2b.

Letter I251

Commenter: Dave Shipley

Date: October 13, 2015

I251-1 This comment states that if Orcem is providing the base load for the rail then there may be an opportunity to put a passenger terminal adjacent to the SolTrans terminal on Curtola.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I251-2 This comment states that if Orcem is providing the base load for the rail, then a commuter service may be economically feasible and useful if it is anchored in Vallejo and would provide access to AmCan, Napa, Sonoma and Fairfield.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I252

Commenter: Patrick Shorter

Date: October 7, 2015

I252-1 This comment asks how the proposed project would benefit the City of Vallejo.

Section 2.3, Project Objectives, of the Draft EIR discusses the objectives of the proposed project as identified by the applicants and the City. The objectives include:

- Establishment of the VMT Terminal as a key site of multi-modal and intermodal transportation and logistics, thereby enhancing Vallejo's role in

the regional and international trade economy and providing a means for locally manufactured products to be transported and distributed, increasing the viability of and the potential for attracting further manufacturing operations to Vallejo.

- Maximize the potential for the manufacture of ground granulated blast furnace slag (GGBFS), a product that helps to meet the needs of the construction industry for high-performance, environmentally favorable concrete and sustainable building materials, by providing for an efficient scale of production at a plant which would operate around the clock as a multi-modal receiving, storage, processing, and distribution facility.
- To provide management and skilled labor employment opportunities for local and regional residents in the construction phases, as well as the long-term operations of commercial and industrial uses on the project site.
- To generate various tax revenues including property taxes and assessments, possessory interest tax, and utility user fees.
- To reestablish and optimize the industrial use of this centrally located marine industrial property through removal of those remaining components of the severely damaged timber wharf and construction of a modern deep-water terminal.
- To maximize accommodations for shipping and receiving of a wide range of products through the VMT Terminal, including loading and unloading of vessels of up to 70,000 metric tons in size with draft of up to 38 feet through the wharf, along with a combination of barge and other smaller vessels. The improvements would help to further develop Vallejo's capabilities for water-based shipping in connection with the Port of Oakland.
- To maximize throughput capacity through the implementation of intermodal upgrades designed to optimize cargo handling operations as well as modern design initiatives enabling the most efficient use of the ground area and taking advantage of existing truck, rail, and shipping access for import and export of raw materials and finished products.
- To establish the VMT Terminal as a key site of multi-modal and intermodal transportation and logistics, thereby enhancing Vallejo's role in the regional and international trade economy.
- To provide a means for locally manufactured products to be transported and distributed, increasing the viability of and the potential for attracting further manufacturing operations to Vallejo (in addition to Orcem).

- To establish an around-the-clock multi-modal receiving, storage, processing, and distribution facility that would maximize the potential for the manufacture of GGBFS, a high-performance environmentally preferable concrete and sustainable building materials.
- To reliably provide competitively priced and environmentally preferable cement products and offer GGBFS and non-GGBFS cementing products, in order to provide a complete line of competitive products that meet long-term client and project needs, and to have the ability to respond to potential worldwide shortages of GGBFS supplies, thereby assuring sustainability of Orcem's operation over time.
- To follow the federal Short Sea Shipping Highway Initiative where possible by focusing on short sea shipping opportunities that move cargo by coastal and inland waterway barges, reducing both truck and rail environmental impacts.

Letter I253

Commenter: Paul Simpson

Date: September 18, 2015

I253-1

The comment asks if the proposed project could use reclaimed water from the nearby wastewater treatment plant. The commenter asks if any additional treatment would be needed. Section 3.13 Utilities and Service Systems of the Draft EIR analyzes the potential impacts of the proposed project with respect to water service systems. As noted in this section, water recycling is not currently performed by Vallejo Sanitation and Flood Control District facilities. However, the City does require implementation of Low Impact Development (LID) strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of increase in runoff flows. One of these LID strategies is rainwater harvesting tanks, which will be used to dampen material piles and limit fugitive dust.

Letter I254

Commenter: Paul Simpson

Date: September 24, 2015

I254-1 This comment states that the maximum number of trucks is stated in the Draft EIR, but asks what the real number of trucks will be as concrete production varies with the weather.

Potential impacts to traffic are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. As discussed in Section 3.12.4 Impact Discussion (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis. The other modes analyzed in this section would provide less truck traffic, but for CEQA purposes traffic impacts are assessed based on the worst case scenario. The Draft EIR identifies those significant impacts and recommends mitigation measures to reduce those impacts to a level that is less than significant where appropriate.

Letter I255

Commenter: Karen Sims

Date: September 20, 2015

I255-1 This comment states that the Draft EIR addresses some of the Orcem project component and asks if the Draft EIR is supposed to represent both the Orcem and the VMT components.

Section 2.2, Existing Project Site, of the Draft EIR clarifies that the 32.55-acre project site is under a long-term lease with Vallejo Marine Terminal LLC. The proposed project would allow Orcem California to lease a 4.88-acre portion of the site from VMT for its operations as described in Section 2.4.2 and depicted in Figure 2-5 1-3. Vallejo Marine Terminal would operate the remaining 27.67 acres for its proposed operations. This section also states that VMT could potentially lease additional portions of the site to other operations in the future; however the nature and scale of any future operations are speculative and not being proposed at this time. Any future operations proposed by VMT would be subject to subsequent

environmental review. This EIR evaluates the environmental impacts from the VMT and Orcem operations as described in the Project Description and does not speculate about any future operations that VMT may pursue in the future.

I255-2 This comment asks what the expected number of ships and or barges that will be using the terminal in a given week.

Please see Section 2.4 Project Description of the Draft EIR, which includes Section 2.4.2, Operation that discusses the proposed operation of both project components. Table 2-3 provides a summary of maximum material volumes and transport methods for the VMT operation (with Orcem Materials Included). Table 2-4 provides a summary of maximum material volumes and transport methods for the Orcem Phase 1 and Phase 2 operation.

I255-3 This comment asks what is the expected truck and/or rail traffic that might be anticipated when the VMT is under full operation.

Please see response I255-2 above.

I255-4 This comment asks when a Draft EIR will be put out that covers the impact of a fully operational VMT.

Please see response I255-1 above.

I255-5 This comment asks when VMT purchased the property.

Section 1.1 Background of the Draft Final EIR clarifies that Vallejo Marine Terminal, LLC owns a majority of the 32.55-acre project site and has a long-term lease with the City of Vallejo (City) for the remainder of the site (APN 0061-160-230).

Letter I256

Commenter: Karen Sims

Date: September 21, 2015

I256-1 This comment states that the information in the draft EIR appears to deal with the noise and truck traffic from the Orcem project by itself, and asks how the increased truck/barge traffic for the VMT come into play.

Potential impacts to traffic are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. Section 3.12.4, Impact Discussion, analyzes the potential impacts of the VMT project component and the Orcem project

component with respect to transportation and traffic, and Section 3.12.5, Mitigation Measures, recommends mitigation measures where necessary to reduce or avoid significant impacts. The impacts of the two project components are identified separately, along with the combined impacts, for both Existing Plus Project and Cumulative (year 2040) conditions. The Draft EIR also included a transportation technical appendix (Appendix L) that contains supporting data and calculations, including the traffic counts, intersection level of service (LOS) calculations, and freeway LOS calculations.

Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. The Draft EIR determined construction impacts during the construction of the VMT project component would generate temporary noise levels up to 75 dBA L_{eq} at the closest residential receptor locations, resulting in potentially significant construction noise nuisance impacts. Construction of the Orcem plant would be temporary and would not exceed established standards so impacts would be less than significant. The Draft EIR also determined that the combined effects of construction of the VMT and Orcem project components would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

I256-2

This comment asks when the additional three ships arrive during a month, how will they be off loaded and what is the expected cargo for these ships?

Refer to the response to comment I255-2.

I256-3 This comment asks if the only activity the VMT will have is the Orcem project.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Section 2.2 Existing Project Site of the Draft EIR clarifies that the 32.55-acre project site is under a long-term lease with Vallejo Marine Terminal LLC. The proposed project would allow Orcem California to lease a 4.88-acre portion of the site from VMT for its operations as described in Section 2.4 and depicted in Figure 1-3. Vallejo Marine Terminal would operate the remaining 27.67 acres for its proposed operations. This section also states that VMT could potentially lease additional portions of the site to other operations in the future; however the nature and scale of any future operations are speculative and not being proposed at this time. Any future operations proposed by VMT would be subject to subsequent environmental review. This EIR evaluates the environmental impacts from the VMT and Orcem operations as described in the Project Description and does not speculate about any future operations that VMT may pursue in the future.

Letter I257

Commenter: George K. Sodir

Date: October 15, 2015

I257-1 This comment asks how property values will be affected by the pollution and noise created by the proposed project. This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I258

Commenter: Nathan Stout

Date: September 25, 2015

I258-1 This comment expresses concern that the October 7, 2015 public meeting did not provide enough public outreach for the proposed project and the public needs to be aware of the impacts of this development. The commenter expressed concerns

that the process was not transparent enough. Please refer to Master Response 10 for information regarding public outreach.

- I258-2** This comment asks for an extension of the comment period of the Draft EIR and asks that more than one public meet be conducted for the proposed project. Please refer to Master Response 10 for information regarding public outreach.

Letter I259

Commenter: J. Stratton

Date: October 1, 2015

- I259-1** This comment asks for an extension of time to comment on the Draft EIR. Please refer to Master Response 10 for information regarding public outreach.

Letter I260

Commenter: Ken Szutu

Date: November 2, 2015

- I260-1** This comment states that the Draft EIR is not complete unless the permit/contract between the city and VMT limits the shipment/handling of material to the ones listed in the Draft EIR and expresses concern that there is not a provision that limits future operations to the materials listed in the Draft EIR. The commenter wants clarification that the list of materials included in the Draft EIR are the only materials that will be handled by VMT and Orcem.

An updated list of materials that would be handled by VMT can be found in the Chapter 2 Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant’s use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

- I260-2** This comment states that the City of Vallejo violated CEQA Public Resources Code section 21000, which states that CEQA should inform the agency decision maker and demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implication of its actions. The commenter is concerned that a decision about the proposed project was made prior to the completion of the EIR process because the City conducted certain actions before a thorough consideration of the environmental impact has been

made. The actions cited were the City committing to a long term lease of 65 years with the VMT and inclusion of the applicants in other City initiatives for waterfront/shipping/Mare Island.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I261

Commenter: Darnell Tircuit

Date: November 2, 2015

I261-1 This comment states that with smart planning Vallejo can be a destination place in the Bay area. The commenter asks why the Planning Commission would consider putting a cement factory on prime real estate.

As discussed in Chapter 2, Project Description and Section 3.9, Land Use and Planning of the Draft EIR, the proposed project has been planned to take advantage of an existing industrial site and marine facilities that were historically used by General Mills. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

I261-2 This comment asks how the proposed project would affect wildlife in the project area.

Please refer to the response to comment I192-2 for impacts to wildlife.

I261-3 This comment states that the traffic through Vallejo is very high and asks if there has been a study to show how the City of Vallejo can deal with noise and traffic.

Please refer to the response to comment I201-2 for impacts relating to noise and traffic.

Letter I262

Commenter: Reverend Ivan Tonge

Date: October 29, 2015

I262-1 This comment provides a reference to an attached personal reference for Orcem from the commenter’s experience working with them in his community in Ireland.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I262-2 This comment includes a letter of reference for Orcem stating that the they have made a great contribution to the area through their constant support of the local community, contribution to local schools with expert advice, educational input, and participation in the Board of Management of the Secondary Technical School and have overall been a positive influence in their community.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter I263

Commenter: Jessica Toth

Date: November 2, 2015

I263-1 This comment asks if the Draft EIR included the endangered Salt Marsh Harvest Mouse.

Special-Status Wildlife was dealt with in Section 3.3, Biological Resources, of the Draft EIR. Section 3.3.2 Existing Conditions, shows the results of a nine-quad California Natural Diversity Database (CNDDDB) search, United States Fish and Wildlife Service threatened and endangered species list, and other literature review conducted for the project site. This search identified a total of 32 special-status wildlife species recorded in the vicinity of the project site, which are listed in Table 3.3-1 and depicted on Figure 3.3-2, CNDDDB Special-Status Species Occurrences. The Salt Marsh Harvest Mouse was one of the special status wildlife species identified with potential to occur on or near the project site. The Draft EIR

found that this species has a low potential to occur on the project site because the site provides little quality habitat for this species; therefore, impacts to this species and its potential habitat are considered less than significant. Please see Section 3.3.2 for a more extensive discussion of Special Status Wildlife.

Letter I264

Commenter: Camille Tucker

Date: October 21, 2015

I264-1 The commenter is against building the proposed project because of potential health impacts to her family caused by pollution.

Pollution created from drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District, which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from fugitive dust and project-related Toxic Air Contaminants and PM_{2.5} have been evaluated in the Health Risk Analysis prepared for the project. Results from this analysis were incorporated into the health risk impact discussion in Section 3.2.4 (D) of the Draft Final EIR. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

Pollutants to water are discussed in Draft Final EIR Section 3.8 Hydrology and Water Quality. Section 3.8.4 Impact Discussion, discusses how the proposed project would include appropriately sized storm drain systems with both volume- and flow-based design treatment systems (retaining media/sand filters), as well as rainwater harvesting/reuse LID tanks, which would decrease peak discharge rates compared with the existing system conditions. As part of the project's permitting and approval, the applicants will be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the Stormwater Regional Control Board and the San Francisco Regional Water Quality Control Board requirements. The SWPPP will include the BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby receiving waters (in this case, the Bay-Delta).

- I264-2** The commenter states that Vallejo needs development in sectors like technology that provide jobs and does not pollute the environment or people of Vallejo. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. The commenter is opposed to the use being proposed by the applicants. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- I264-3** This comment states that the Bay is in critical need of environmental help not dredging and more pollution. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I265

Commenter: Paula Tusler

Date: November 2, 2015

- I265-1** This comment asks what effect the proposed project will have on property value for homes within ¼ mile, 1 mile and 5 miles from the project site. This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- I265-2** This project asks how much money per year is Orcem going to contribute to repair of Vallejo's roads. As discussed in Section 3.12.5, Mitigation measure MM-3.12-3 would require the applicants to make improvements to Lemon Street in order to provide for safe and efficient vehicle movements. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to the roads to a

less-than-significant level. Please refer to Section 3.12.4 (C) for a full analysis of the impact and to Section 3.12.5 for a full text of the mitigation measure.

I265-3 This comment asks how many times per year is it projected that ambulances and fire trucks will be blocked by railcars utilized by the propose project and how many minutes of delay would these vehicles experience with the proposed project.

Emergency access is addressed in Section 3.12.4 (D) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively Mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Please refer to Section 3.12.4 (D) for the full analysis and to Section 3.12.5 for the full text of the mitigation measures.

I265-4 This comment asks what anticipated affect particulates from the proposed project have on people who already have asthma. Health impacts are discussed in detail in the Air Quality chapter of the EIR. Specifically Air Quality Section 3.2.4 Impact Discussion (D) discussed cancer risks, noncancer health effects and health impacts of PM_{2.5}. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM_{2.5}. The Heath Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR. Non-cancerous risks and local carbon monoxide emissions were determined to be less than significant. Cancer risks were determined to be significant as shown in Table 3.2-17. Table 3.2-19, listed under mitigation measure MM-3.2-2, details mitigation measures intended to allow for a choice of technologies based on the most cost-effective measures available at the time. The project design features, also discussed in Section 3.2.4 Impact Discussion, would be implemented as well to ensure fugitive dust measures are implemented during project operation. The EIR determined that implementation of mitigation outlined in mitigation measure MM-3.2-2 would reduce cancer risks to a less-than-significant level. Cumulative risks were evaluated utilizing the BAAQMD Stationary Source Risk and Hazard Analysis Tool for Napa and Solano counties. The EIR determined that the project would be

in compliance with both the BAAQMD's adopted threshold for Single Source and Cumulative community risks as well as hazards index risks. Please see Master Response 1 for additional information regarding health impacts to children, the elderly and all other sensitive receptors.

I265-5 This comment asks if the applicant will be using city water for its operations and, if so, how they are planning to replace the water used. Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

I265-6 This comment asks about the process to collect and dispose of the water used to wet down the dust. The Draft EIR found that the implementation of the BAAQMD BMPs would reduce the air quality and fugitive dust-related impacts associated with grading and new construction of the proposed project to less than significant. Therefore, the contractor would be required to implement these BMPs. One of the BMPs requires that all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Section 3.13.4 Impact Discussion of Section 3.13, Utilities and Service Systems, discusses how VMT operations may require up to 4,300,00 gallons of water annually (12,000 gallons per day maximum) for dust control purposes. Water trucks may be required to apply 3,000 gallons per episode to stockpiled cargoes on site, as well as to the on-site road network for dust suppression, as many as three times per day (9,000 gallons annually. Additionally, misting operations on cargo-handling equipment (front-end loaders, hoppers, conveyors, etc.) may require an additional maximum of 3,000 gallons of water daily for dust suppression, for a potential 312 operating days per year, a total capacity of 936,000 gallons annually.

Section 3.13.4 Impact Discussion also discusses how the Orcem project component would require water to spray the raw materials stockpiles. It is expected that this method of spraying would be carried out during the rainy season from October through April. For the remaining months of the year—May through September—any spraying would be carried out using mains water. It is estimated that spraying would take place every day for approximately 20 weeks per year, requiring a maximum of 2,400 gallons of water per day (300 gallons per hour for 8 hours per day).

The project site is currently served by the City of Vallejo Water Division. The City utilizes the Fleming Hill Water Treatment Plant (WTP) to treat water that is delivered from the Sacramento River Delta, Lake Berryessa, and Lake Curry, and it has a maximum design flow rate of 42 mgd (City of Vallejo 2006). The Draft EIR concluded that the proposed project's total demand for 46,082 gallons of water per day constitutes 0.1% of the maximum design flow rate of the Fleming Hill WTP. The increase in the need for treated water would be easily accommodated by the City's existing WTP; therefore, no expansion of the Fleming Hill WTP or construction of new water treatment facilities would be required, and impacts would be less than significant.

I265-7 This comment asks how the applicants plan to monitor air quality, where and how many air quality samples will be taken annually, whether the monitoring will be conducted by an impartial 3rd party or if the results of the monitoring will be made public. Please refer to Master Response 6 for a summary of monitoring requirements. In addition, as part of its permitting process, the BAAQMD stipulates operating, air quality monitoring, air quality measurement, recordkeeping conditions, and backstop measures, in accordance with its rules and regulations.

I265-8 This comment asks the applicants to commit to not manufacturing Portland cement.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The remainder of the description on Orcem operations provides information on the transport of raw materials to the site, movement of materials from ships to the plant, storage of raw materials, transport of raw materials from stockpile area to the process plant, drying and grinding raw materials and storage, loading and transport of finished product. All of these steps include information

on both GBFS and clinker, the raw materials for the production of GGBFS and portland cement, respectively.

Impacts such as Air Quality, Hazards and Hazardous Materials, and Traffic also include analysis of Orcem in each of the three production modes. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan. Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

The commenter is against the production of Portland cement. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I265-9

This comment asks what is the projected increase in air pollution from diesel fuel from trucks.

The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to estimate emissions from construction and operation of the proposed project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state, to quantify criteria pollutant and greenhouse gas (GHG) emissions associated with the construction and operational activities from a variety of land use projects, such as residential, commercial, and industrial facilities. CalEEMod input parameters, such as the proposed project land use type and size, construction schedule, and anticipated construction equipment utilization were based on information provided by the project applicant. The CalEEMod model provided total annual PM_{2.5} exhaust emissions (assumed to be Diesel Particulate Matter) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles). The on-road emissions are a result of haul truck travel, worker travel, and vendor deliveries during building demolition, grading, and construction

activities. A trip length of 0.65 mile was used to represent vehicle travel while at or near the construction site. Fugitive PM_{2.5} dust emissions were also calculated by CalEEMod (Appendix D-1). Table 3.2-15 provides the emissions of exhaust and fugitive PM_{2.5}.

Diesel particulate matter is considered a Toxic Air Contaminant (TAC). A Health Risk Assessment was prepared for the project that specifically evaluated health impacts of project-related TACs and PM_{2.5}. Air quality monitoring of annual diesel particulate matter and fugitive PM_{2.5} concentrations was conducted according to the EPA's atmospheric dispersion modeling system. As noted in Section 3.2.4 Impact Discussion (D), both cancerous and non-cancerous risks were evaluated utilizing BAAQMD threshold criteria. Non-cancerous risks and local carbon monoxide emissions were determined to be less than significant. Cancer risks were determined to be significant as shown in Table 3.2-17. Table 3.2-19, listed under mitigation measure MM-3.2-2, details mitigation measures intended to allow for a choice of technologies based on the most cost-effective measures available at the time. The EIR determined that implementation of mitigation outlined in mitigation measure MM-3.2-2 would reduce cancer risks to a less-than-significant level. Cumulative risks were evaluated utilizing the BAAQMD Stationary Source Risk and Hazard Analysis Tool for Napa and Solano counties. The EIR determined that the project would be in compliance with both the BAAQMD's adopted threshold for Single Source and Cumulative community risks as well as hazards index risks. For additional information please refer to Draft Final EIR Section 3.2.4 Impact Discussion (D) and Appendix D-1 of the Draft EIR.

Letter I266

Commenter: Paula Tusler

Date: September 25, 2015

I266-1

This comment requests that the Draft EIR public review period be extended. CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. The City is not able to make any additional extensions of the review period under CEQA.

Letter I267**Commenter: John C. Tyler****Date: October 28, 2015**

I267-1 This comment expresses support for the proposed project. The commenter would like the Planning Commission to approve the project because it will bring jobs and economic growth to the City of Vallejo.

This comment also addresses economic issues which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I268**Commenter: Fred Van Patten****Date: October 28, 2015**

I212-1 This comment clarifies that the commenter does not care for this format and states the commenter's opinion that the proposed project is ill thought-out.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

I268-2 This comment states that the proposed project is contradictory to developing the waterfront for tourism and asks how the plan fits with the strategic plan for developing the waterfront for tourism.

As discussed in Section 3.9, Land Use and Planning, the Draft EIR concluded that the proposed project is subject to several land use plans, policies, and regulations, including the Bay Plan, the City of Vallejo General Plan, and the City of Vallejo Zoning Ordinance. Table 3.9-2 Consistency of the Proposed Project with Relevant Goals, Objectives and Policies, of the Draft EIR lists the individual policies of

plans determined to be applicable to the various components of the proposed project. A consistency determination was also provided in Table 3.9-2 for each applicable policy and regulation. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

- I268-3** This comment inquires whether the proposed project was implemented without public comment. Please refer to Master Response 10 for information regarding public outreach.

Letter I269

Commenter: Erlina Vicente

Date: October 13, 2015

- I269-1** This comment asks about the proposed project's hours of operation. Chapter 2, Project Description of the Draft EIR explains the proposed hours of operation. Section 2.4.2.1 VMT Operation, states that during the time that vessels are moored at the facility, 24-hour operations would be conducted for offloading or loading of cargo. Other VMT Terminal operations would be scheduled as two 10-hour shifts per day, six days per week. Section 2.4.2.2 Orcem Operation, states that the Orcem component of the project is proposed to operate continuously on a 24-hour basis in order to limit the environmental impacts associated with the proposed project.

In order to reduce the noise impact of the continuous plant operation, Section 3.10.4 of the Draft EIR, Impact Discussion, states that the operations equipment staging area in the VMT would not be operated between the hours of 12:00 a.m. and 6:00 a.m. In the Draft Final EIR, all rail movement would be limited from 7:00 AM to 6:00 PM and loading and unloading of rail cars would be limited to the hours of 7:00 AM to 10:00 PM.

- I269-2** This comment inquires how noise pollution would be minimized during the hours of operation. Please refer to the response to comment I269-1.

- I269-3** This comment asks how the surrounding neighbors will be compensated for added noise pollution and daily inconvenience for the noise produced by the trucks and factory. Please see Response I213-2 above for a discussion about noise impacts and the mitigation measures stated in the Draft EIR to mitigate for impacts. This comment also apparently addresses economic issues and compensation which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so

that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I269-4 This comment asks how the proposed project will minimize air pollution.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. All potential air quality and air pollution issues were addressed and four impacts were determined to be significant and unavoidable. Impacts 3.1-1 and 3.2-5 were determined to be significant and unavoidable due to the proposed rezoning of the 5.25 acre portion of the project site to a heavy industrial use. The project is no longer proposing the rezone of the 5.25 acres and these impacts are reevaluated in Section 3.2.4 Impact Discussion (A) and (C) of the Draft Final EIR. The Draft EIR also determined that VMT and Orcem, both individually and combined, would exceed the Bay Area Air Quality Management District's threshold for NO_x emissions. Mitigation is provided in mitigation measure MM-3.2-1, which requires an air quality emissions report from trucks and on-site equipment be submitted to the City of Vallejo for review. Despite this mitigation this impact would remain significant.

Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM_{2.5}. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR.

I269-5 This comment asks how the surrounding neighbors will be compensated for the decrease in air quality that will escalate over time by the use of large construction vehicles.

See Response I213-4 for a discussion of the possible air quality impacts and mitigation measures within the Draft EIR to mitigate for those impacts. This comment also apparently addresses economic issues and compensation which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I269-6 This comment inquires how potential air quality of safety impacts to the students at Grace Patterson Elementary School will be dealt with.

Please see Response I213-4 for a discussion of the potential air quality impacts and the recommended mitigation measures included within the Draft EIR to mitigate for those impacts. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1.

I269-7 This comment states that the proposed project closes a portion of the waterfront that is presently enjoyed by surrounding neighbors and asks how the surrounding neighbors will be compensated.

As discussed in Chapter 2, Project Description and Section 3.9, Land Use and Planning of the Draft EIR, the proposed project has been planned to take advantage of an existing industrial site and marine facilities that were historically used by General Mills. Public access to the site would be restricted due to Department of Homeland Security regulations for the security of active marine terminals. Public access to the shoreline would continue to be provided to the north and south of the project site. In addition, VMT would install a new self-propelled personal watercraft launch just north of the access ramp to K Dock at the south end of the City of Vallejo Municipal Marina. This public access improvement would be completed by VMT in lieu of providing direct public access to the waterfront within the project site.

Letter I270

Commenter: Lina Villenas

Date: November 2, 2015

I270-1 This comment expresses concern that the proposed project will deteriorate the community of South Vallejo and should be rejected by the City.

Please see the response to comment I268-1.

I270-2 This comment states that the Draft EIR is insufficient and provides a list of how it violates CEQA Guidelines. The Draft EIR violates CEQA Section 15141, which states that a Draft EIR should be written no more than 500 pages in language that the community will understand. The Draft EIR is loaded with thousands of papers that will require the public to hire experts and consultants.

While every effort has been made to stay within 500 pages, the level of complexity of the proposed project makes it very difficult to stay within this page

limit. In order to clearly demonstrate the environmental analysis, it is necessary to exceed this page limit.

I270-3 This comment expresses concern that the Draft EIR does not address a goal put forth by City staff (Senior Planner Michelle) in 2014 that the heavy industry section of South Vallejo is concentrated on the existing heavy industries already existing north of Lemon Street. The comment states that any potential individual and cumulative impacts that may be associated with the proposed project must be evaluated and that an updated General Plan will be available before the proposed project is approved. The comment also states that appropriate and feasible mitigation measures and alternatives were not included to reduce or eliminate significant impacts.

The Draft EIR concluded that the proposed project is subject to several land use plans, policies, and regulations, including the Bay Plan, the City of Vallejo General Plan, and the City of Vallejo Zoning Ordinance. Table 3.9-2 Consistency of the Proposed Project with Relevant Goals, Objectives and Policies, of the Draft EIR lists the individual policies of plans determined to be applicable to the various components of the proposed project. A consistency determination was also provided in Table 3.9-2 for each applicable policy and regulation. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017,, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

I270-4 This comment states that the Draft EIR violates Section 15151 of CEQA guidelines, which calls for a sufficient degree of analysis to provide decision makers with the information to make a decision that intelligently takes account of environmental consequences. The commenter states that the Draft EIR left out several proposed operations that are planned for the site.

Section 2.4.2, Operation, of the Draft EIR lays out the operations proposed by both the Vallejo Marine Terminal and the Orcem Project components of the proposed project. Please see Section 2.4.2.1 for a description of the Vallejo Marine Terminal operation including movement of materials, shipping facility,

rail facility, trucking, circulation, access, parking, building usage, and staffing of the terminal. A list of materials that would be handled by VMT can be found in the Project Description under Section 2.4.2.1 VMT Operation of the Draft Final EIR. Section 2.4 Project Description notes that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Please see Section 2.4.2.2 of the Draft EIR for a description of the Orcem Operation including the operation's production process, shipping transport, truck transport, rail transport, storage of raw materials, transport of raw materials from stockpile area to the process plant, drying and grinding raw materials, storage, loading, transport of finished product, site access, parking and staffing.

The operations described in the Draft EIR are those proposed by the Applicants and are the basis for the environmental analysis in the Draft EIR.

I270-5

This comment states that there were environmental impacts that were not analyzed in the Draft EIR including how environmental impacts will affect nearby schools, the demolition of historic resources, and public transportation.

Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from fugitive dust have been evaluated in the Health Risk Analysis prepared for the project. Results from this analysis were incorporated into the health risk impact discussion in Section 3.2.4 (D) of the Draft Final EIR. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, schools and all other sensitive receptors please refer to Master Response 1.

The flour mill, grain silos, administrative building, garage, manager's house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic District. As discussed in Section 3.4.4(A) the flour mill, grain silo and dock would be demolished as part of the proposed project which would cause a significant impact to historic resources. Mitigation Measure MM-3.4-1a requires a historic preservation plan be implemented to aid in preserving those historic

resources proposed to be retained on the site including the administrative building, garage, manager's house, and the barn. Mitigation measure MM-3.4-1b would require an existing conditions study be performed prior to construction on the project site to establish the baseline condition of the structures. Finally Mitigation measure MM-3.4-1c would require that upon completion of construction the qualified architectural historian evaluates the level of success for preserving the character-defining features of the identified historic resources. Mitigation measure MM-3.4-2b would require the project sponsor to install permanent interpretative exhibits at the Vallejo Naval and Historic Museum that provide information regarding the history of the Sperry Flour Mill including images, narrative history, drawings and other archival resources. For a full text of the mitigation measures please refer to Section 3.4.5 Mitigation Measures.

The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time.

Subsidizing bus passes would be just one way that the project encourages commuting alternatives. Additional methods include notification of the RideMatch service, implementation of the project's own worker ridership program, and inclusion of adequate bike parking. Soltrans Route 3 provides services to the area surrounding the project site. Multiple stops are available along Porter Street, with the stop at Porter and Winchester being the closest to the project. Subsidizing bus passes give employees the option to use public transportation to get to South Vallejo and then bicycle or walk the remaining distance to the project site (approximately 0.75 mile). For more information on mitigation measures encouraging commuting alternatives please refer to mitigation measure MM-3.6-2a in Section 3.6.5 Mitigation Measures of the Draft Final EIR.

Potential impacts to traffic and transportation were discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. Section 3.12.4 Impact Discussion The project's added operational auto and truck trips on Lemon Street would make local vehicle, pedestrian, and bicycle movements less safe and convenient. Based on threshold of significance E.2, This impact would be significant and mitigation would be required. Section 3.12.5 provided mitigation measure MM-3.12-6 that would require improvements to Lemon Street between the project site and Curtola Parkway would be required to provide for safe movement of pedestrians seeking public transportation, bicycles and trucks. In addition, with implementation of MM-3.12-3, improvements to Lemon Street from the project site through the intersection of

Lemon Street/Sonoma Boulevard would be required to provide for safe vehicle movements for public buses and other forms of public transit.

I270-6 This comment expresses concern that the consolidation of multiple projects into one Draft EIR violated Section 15168 of the CEQA Guidelines. The commenter states that there are segments in the Draft EIR that state several more future projects should be expected and therefore a program EIR is the appropriate document to be prepared for the proposed project. The commenter states VMT, as the master planner, should have prepared a Program EIR. The DEIR was prepared looking at both project level details (where these are known and predictable) and programmatic details for those portions of the project that are not as defined. As is discussed in the FEIR, programmatic elements may require further environmental review when better defined,

I270-7 The comment expresses concern that many environmental effects were not disclosed because VMT did not provide a master plan and states that there is no discussion of what is proposed for 32+ acres of the project site. Please see the response to comment I270-5.

I270-8 This comment states that environmental justice was not discussed and points out that there is a high percentage of minority and impoverished communities within Vallejo's borders. The commenter states that when the ports were expanded in the mid-1990s, the focal point of the EIR was environmental justice. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

I270-9 This comment states that the five CEQA violations pointed out in the letter are significant enough to require rejection, amendment and recirculation or shelve the project until a general plan is approved. Comment noted. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I271

Commenter: TJ Walkup

Date: November 2, 2015

I271-1 This comment states that if the proposed project is accepted, a class action from asthmatics of Solano County will be put together. The commenter expresses concern that the County has the highest rate of childhood asthma in the state of California. Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. All potential air quality and air pollution issues were addressed and

four impacts were determined to be significant and unavoidable. Impacts 3.1-1 and 3.2-5 were determined to be significant and unavoidable due to the proposed rezoning of the 5.25 acre portion of the project site to a heavy industrial use. The project is no longer proposing the rezone of the 5.25 acres and these impacts are reevaluated in Section 3.2.4 Impact Discussion (A) and (C) of the Draft Final EIR. The Draft EIR also determined that VMT and Orcem, both individually and combined, would exceed the Bay Area Air Quality Management District's threshold for NO_x emissions. Mitigation is provided in mitigation measure MM-3.2-1 requires purchase of offsets under the BAAQMD permit. Despite this mitigation this impact would remain significant.

Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM_{2.5}. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR.

I271-2

This comment states that an injunction and moratorium is needed on the proposed project. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. The commenter is opposed to the use being proposed by the applicant. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I272**Commenter: Leigh Walters Manning****Date: September 21, 2015****I272-1**

This comment expresses concern that the proposed project is the wrong kind of development for Vallejo. The commenter would like the Planning Commission to

consider bringing businesses to Vallejo that are environmentally-friendly and produce higher wage jobs that attract and retain middle class residents instead of industries that hurt property values, create problems for the health and well-being of residents and the surrounding communities, and solidify an unpopular low-life image of Vallejo. The commenter states that the project site is an ideal location with incredible value and that it should not be used for an industrial use that pollutes the environment.

Please see the response to comment I271-2.

I272-2 This comment provides a list of facts from the Environmental Protection Agency about the cement sector. This list states that the cement sector is the third largest industrial source of pollution, emitting toxic air emissions and toxins including nitrogen oxide, sulfur dioxide and carbon monoxide that produce health and environmental impacts.

Please refer to the response to comment I271-1 for further information on air pollution. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I273

Commenter: Michael S. Williams

Date: November 2, 2015

I273-1 This comment expresses the opinion that this is not a suitable place for a large transportation-dependent industry and would substantially lower home values decreasing Vallejo's attractiveness as a place to live.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment does not include any other specific comments on the Draft EIR; therefore, no further response is included.

Letter I274

Commenter: Heidi Wohlwend

Date: November 2, 2015

I274-1 This comment asks why the City changed the original plan for recreation and mixed use to heavy industry.

As described in Section 3.9.4 of the Draft EIR, General Plan and Zoning Designations, the proposed use of the site by VMT and Orcem is consistent with the City's existing General Plan and zoning designations for the majority of the site. Both the VMT and Orcem project components are classified as "General Industrial Uses," which are permitted in the "Intensive Use" zoning district.

The project is no longer proposing the rezone of the 5.25 acres portion of the project site outside the City limits from "Open Space – Community Park" to "Employment." This change will be discussed in the Draft Final EIR in Section 3.2.4. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

Letter I275

Commenter: David Wolins

Date: October 19, 2015

I275-1 This comment expresses concern that the people living in the proximity of the plan, those along the truck and train routes, and those within exposure to the plants pollution field will be greatly impacted.

Air pollution and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

I275-2 This comment questions what mitigation is required for air pollution, traffic and noise impacts and expresses the commenter's opinion that the mitigation identified in the Draft EIR is missing or inadequate.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. All potential air quality and air pollution issues were addressed and four impacts were determined to be significant and unavoidable. Impacts 3.1-1 and 3.2-5 were determined to be significant and unavoidable due to the proposed rezoning of the 5.25 acre portion of the project site to a heavy industrial use. The project is no

longer proposing the rezone of the 5.25 acres and these impacts are reevaluated in Section 3.2.4 Impact Discussion (A) and (C) of the Draft Final EIR. The Draft EIR also determined that VMT and Orcem, both individually and combined, would exceed the Bay Area Air Quality Management District's threshold for NO_x emissions. Mitigation is provided in mitigation measure MM-3.2-1, which requires an air quality emissions report from trucks and on-site equipment be submitted to the City of Vallejo for review. Despite this mitigation this impact would remain significant. Additional information regarding air quality impacts can be found in the Draft Final EIR Section 3.2 Air Quality.

Section 3.12.5 Mitigation Measures presents mitigation for all significant traffic impacts. Mitigation measure MM-3.12-1 would require that a Construction Traffic Management Plan be developed in coordination with the City of Vallejo to develop traffic management strategies to reduce congestions by the maximum extent feasible and to address the effects of parking demand by construction workers for the project and other projects nearby that could be simultaneously under construction. The Draft EIR concluded that implementation of mitigation measure MM-3.12-1 would reduce construction traffic impacts to less-than-significant levels. Mitigation measure MM-3.12-2a would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements. Even with implementation of mitigation measure MM-3.12-2a, delays due to railroad operation were determined to be significant and unavoidable. Please refer to Section 3.12.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.12-1 and MM-3.12-2. Additional information regarding the project's less-than-significant impact on intersection and freeway congestion please refer to Section 3.12.4 Impact Discussion (A) in the Draft Final EIR.

Noise impacts are discussed in Section 3.10 Noise of the Draft EIR. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR. Please refer Master Responses 1 and 5 for information regarding air quality impacts, including fugitive dust emissions, and associated potential health risks.

This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I275-3 This comment states that it is the City’s responsibility as the representative of the people to negotiate mitigation and that prior to proceeding with the proposed project the mitigation must be agreed upon.

For information regarding the Mitigation and Monitoring Reporting Program, refer to Master Response 7. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I275-4 This comment includes a list of suggested mitigations for air pollution, traffic, and noise. Please see response to I218-2 and I218-3 above.

I275-5 This comment references Page 30 – Impact 3.2-6 and states the combined risks associated with all of those impacts deemed “impact significant” require mitigation. Section 3.2.4 Impact Analysis of the Draft EIR determined that once the average number of ship calls exceed 28 ships per year, the combined project operations would exceed the Bay Area Air Quality Management District threshold for cancer risk and that impacts would be significant (Impact 3.2-6). With the implementation of mitigation measure MM-3.2-2, the project will maintain consistency with BAAQMD threshold and impacts would be less than significant.

Section 3.2.4 Impact Discussion of the Draft EIR also outlined a number of project design features that would be implemented as part of the proposed project to ensure fugitive dust measures are implemented during project operation. Please see Section 3.2.4 for a list of these project design features.

This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project. Please see response to I275-2 and I257-3 above.

I275-6 This comment expresses concern that proper oversight will not be conducted during the removal of the creosote pilings and that the water will become contaminated. The commenter believes the applicant should pay for public

oversight. Mitigation measure MM-3.3-3 requires that prior to removal of any pilings from the VMT site or the City of Vallejo Municipal Marina, VMT shall develop a Piling Removal Plan that begins with an inventory of all existing pilings at the wharf, documents their individual condition, and suitability for removal using Best Management Practices (BMPs). This plan shall conform to all U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), Bay Conservation and Development Commission (BCDC), and City of Vallejo permit conditions.

In addition, mitigation measure MM-3.3-4 requires that prior to any deconstruction of the existing wharf, removal of any pilings, removal or burial of existing shoreline armoring/riprap, and construction of the new wharf, VMT shall prepare and implement a Construction/Deconstruction Pollution Prevention Plan. This plan shall detail all steps to be taken, including selection of equipment, operational procedures, on-site monitors, etc. that will be employed to ensure that no construction or deconstruction debris is accidentally deposited or remains in Napa River or Bay-Delta waters and therein pose a threat to special-status fish species, marine mammals, and any Bay-Delta ecosystems. This plan shall conform to all USACE, RWQCB, BCDC, and City of Vallejo permit conditions. Both the Piling Removal Plan and the Construction/Deconstruction Pollution Prevention Plan will be reviewed and approved by the City of Vallejo and a third-party independent environmental mitigation monitor and shall include measures for proper oversight.

This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project. Please see response to I275-2 and I275-3 above.

I275-7

This comment expresses concern that Mitigation Measures MM-3.6-2a through MM-3.6-2d do nothing to assure the local community of the mitigation of the air, water, noise and vibration issues generated by this potential facility. The commenter asks that the City state how the mitigation will assure the public that these pollutants will be mitigated during the life of the proposed project.

Section 3.6.4 Impact Discussion of the Draft EIR states that the proposed project would not directly conflict with or obstruct implementation of the City of Vallejo Climate Action Plan (CAP). Implementation of Mitigation Measures MM-3.6-2a through MM-3.6-2d would require the applicants to encourage employee commute alternatives, and reduce the amount of energy used for landscaping maintenance and irrigation. However, because the City's adopted CAP does not

extend fully to marine and rail operations, there is no assurance that greenhouse gas emissions will be reduced to a level that would ensure the project would be consistent with the overarching objective of the City's CAP to achieve the reduction targets as established for 2020 and 2035, or the state's target reduction goals in 2030 and 2050. Impacts 3.6-2 and 3.6-3 would therefore remain significant and unavoidable.

These mitigation measures pertain to potential greenhouse gas emission impacts and not to air, water, noise and vibration impacts. Each of these impacts have been addressed in the following sections of the Draft Final EIR: 3.2 Air Quality (diesel particulate matter and dust), 3.8 Hydrology and Water Quality, and 3.10 Noise (noise and vibration). Please refer to each of the specified Sections for discussions of the potential impacts resulting from the proposed project and the mitigation measures that will be required to lessen these impacts. See Master Response for further details regarding MMRP enforcement.

I275-8 This comment states that the developer should bear the costs associated with mitigation measure MM-3.12-4, which requires a semi-annual road deterioration assessment. Please refer to the Master Response 8.

I275-9 This comment states that the Vacaville air quality measurements do not properly reflect Vallejo's environment and states that a more urban station would have been better to reflect actual Vallejo conditions. The commenter would like the air quality section rewritten using Vallejo AQS ID 060950004 ARB #48879 air quality standards, reviewed by a city consultant and reevaluated. Please see response to comment I54-59.

I275-10 This comment expresses concern with the completeness and adequacy of Table 3.2-14, Sensitive Receptors within 2.5 Miles of the Project. The commenter point out that Franklin Middle School, and a number of parks and playgrounds are not included on the list. See response to Master Response 4.

Letter I276

Commenter: Scott Wright

Date: September 23, 2015

I276-1 This comment asks whether other uses have been evaluated for this site?

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use

Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This question is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project. However, because the comment does not include a specific comment or raise an environmental issue on the Draft EIR, no further response is included.

I276-2 This comment questions if the proposed project would create too much pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

I276-3 This comment recommends that a business should not be put on the project site until all options have been evaluated. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I277

Commenter: Scott Wright

Date: October 7, 2015

I277-1 This comment questions whether the site can be used for a better use like housing, a park or clean businesses.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead

agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. The commenter is opposed to the use being proposed by the applicant. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I278

Commenter: Gregory L. Young

Date: November 2, 2015

I278-1 This comment questions if the proposed project will diminish the property values of homes and businesses in the South Vallejo area.

This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I278-2 This comment questions if the use of Lemon Street and the Railroad would harm traffic flow for automobiles through the area.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the Draft Final EIR. Section 3.12.4 Impact Discussion (A) discusses congestion impacts from additional truck traffic on roadways in the project area. The Draft EIR determined construction impacts during the project would be temporary but significant. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively, while impacts to railways would be significant for both projects individually and cumulatively. Section 3.12.5 Mitigation Measures presents mitigation for all significant traffic impacts. Mitigation measure MM-3.12-2a would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements. Even with implementation of mitigation measure MM-3.12-2a, delays due to railroad operation were

determined to be significant and unavoidable. Please refer to Section 3.12.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.12-1 and MM-3.12-2. Additional information regarding the project's less-than-significant impact on intersection and freeway congestion please refer to Section 3.12.4 Impact Discussion (A) in the Draft Final EIR.

I278-3 This comment questions whether children will be less safe.

Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12, Transportation and Traffic, of the EIR. As described in Section 3.12.4, construction of the project would result in temporary impacts on traffic operations and non-vehicular mobility; however, implementation of mitigation measure MM-3.12-1 would require the repair of any damage to the street caused by project construction vehicles at the expense of the applicants. In addition, mitigation measure MM-3.12-3 would require physical improvements to Lemon Street in order to provide safe and efficient vehicle movements during operation of the proposed project.

Health impacts from fugitive dust have been evaluated in the Health Risk Analysis prepared for the project. Results from this analysis were incorporated into the health risk impact discussion in Section 3.2.4 (D) of the Draft Final EIR. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1.

I278-4 This comment questions whether residents will be disturbed by the noise of the proposed project.

Noise impacts are addressed in the Section 3.10 Noise (noise and vibration) of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. The Draft EIR determined construction impacts during the construction of the VMT project component would generate temporary noise levels up to 75 dBA L_{eq} at the closest residential receptor locations, resulting in potentially significant construction noise nuisance impacts. Construction of the Orcem plant would be temporary and would not exceed established standards so impacts would be less than significant. The Draft EIR also determined that the combined effects of construction of the VMT and Orcem project components would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

Potential noise impacts were quantified for the project and three impacts (3.10-1, 3.10-3 and 3.10-4) were determined to be significant and unavoidable. Impacts regarding operation of the railroad would remain significant despite implementation of mitigation measure MM-3.10-1a because although the City can require the applicants work with the California Northern Railroad to make necessary improvements, the City cannot ensure the California Northern Railroad would agree to make the improvements since the City does not have jurisdiction over the railroad. Five additional impacts were determined to be significant but would be reduced to a less-than-significant level with implementation of the proposed mitigation measures. Noise impacts from operation of the Orcem plant would be significant without mitigation. Please refer to Section 3.10.4 for a full impact analysis and to Section 3.10.5 for a full text of mitigation measures in the Draft Final EIR.

Letter I279

Commenter: Joana Zegri

Date: September 13, 2015

I279-1 This comment expresses concern that the proposed project operations will cause dust in the air for miles in the heart of Vallejo.

Pollution from drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM_{2.5}. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR.

I279-2 This comment expresses concern that the noise of a working factory around the clock and the noise of trucks streaming in and out at all hours will impact the City.

Noise impacts have been addressed in Draft Final EIR Section 3.10 Noise (noise and vibration). Please refer to this section and response I221-4 for discussions of the potential noise impacts resulting from the proposed project.

I279-3 This comment expresses the commenter's opinion that this type of operation belongs far away from living, breathing people in the community and asks the City to stop the plan as soon as possible.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. The commenter is opposed to the project. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I280

Commenter: Joana Zegri

Date: September 13, 2015

I280-1 This comment states how the commenter intends to attend the September 14, 2015 meeting because her house is located up the hill from the proposed project site. The comment expresses concern that lots of dust is blown by the winds up the street and into the commenter's windows.

Please refer to the response to comment I222-1 for information on drift materials and fugitive dust.

I280-2 This comment expresses concern that that noise can be heard clearly from the proposed project site.

Noise impacts have been addressed in Draft Final EIR Section 3.10 Noise (noise and vibration). Please refer to this section and response I221-4 for discussions of the potential noise impacts resulting from the proposed project.

I280-3 This comment expresses concern that the proposed project would have a negative effect on the property values in the commenter's neighborhood.

This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

I280-4 This comment states that the placement of the project as proposed would impact the quality of life in Vallejo and make clean industry shy away from the area. The commenter urges the City to pursue clean industry and notes that the City has the infrastructure to support hi-tech companies.

Please refer to the response to comment 1279-3. This comment addresses economic issues which are not within the scope of CEQA. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I281

Commenter: Joana Zegri Soder

Date: September 14, 2015

I281-1 This comment noted that there is considerable opposition to the proposed project at the September 14 public meeting.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I281-2 This comment states that the commenter is a homeowner and has rental property and grandchildren in the project area. The commenter is concerned about the impact the proposed project will have on the quality of life in Vallejo.

This comment does not include a specific comment on the Draft EIR and apparently addresses economic issues which are not within the scope of CEQA; therefore, no further response is included.

I281-3 This comment summarizes how many questions were asked in the public meeting that were not answered and that attendees would like to have addressed.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

I281-4 This comment questions what economic benefit the applicant is offering the City and if that is the only deciding factor that is being considered.

This comment addresses economic issues which are not within the scope of CEQA. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060

the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter I282

Commenter: Joana Zegri

Date: October 15, 2015

- I282-1** Commenter questions who will pay for upkeep of our roads and streets and how will this affect the quality of life in Vallejo. Please refer to Master Response 8. As discussed in Section 3.12.5, mitigation measure MM-3.12-3 would require the applicants to make improvements to Lemon Street in order to provide for safe and efficient vehicle movements. The Draft EIR concluded that implementation of this mitigation measure would reduce impacts to the roads to a less-than-significant level. Please refer to Section 3.12.4 (C) for a full analysis of the impact and to Section 3.12.5 for a full text of the mitigation measure.
- I282-2** Commenter questions who will pay for the dust and noise from 24 hour a day access and questions how this will affect the quality of life in Vallejo. Pollution from drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from fugitive dust have been evaluated in the Health Risk Analysis prepared for the project. Results from this analysis were incorporated into the health risk impact discussion in Section 3.2.4 (D) of the Draft Final EIR. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1.

Noise impacts have been addressed in Draft Final EIR Section 3.10 Noise (noise and vibration). Please refer to this section and response I278-4 for discussions of the potential noise impacts resulting from the proposed project.

This comment also addresses economic issues which are not within the scope of CEQA; therefore, no further response is included. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

RTC.5 PUBLIC HEARINGS

Letter PH1

Commenter: Cindy Arbizo

Date: October 7, 2015

PH1-1 This comment expresses the opinion that the citizens care about the City and should not let this project happen.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH2

Commenter: Valery Asenjo

Date: October 7, 2015

PH2-1 This comment asks for the individual names, corporate name and address for the owners of the property.

As discussed in Section 2.2 Existing Project Site, VMT owns a majority of the property and has a long-term lease for the remainder of the site. Orcem would lease a 4.88-acre portion of the site from VMT for its proposed operations.

PH2-2 This comment asks if any other proposals for condos, restaurants, or recreation have been received and if the owners would consider doing that type of business there.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is

required to fully examine any application deemed complete and requiring environmental review under CEQA.

PH2-3 This comment asks what the toxicity levels of GBFS are including levels of zinc, copper lead, arsenic, cadmium or any other known toxic substance.

Hazards related to raw materials, including GBFS, were analyzed in Section 3.7.4 (A) of the EIR. The Draft EIR states that GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. A laboratory analysis of GBFS was completed for the project and results are included as Attachment A of Appendix I-9 of the Draft EIR.

PH2-4 This comment asks where and how GBFS is stored and if during storage there is a chance for toxic chemicals to leach into the ground, air or water.

Section 2.4.2.2 Orcem Operation, provides detailed information regarding the transport of raw materials to the site, the movement of materials from ships to on-site plant, storage of raw materials, transport of raw material from stockpile areas to the process plant, drying and grinding raw materials, and storage, loading and transport of finished product. All of these steps outline the production process for GBFS and clink, the raw materials for GGBFS and portland cement, respectively. Please refer to Section 2.4.2.2 for detailed information regarding where and how GBFS is stored.

PH2-5 This comment asks if limestone would be used during construction or maintenance and if so, how limestone would be kept from leaching in the air, water or soil and what impact would that have.

Limestone is found in clinker used to produce portland cement. Measures to prevent limestone from leaching into the air, water and soil would be the same as those used to prevent portland cement from leaching into the air, water and soil. The transport and storage of portland cement clinker is detailed in Section 2.4.2.2 of the EIR. Concerns to water quality and stormwater runoff are addressed in Section 3.8.4 (A) of the EIR.

PH2-6 This comment asks if the Draft EIR will be revised to include environmental impacts of portland cement.

As described in Section 2.4.2.2 of the EIR, Orcem would be capable of operating in three different modes, including Mode 2, which would involve production of

portland cement, and Mode 3, which would involve import of portland cement. The environmental analysis presented throughout the EIR considers these three modes of operation and therefore examines environmental impacts from producing of portland cement. Please refer to the environmental analysis contained in Chapter 3 of the Draft Final EIR for more information.

PH2-7 This comment asks how light, pollution and noise especially at night time would be remediated.

Light pollution and nighttime lighting were evaluated in Section 3.1.4 (C) of the EIR and was determined to be less than significant with the implementation of mitigation measure MM-3.1-1. The full text of mitigation measure MM-3.1-1 is provided in Section 3.1.5. Noise concerns are addressed in Section 3.10 and noise impacts to the ten closest noise-sensitive locations were quantified in Section 3.10.4 (A). Mitigation measures for noise impacts are provided in Section 3.10.5.

Letter PH3

Commenter: Bruce Balala

Date: October 7, 2015

PH3-1 This comment expresses the opinion that this project offers no gains for the people of Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH3-2 This comment requests that a project that is clean such as a recreation area or a place to walk your dog be considered.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH4

Commenter: Paula Bauer

Date: October 7, 2015

PH4-1 This comment asks how many significant and unavoidable impacts are acceptable in a Draft EIR.

Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable. There is no limit to the number of impacts that can be determined as significant and unavoidable; however, the lead agency (City of Vallejo) would be required to make findings on each impact in accordance with Section 15091 of the CEQA Guidelines. The City would also need to state in writing the specific reasons to support its action based on the Draft Final EIR and other information in the record. This written statement is called a Statement of Overriding Considerations.

PH4-2 This comment asks how mitigation can be evaluated if there is intent to write mitigation but is not available with the Draft EIR.

One form of future mitigation found in the Draft EIR is the creation of specific plans prepared by the project sponsors and subject to approval of the City and appropriate departments upon certification of the EIR prior to construction activities. Since certification of the EIR could alter the project, these mitigation plans are not required to be submitted until the project is approved. This mitigation measure would be enforced through the MMRP, and approval by the City would be contingent on demonstration that stated goals of mitigation have been met. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

PH4-3 This comment expresses the opinion that it doesn't make any sense that an environmental justice report is not required. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter PH5

Commenter: Danny Bernardini

Date: October 7, 2015

PH5-1 This comment expresses support for the project for the jobs it would bring to the people of Solano County.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH5-2 This comment expresses the opinion that CEQA and BCDC would not allow a project that would cause significant harm in California or on the water if claims were not adequately addressed.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH6

Commenter: Michelle Berrios

Date: October 7, 2015

PH6-1 This comment asks why all property owners haven't been notified of this project. Please refer to Master Response 10 for information regarding public outreach.

PH6-2 This comment asks if Orcem is willing to put up money for environmental and health costs to the people of Vallejo and who would handle those health costs.

According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

PH6-3 This comment expresses the opinion that research should be done on all Orcem factories and how much damage they have cost in those communities.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH7

Commenter: Jackie Bess

Date: October 7, 2015

PH7-1 This comment asks what makes an impact significant but unavoidable.

Please refer to the response for comment PH4-1 above for the definition of a significant and unavoidable impact.

PH7-2 This comment asks what the revised operations alternative is, if it has been submitted to the City and when the public would find out about it.

Chapter 6 of the EIR analyzes project alternatives. The Revised Operations Alternative would alter several project components to reduce impacts related to air quality, GHG emissions, and transportation and traffic. A discussion of these modifications and a comparison of project impacts under the proposed project and the Revised Operations Alternative is provided in Section 6.4.2 of the EIR.

Letter PH8

Commenter: Dan Broadwater

Date: October 7, 2015

PH8-1 This comment expresses the opinion that the people should be making suggestions for how to better the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH8-2 This comment expresses support for the project from the Napa/Solano County Electricians Union.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH9

Commenter: Peter Brooks

Date: October 7, 2015

PH9-1 This comment asks who speaks for the children on Lemon Street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH9-2 This comment expresses the opinion that 300 trucks per day down Lemon Street is not fair to the children who use this street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH10

Commenter: Erica Cameron

Date: October 7, 2015

PH10-1 This comment expresses the opinion that the citizens don't know the impacts that will be here ten years from now.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH10-2 This comment expresses the opinion that this area needs good jobs but no a cement plant.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH11

Commenter: Ann Carr

Date: October 7, 2015

PH11-1 This comment claims that the project is inadequate and ill-suited for Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH11-2 This comment asserts that the absence of information around portland cement in the Draft EIR should require a redo and recirculation.

Please refer to the response for comment I34-1 above for information regarding the evaluation of portland cement in the Draft EIR.

PH11-3 This comment expresses the opinion that this is not an appropriate project for Lemon Street.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH12

Commenter: Wade Colbaugh

Date: October 7, 2015

PH12-1 This comment states that commenter was not aware of the project until 48 hours ago. Please refer to Master Response 10 for information regarding public outreach.

PH12-2 This comment states that particulates have long term chronic effects. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

PH12-3 This comment claims that the project needs to be reevaluated.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH13

Commenter: Coleen Cole Morrison

Date: October 7, 2015

PH13-1 This comment asks how many people would be impacted by the release of NOx..
Please see response to comment I6-46.

PH13-2 This comment asks what the applicant considers to be a considerable number of impacted persons.

The considerable number of impacted persons is defined by the Threshold of Significance listed in the Draft EIR. Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines. Thresholds of significance are quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. Each Section of the Draft EIR contains a heading titled Thresholds of Significance which lists the thresholds and states that the project would result in a significant impact if any of the thresholds were exceeded. Please see EIR Section 3.2.3 for a discussion of the Thresholds of Significance for air quality.

PH13-3 This comment asks how many people would be impacted by diesel particulate matter.

Please refer to the response for comment PH13-1 above.

PH13-4 This comment asks how many people in the project area would suffer from respiratory ailments.

Please refer to the response for comment PH13-1 above.

PH13-5 This comment asks where in the study area the current carcinogens and air quality problems mentioned as part of environmental justice. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH13-6 This comment asks where the current asthma rates are listed as part of environmental justice impact for respiratory illness. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH13-7 This comment asks how many people in the area suffer from other health conditions that may be exacerbated by the increase in pollution. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter PH14

Commenter: Kathy Cook

Date: October 7, 2015

PH14-1 This comment asks what the chemical make-up of slag is and if it contains any heavy metals or carcinogens.

Hazards related to raw materials, including GBFS, were analyzed in Section 3.7.4 (A) of the EIR. The Draft EIR states that GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. A laboratory analysis of GBFS was completed for the project and results are included as Attachment A of Appendix I-9 of the Draft EIR.

PH14-2 This comment asks what the particulate make-up of dust emissions would be.

Fugitive dust emissions and associated impacts are addressed in Section 3.2 of the Draft Final EIR. Please refer to Table 3.2-13 of the Draft Final EIR.

PH14-3 This comment asks how much dust would settle over residential areas.

Section 3.2, discusses fugitive dust emissions associated with construction and states that although fugitive dust is typically associated with construction activities, the BAAQMD CEQA Air Quality Guidelines consider fugitive dust impacts to be less than significant if BMPs are employed to reduce these emissions. Section 3.2 identifies the BMPs that would be employed during construction activities.

Section 3.2, Tables 3.2-11 and 3.2-12 present fugitive dust emissions associated with operational activities.

PH14-4 This comment asks how much dust would settle over wetlands and what happens when cement dust settles over wetlands.

Please refer to the response for comment PH14-3 above. Additional impacts to wetlands and biological resources are evaluated in Section 3.3.4 (C). The Draft EIR determined that there would be no impact to federally protected wetlands as a result of the proposed project. The full analysis for this impact is provided in Section 3.3.45 (C) of the EIR.

PH14-5 This comment asks where the product is exported to and why they are making it here.

The project is being proposed jointly by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. This comment addresses economic issues which are not within the scope of CEQA.

PH14-6 This comment asks where the 18,000 gallons of water per day would come from and what effect that would have on the local water table.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs. The project would connect to existing infrastructure and the Draft EIR concluded that the project demand would be adequately served by the existing infrastructure. Additionally, the Draft EIR determined that the City's project water supply for normal years between 2010 and 2025 (per the Urban Water Management Plan) would be sufficient to meet the projected demands through 2025. Please refer to Section 3.13.4 (B) and (D) for the complete analysis of these impacts.

PH14-7 This comment asks what the benefits this project would have on Vallejo and its citizens.

Please refer to the response to comment I252-1 for project benefits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH15

Commenter: Brenda J. Crawford

Date: October 7, 2015

PH15-1 This comment claims that placing a toxic plant in an economically disadvantaged community is environmental racism. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH15-2 This comment asks how the project plans to mitigate noise. Noise impacts are examined in Section 3.10 of the Draft EIR. Specifically Section 3.10.4 (A) quantifies noise impacts to the ten closest noise-sensitive locations for the project, which are listed in Table 3.10-4 and illustrated on Figure 3.10-3. Table 3.10-28 shows the results of the combined noise levels from all VMT and Orcem operational activities. Mitigation Measures to reduce noise impacts are provided in Section 3.10.5. Please refer to Section 3.10.4 (A) for information regarding the analysis for noise impacts to noise sensitive locations and to Section 3.10.5 for the full text of all mitigation measures.

Letter PH16

Commenter: Pat Dodson

Date: October 7, 2015

PH16-1 This comment claims that the project would create air pollution, noise pollution and water pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH16-2 This comment states that a majority of the children have asthma and many elderly people with cancer would be impacted. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

PH16-3 This comment claims that trucks running by schools would negatively impact children, trees, birds, and make people sick faster. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH16-4 This comment claims that barges coming in would pollute waters killing fish and seals. Impacts to biological resources and special status species are evaluated in Section 3.3.4 (A). Mitigation Measures to protect the environment are provided in Section 3.3.5. Water pollution has been addressed in Section 3.8.4 which evaluates the potential for the project to impact water quality. Mitigation Measures for water quality impacts are provided in Section 3.8.5.

Letter PH17

Commenter: LaTonya Dorbigny

Date: October 7, 2015

PH17-1 This comment asks if the City can find a win-win situation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH17-2 This comment asks how many jobs would be provided and what the salary would be. As discussed in the Project Description Section 2.4.2.1 VMT Operation, during regular operation 25 individual full time employees are expected for cargo loading and unloading, site maintenance operations, and administrative duties. As discussed in the Project Description Section 2.4.2.2 Orcem Operation, during operation 20 full time employees and 20 administrative and sales are expected. The combined project would generate 65 jobs during regular operations with an additional 15 jobs during vessel loading/unloading operations.

PH17-3 This comment asks if there is way make sure monitoring is happening. This comment also asks what kinds of monitoring would occur and at what frequency. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

PH17-4 This comment asks why South Vallejo and if there was a discussion for an alternate site.

Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site Alternative which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the

combination of functional amenities suitable for accommodation of both VMT and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

Letter PH18

Commenter: Vicki Evans

Date: October 7, 2015

- PH18-1** This comment asks how long residents would have to wait for a 77-car train to pass.
- Impacts from rail crossings on traffic and congestion are discussed in Section 3.12.4 of the EIR. The combined project is expected to generate rail traffic consisting of 77-car trains at a rate of an average of 2.6 trains (in and out) per week. The Draft EIR concluded that the trains would take approximately 7.6 minutes to traverse each grade and the impact would cause significant delays despite the implementation of mitigation measures MM-3.12-2a. It is noted that the railroad is owned by the California Northern Railroad and is not under the City's jurisdiction. The City can require the applicants to work with the California Northern Railroad to avoid peak commuting hours but they cannot guarantee that the California Northern Railroad would agree to the desired hours of operation. Additional analysis on railway, intersection and freeway congestion is provided in Section 3.12.4 (A) and a full text of the mitigation measure is provided in Section 3.12.5 of the EIR.
- PH18-2** This comment claims that importing materials from China is not green.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- PH18-3** This comment expresses the opinion that the waterfront is a beautiful spot and there is a better use for it than this project.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH19

Commenter: David Fisher

Date: October 7, 2015

- PH19-1** This comment expresses concerns that fines would be paid instead of actual mitigation for air pollution. Please see Master Response 6 for a summary of offsets requirements.
- PH19-2** This comment expresses the opinion that dirty industry is not needed in Vallejo and asks that industry be limited to clean industry. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH20

Commenter: Kay Flavell, PhD

Date: October 7, 2015

- PH20-1** This comment asks the City why the Draft EIR does not mention alternative uses of the site. Please refer to the response to comment PH17-4.
- PH20-2** This comment asks why the hurry and secrecy and why the voices of the people of Vallejo have been shut out until today. Please refer to Master Response 10 for information regarding public outreach.
- PH20-3** This comment asks what the role of Tom Barty (former General Mills Manager and Vallejo citizen) is.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- PH20-4** This comment asks VMT and Orcem if this project makes Vallejo more beautiful or less.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- PH20-5** This comment asks VMT and Orcem if this project would improve or destroy health and the environment.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH20-6 This comment asks the fellow citizens who would help imagine Vallejo as tourist destination and link the cities of Vallejo, Benicia and Martinez together by a constant ferry shuttle.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH21

Commenter: Dani Fregoso

Date: October 7, 2015

PH21-1 This comment defines apoptosis and states that youth and elderly are especially at risk due to air pollution from the cement plant. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH22

Commenter: Sal Garcia

Date: October 7, 2015

PH22-1 This comment asks what price the Planning Commission puts on the health of children, seniors, the waterfront and the environment. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH23

Commenter: Frank Gaskin

Date: October 7, 2015

PH23-1 This comment explains the commenter's background in unloading freights, including cement, and expresses the opinion that it is not worth bringing that kind of work to Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH24

Commenter: Jennifer Goheem

Date: October 7, 2015

PH24-1 This comment asks if Orcem can enumerate all penalties, citations, and fines it has received for environmental and health impacts of its overseas plants.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH24-2 This comment asks what language could be implemented that guarantees the City will be protected from the environmental health and safety costs.

All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

PH24-3 This comment expresses the opinion that there needs to be assurance that true shoreline access would be provided for people in that area.

For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

Letter PH25

Commenter: Jerome Graham

Date: October 7, 2015

PH25-1 This comment asks where the Draft EIR discusses notification to residents in the event of an emergency at the project site.

Potential hazards resulting from construction and operation of the project are assessed in Section 3.7 Hazards and Hazardous Materials. Section 3.7.4 (B) of the EIR determined that VMT and Orcem impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with implementation of mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan would address responsibilities, procedures and notification requirements for each type of accident or upset condition that may occur on site. All mitigation measures required in the Draft Final EIR would be

enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to Section 3.7.4 (B) for a full text of the analysis and to Section 3.7.5 for the full text of the mitigation measure.

Letter PH26

Commenter: Martin Gruber

Date: October 7, 2015

PH26-1 This comment references the Sea-level Rise Technical Memo and claims that when choosing from various sea level rise estimates, the risk tolerance of the City and the adaptive capacity of the project should be taken into account. This comment is noted and does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH26-2 This comment references the Sea-level Rise Technical Memo and claims that it should examine high figures but instead the memo only looks at moderate figures. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH26-3 This comment references the Sea-level Rise Technical Memo and claims that modeling with full wind power should be included.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH26-4 This comment references the Sea-level Rise Technical Memo and asks who would be responsible for environmental impacts if the plant gets flooded. Stormwater control measures describe potential flooding impacts and methods to control flooding. In addition please see Master Response 7.

PH26-5 This comment references the Sea-level Rise Technical Memo and asks what would happen to all the toxins inside if the facility goes underwater.

As described in Section 3.6.4 of the Draft Final EIR, the proposed Orcem project component would be located upland from the shoreline and would not be subjected to the effects of sea level rise.

PH26-6 This comment references the Sea-level Rise Technical Memo and asks who is liable.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH26-7 This comment claims that dredging was not examined to bedrock levels.

Refer to the Section 2.4 of the Project Description for further information regarding the dredging required for the VMT wharf.

PH26-8 This comment claims the Cascadian fault was not examined for potential tsunami hazards and it should be.

Please refer to 3.5.2 Existing Conditions for an overview of the major active faults in the area. The project's risk of inundation from a tsunami was examined in Section 3.8.4 (I). The Draft EIR concluded that the extent of inundation from a tsunami was expected to be less than that of a 100-year flood (as discussed in Section 3.8.2). Section 3.8.2 discusses existing conditions related to flooding, dam inundation and coastal hazards. This section states that a majority of the VMT site is located within a Special Flood Hazard Area (Zone AE; at or below 9 feet above mean sea level) but the Orcem site is not located within a Special Flood Hazard Area. Impacts related to placing structures within a Special Flood Hazard Area are addressed in Section 3.8.4 (G).

Letter PH27

Commenter: Stephan Hallett

Date: October 7, 2015

PH27-1 This comment asserts that the mitigation for impact 3.12-5 does not give an adequate answer as to what specific roadway improvements would be made to Lemon Street in order to mitigate delays for safety vehicles.

Emergency access is addressed in Section 3.12.4 (D) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For

this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (A) and (D) for information regarding the analysis. The full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

PH27-2 This comment asks if the City is going to have to cover the cost of fixing the roads. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

PH27-3 This comment claims that the project would have significant impacts on cancer, asthma, noise levels, and air quality. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH28

Commenter: Jolin Halstead

Date: October 7, 2015

PH28-1 This comment asks what the highest and best use of the waterfront, Vallejo's best asset, would be and expresses the opinion that this project is not the best use of the community. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH29

Commenter: Bryan Harris

Date: October 7, 2015

PH29-1 This comment asks what kinds of benefits this project would bring South Vallejo. Please refer to the response to comment I252-1 for project benefits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH29-2 This comment asks if the limited number of jobs would be for Vallejo residents.

As discussed in Section 5.4 Growth Inducement, a high demand for skilled jobs generated by the project exists in Vallejo. Given the high number of Vallejo residents commuting outside the City for manufacturing and transportation/warehouse jobs, it is anticipated that the jobs generated by the project could be filled by existing Vallejo residents.

PH29-3 This comment asks if the applicants would be willing to hire applicants with felony records.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH29-4 This comment asks if the applicants would be willing to rehab the Grant School and have an after school program.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH29-5 This comment asks if the applicant would be willing to support youth programs and sports programs in the area.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH29-6 This comment asks if the applicant would be willing to support nonprofits that are fighting drug and alcohol abuse and violence in South Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH29-7 This comment states that there will be another meeting on October 25, 2015.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH30

Commenter: Dave Harrison

Date: October 7, 2015

PH30-1 This comment expresses support for the project stating that it would bring good wage and benefited jobs to the area and apprenticeship opportunities for youth.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH30-2 This comment is addressed to the attendees of the meeting stating that if they are opposed to the development on the waterfront they should be coming up with alternatives.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH31

Commenter: Scott Ingham

Date: October 7, 2015

PH31-1 This comments asserts that the Draft EIR did not address impacts related to the opening of the new park and ride on Lemon street.

Please refer to the response to comment A9-15.

PH31-2 This comment claims that re-stripping a two lane road into four lanes but not expanding the lanes would make them too small for big-rigs to use. Centerline stripping was included in mitigation measure MM-3.12-3 as an example of a potential improvement to Lemon Street in order to provide for adequate sight distance and maneuvering capacity for trucks. Other listed improvements could include on-street parking changes and sidewalk gap closures and widenings. Additionally, an assessment that would evaluate the existing pavement condition and strength against the project's demand would be conducted by a qualified engineer. The project applicant would pay a fair-share cost allocation of all roadway improvements as determined by the City of Vallejo. The full text of mitigation measure MM-3.12-3 is provided in Section 3.12.5.

PH31-3 This comment states that big rigs would be running through residential areas and near a playground.

This comment is consistent with the information provided in the Draft EIR.

PH31-4 This comment claims that a 77-car train would simultaneously block most of the main roads in the North-South corridor that the fire department tries to run and asks how that impact would be mitigated.

Emergency access is addressed in Section 3.12.4 (D) of the EIR. The Draft EIR concluded impacts from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require

notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and unavoidable. Please refer to Section 3.12.4 (A) and (D) for information regarding the analysis. The full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

Letter PH32

Commenter: Bert Johnson

Date: October 7, 2015

PH32-1 This comment claims the project would impact the visual quality and ambiance of the waterfront.

Visual impacts were examined in Section 3.1, Aesthetics, of the Draft EIR. Section 3.1.4 (A) determined that the project would have a less-than-significant impact on scenic vistas. Section 3.1.4 (B) determined that with implementation of the project the visual character and quality of the site would be similar to the existing conditions and would be moderately enhanced by the project. Impacts to visual character and quality were determined to be less than significant. The full analysis for these impacts is provided in Sections 3.1.4 (A) and (B) of the EIR.

Letter PH33

Commenter: Richard Johnson

Date: October 7, 2015

PH33-1 This comment expresses the opinion that the waterfront is such a beautiful area and that something really great could be done there.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH33-2 This comment claims that in Davenport people have all moved away because of the excessive dust emissions.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH34

Commenter: Kathryn Kellogg

Date: October 7, 2015

PH34-1 This comment expresses the opinion that this project is unacceptable and is opening a can of worms for other industry to come that is not wanted.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH34-2 This comment claims that people, especially young people, want to come to Vallejo but this project is chasing them away.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH35

Commenter: Diana Lang

Date: October 7, 2015

PH35-1 This comment expresses the opinion that the housing market in Vallejo has been doing well and that this project would reverse all that.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter PH36

Commenter: Anzell Loufas

Date: October 7, 2015

PH36-1 This comment claims that all plants have unexpected shut downs and asks what would happen to the trucks and trains coming into Vallejo if the plant shut down. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH36-2 This comment claims that all of Orcem’s international plants are located in industrial zones near highways and asks why they want to put a plant in a neighborhood near schools.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH37

Commenter: Wanda Maderas

Date: October 7, 2015

PH37-1 This comment references the dormant and active fault lines in the area and asks what the emergency plan would be for catastrophic earthquake conditions.

Potential seismic impacts were addressed in Section 3.5 Geology and Soils. As discussed in Section 3.5.3, no faults zones under the Alquist-Priolo Earthquake Faulting Zone Act, or any other Holocene-active faults pass through the project site and there would be no impact with respect to fault rupture on site. Other impacts from seismic ground shaking or seismic related ground failure were evaluated in Section 3.5.4 (A). For the existing buildings on the VMT site, the City’s unreinforced masonry building (URM) ordinance would require an engineering report prior to occupancy to evaluate the structural integrity and recommend options to reduce the hazard of failure during an earthquake. If necessary, the applicant would undertake repairs and reinforcements necessary to allow the occupancy of the buildings per Section 12.07 of the City’s municipal code. Specific parameters for seismic design, based on anticipated ground motions are also provided in Appendix H-2.

Geologic studies, evaluations, and/or geotechnical reports necessary to demonstrate the proposed project has properly assessed and mitigated for seismic hazards are mandated as a condition of grading and/or building permits, which the applicants and/or their contractors would need to obtain from Vallejo Building Division prior to start of construction. The Draft EIR concluded that given facilities would be constructed in accordance with the CBC and geotechnical design recommendations; the impact of the project with respect to earthquakes would be less than significant. For the full analysis please refer to Section 3.5.4 (A) in the Draft Final EIR.

PH37-2 This comment asks if the project would be built to seismic standards to withstand a 7.0 or higher earthquake.

Please refer to the response for comment PH37-1 above.

PH37-3 This comment asks what kind of oars would be imported since many contain heavy metals, and how and where they would be stored.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. Section 2.4.2.2 Orcem Operations, discusses in detail the process of handling raw materials, storage on site, transportation to the plant and storage and transportation of the final product. Please refer to Section 2.4.2.2 for information regarding the storage and handling of raw materials.

PH37-4 This comment asks how oars would be controlled from becoming windblown or creating seepage.

Please refer to the response for comment PH37-3 above. Additional information regarding potential impacts to water quality is provided in Section 3.8.4 (A) and mitigation measures are provided in Section 3.8.5.

PH37-5 This comment claims that the most impacted park would be Lake Dahlwick even though it is not the closest park to the project site and asks what impacts would occur in terms of noise, air pollution, and child safety.

Health impacts of the project regarding air quality have been evaluated in Section 3.2 and additional information is provided in Master Response 1 above. Mitigation Measures for air quality impacts are provided in Section 3.2.5. Noise impacts are analyzed in Section 3.10 and results from noise modeling for combined project operations at the ten closest noise-sensitive locations is provided in Table 3.10-28. Mitigation measures for noise impacts are provided in Section 3.10.5. Pedestrian safety is addressed in Section 3.12 and implementation of mitigation measure MM-3.12-4 would address improvements for bicycle and pedestrian movements and reduce impacts to a less-than-significant level. The full text of mitigation measure MM-3.12-4 is provided in Section 3.12.5.

PH37-6 This comment asks where the water to run these projects would come from especially in the current drought conditions.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City's water needs. The project would connect to existing infrastructure on site for water supplies. The Draft EIR concluded that the existing infrastructure was sufficient to meet the projected water demand. The Draft EIR also determined that the project's water demand would constitute only 0.01% of the City's daily water allocation through 2025 and the City would have enough water to meet the projected demand. Please refer to Sections 3.13.4 (B) and (D) for a full analysis of these impacts.

Letter PH38

Commenter: Charles Malarkey

Date: October 7, 2015

PH38-1 This comment asks if the City would choose the Revised Operations Alternative since it does meet most of the objectives but lessens some of the impacts. Upon completion of the Draft Final EIR, the City will conduct an independent review of the project and the alternatives. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

PH38-2 This comment asks if the project is considered a maritime dependent industry since it would only receive seven and a half ships per month. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH38-3 This comment offers a new vision for Vallejo that includes community gardens, eco-villages, urban farms, more bikes and less cars and more people and less industry. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH39

Commenter: Thia Markson

Date: October 7, 2015

PH39-1 This comment asks if 60 years from now a cement plant is not needed, what would the plant be. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH39-2 This comment asks why the project is here in Vallejo and questions that if negotiations with San Francisco are happening why the project isn't located there. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. As discussed in Section 2.2, VMT owns a majority of the project site and has a long-term lease for the remaining portion. Orcem would lease a 4.88-acre portion of land from VMT for their operations.

PH39-3 This comment asks what the health status of the project's employees is and if they are suffering long term health effects.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project

Letter PH40

Commenter: Danielle Marquez

Date: October 7, 2015

PH40-1 This comment expresses the opinion that the waterfront and its resources need to be conserved.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH40-2 This comment states that air and water pollution are bad.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH41

Commenter: Liat Meitzenheimer

Date: October 7, 2015

PH41-1 This comment claims that 300 trucks per day would create a serious hazard for children walking to school. Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Implementation of mitigation measure MM-3.12-4 would reduce impacts to a less than significant level. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR.

PH41-2 This comment expresses the opinion that South Vallejo needs jobs and business to help real estate but they don't need a cement plant.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH41-3 This comment asks what the applicants would be to compensate for increased children's asthma and elderly respiratory illness. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH42

Commenter: Robert Morrison

Date: October 7, 2015

PH42-1 This comment asks why real estate devaluation is not included in the environmental justice report or the EIR. Please refer to Master Response 9 regarding the Environmental Justice Analysis.

PJ42-2 This comment asks where the EIR states the fact that children in Vallejo have asthma rates twice the state average and how that is accounted for. Please see Master Response 1 for information regarding potential air quality impacts and

associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH43

Commenter: Toni Murray

Date: October 7, 2015

- PH43-1** This comment states that the people want to make Vallejo a destination and bring in tourism dollars. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH44

Commenter: Toni Murray

Date: October 7, 2015

- PH44-1** This comment expresses concern that ships coming into the port can bring whatever they want which makes the area a homeland security area.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA. Impacts from the materials that could be handled through the terminal have been thoroughly evaluated throughout the environmental analysis in Chapter 3 of the EIR.

- PH44-2** This comment expresses concern that although the EIR determined recreational impacts to be less than significant if homeland security is there people can't access the water for fishing and other recreational uses.

Due to the nature of the planned operations on the site, including shipping, the site would be a Department of Homeland Security-controlled site, and no public access would be permitted. The project site has been historically used for similar industrial uses and has been closed to the public. Implementation of the proposed project would therefore not change existing public access to the site. Public access to the waterfront in this area would continue to be provided adjacent to the project site along Derr Avenue to the north and Sandy Beach Road to the south.

For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

PH44-3 This comment expresses concern for devaluation of home prices.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

PH44-4 This comment expresses concern for kids in the area with high asthma levels. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH45

Commenter: Donald Osborne

Date: October 7, 2015

PH45-1 This comment asserts that there has been no mention of the project in meetings held by the City staff. Please refer to Master Response 10 for information regarding public outreach.

PH45-2 This comment claims that the City has adopted three scenarios for their General Plan and are meeting later this week to vote on the scenarios. The City is in the process of preparing a Draft Preferred Scenario that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4 Impact Discussion. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

PH45-3 This comment asks how VMT operations would work within each of those three planned General Plan scenarios and asks that this be discussed at the upcoming meetings.

Please refer to the response for comment PH45-2 above for information regarding consistency with the General Plan.

Letter PH46

Commenter: Sherry Peysson

Date: October 7, 2015

PH46-1 This comment asks why a project that exceeds the allowed emissions for NO_x and CO₂ is even being considered.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

PH46-2 This comment asks how dust will get from ships to factories without spreading.

Orcem operations are discussed in detail in Section 2.4.2.2 Orcem Operations, Production Process. Each step of the operation process has measures in place intended to minimize fugitive dust emissions, including watering raw materials. Additionally, measures are provided in Section 3.2.4 for the control of fugitive dust and to reduce on-site emissions.

PH46-3 This comment asks how dust will be dealt with.

Please refer to the response for comment PH46-2 above.

PH46-4 This comment asks where water used to wet dust would go.

Water quality and runoff are discussed in Section 3.8 Hydrology and Water Quality. Impact Discussion A provides information regarding techniques for reducing soil erosion and stormwater runoff. The project would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Regional Water Quality Control Board and the San

Francisco Regional Water Quality Control Board. Information on the requirements for an SWPPP can be found in Section 3.8.1 in the Draft Final EIR. The SWPPP would specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction related pollutants into nearby waters. The BMPS would address potential release of all construction contaminants including runoff from dewatering activities. Typically SWPPPs include BMPs for erosion control, sediment control, wind erosion control, tracking control, non-stormwater control, and waste management and materials pollution control. A list of the types of BMPs included in each of these categories is included in Section 3.8.4 Impact Discussion (A) in the Draft Final EIR.

Letter PH47

Commenter: Nancy Piotrowski, PhD

Date: October 7, 2015

PH47-1 This comment asks what the impacts of rail accidents would be.

Potential hazards resulting from construction and operation of the project are assessed in Section 3.7 Hazards and Hazardous Materials. Section 3.7.4 (B) of the EIR determined that VMT and Orcem impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with implementation of mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR Please refer to Section 3.7.4 (B) for the full text of the analysis and to Section 3.7.5 for the full text of the mitigation measure.

PH47-2 This comment asks what impacts earthquakes or other catastrophic events would be have during unloading on the docks and the impacts to waterways from those events.

Please refer to the response for comment PH37-1 above.

PH47-3 This comment asks how noise and light pollution would affect wildlife areas.

Potential noise impacts to wildlife are examined in Section 3.3.4 (A) Construction Noise Impacts on Fish and Marine Mammals. The Draft EIR concluded that impacts to fish and marine mammals would be less than significant with

implementation of Mitigation Measures MM-3.3-5 and MM-3.3-6. Potential lighting impacts are also examined in Section 3.3.4 (A). The Draft EIR concluded that the impact of nighttime lighting on fish and marine mammals would be less than significant with implementation of mitigation measure MM-3.3-7. The full text of these impact analyses is provided in Section 3.3.4 Impact Discussion (A) and the full text of the mitigation measures is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR.

PH47-4 This comment asks why the statistical modeling attachments are not in PDF form.

Air dispersion modeling supplemental information is generally provided for regulatory agencies such as the BAAQMD. The model output is in a format generated by the air dispersion modeling software approved by the EPA and used by the BAAQMD.

PH47-5 This comment expresses the opinion that the EIR is tough for the average citizen to read and especially for those who have English as a second language or aren't educated beyond high school.

Due to the complex nature of the project the use of technical language is required to adequately analyze potential impacts. Section 2.4 Proposed Project clearly defines the two components of the project and thoroughly details the construction and operation processes for each. This information is used throughout the analysis in the Draft EIR. Throughout the analysis technical terms are defined to assist the reader with understanding how the analysis was conducted. For example, in Section 3.10 Noise Background and Terminology discusses the fundamentals of environmental noise, defines what noise is and how it is measured. This section also includes a list of definitions for measurements and terminology used throughout the section to quantify and analyze noise impacts. In Section 3.12, Existing Conditions, methodology regarding Levels of Service for intersections is described to help the reader understand how traffic impacts are being evaluated. This section describes what Level of Service is, how it is quantified, and provides information on what program was used to perform the analysis.

Letter PH48

Commenter: Ricardo Postell

Date: October 7, 2015

PH48-1 This comment states that a similar project down in the Central Vallejo got so bad that farmers had to shut down their properties and people were getting sick.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH48-2 This comment expresses the opinion that the few jobs being received wouldn't do anything for the City and that the people should be taken into consideration first.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH49

Commenter: Carlie Robinson

Date: October 7, 2015

PH49-1 This comment claims that in the original notice to the citizens of Vallejo there were no references cited to support claims.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH49-2 This comment expresses the opinion that the citizens don't know how pollution will be affected and how much impact this would have on traffic on residential streets and that the citizens need more time and more information. Please refer to Master Response 10 for information regarding public outreach.

Section 3.2 evaluates all potential air quality impacts resulting from the proposed project. Section 3.12.4 (A) of the Draft EIR quantified the traffic impacts of the project and concluded that impacts to freeway and intersection operations would be less than significant. The full analysis of impacts on freeway and intersection operations is provided in Section 3.12.4 (A) of the EIR.

Letter PH50

Commenter: Everett Robinson

Date: October 7, 2015

PH50-1 This comment expresses the opinion that the citizens do not want Orcem's business and does not want Orcem in Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH51

Commenter: Erik Rzonp

Date: October 7, 2015

PH51-1 This comment expresses the opinion that the City of Vallejo's Noise Ordinance is not accurate for assessment since it does not contain established numeric limits for noise.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH51-2 This comment claims that the World Health Organization says ambient noise shouldn't be increased.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH51-3 This comment claims there is an inadequate regulatory framework for noise assessment.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH52

Commenter: Jesse Santana

Date: October 7, 2015

PH52-1 This comment asks how it is possible that there is no need for mitigation on Lemon Street and claims that traffic and noise pollution need to be mitigated.

Section 3.12.4 (A) of the Draft EIR quantified the traffic impacts of the project and concluded that impacts to freeway and intersection operations would be less than significant. However, mitigation measure MM-3.12-4 would require improvements to Lemon Street in order to provide for safe and efficient vehicle operations. The full analysis of impacts on freeway and intersection operations is provided in Section 3.12.4 (A) of the EIR and the full text of mitigation measure MM-3.12-4 is provided in Section 3.12.5. Noise impacts are analyzed in Section 3.10 and results from noise modeling for combined project operations at the ten closest noise-sensitive locations is provided in Table 3.10-28. Mitigation measures for noise impacts are provided in Section 3.10.5.

Letter PH53

Commenter: Kevin Sharps

Date: October 7, 2015

PH53-1 This comment expresses the opinion that if meetings are held in South Vallejo, citizens should be able to relate to the full breadth of their concerns, not just those limited to the EIR.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH53-2 This comment claims that trucks are going to be lining up to get into the project site and would be idling in those neighborhoods waiting for access. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH53-3 This comment asks when a complete list of substances that will and will not move through VMT will be provided.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

PH53-4 This comment asks if there any environmental advocacy groups that are in favor of this project who are not dependent on the project's financial support.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH54

Commenter: Karen Sims

Date: October 7, 2015

PH54-1 This comment asks how many jobs would be created and if truck driver and construction jobs would be locally based.

As discussed in the Project Description Section 2.4.2.1 VMT Operation, during regular operation 25 individual full time employees are expected for cargo loading and unloading, site maintenance operations, and administrative duties. As discussed in the Project Description Section 2.4.2.2 Orcem Operation, during operation 20 full time employees and 20 administrative and sales are expected. . The combined project would generate 65 jobs during regular operations with an additional 15 jobs during vessel loading/unloading operations. An additional 100 jobs are expected during the 15 month construction of the project. As discussed in Section 5.4 Growth Inducement, a high demand for skilled jobs generated by the project exists in Vallejo. Given the high number of Vallejo residents commuting outside the City for manufacturing and transportation/warehouse jobs, it is anticipated that the jobs generated by the project could be filled by existing Vallejo residents.

Letter PH55

Commenter: Dusky Skies

Date: October 7, 2015

PH55-1 This comment expresses the opinion that this project would keep people from wanting to move to Vallejo and the City's economy would not continue to grow as it has been for the past few years.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter PH56

Commenter: Joana Zegri Soder

Date: October 7, 2015

PH56-1 This comment expresses concern about property values and how it would affect residents.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

PH56-2 This comment asks what happens to waste products from the plant and where they go.

Wastewater is discussed in Section 3.13 Utilities and Service Systems while stormwater runoff is addressed in Section 3.8 Hydrology and Water Quality. All wastewater collected from the project site would be treated at the Ryder Street Wastewater Treatment Plant (WWTP). Wastewater collected at the Ryder Street WWTP is treated in compliance with the treatment and discharge requirements of the San Francisco RWQCB. All impacts related to wastewater were determined to be less-than-significant. For more information please refer to Section 3.13.4 (A), (B) and (E) in the Draft Final EIR.

Section 3.8.4 (A) discusses potential impacts to water quality resulting from stormwater runoff. All stormwater on site would be directed to stormwater pipes, and eventually to vegetated swales and a bio-basin for retention and treatment through infiltration. The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase, the VMT portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant. In addition, all stormwater that falls on site will be directed through a series of treatment facilities to control pH and reduce turbidity, sediment, heavy metals, and other targeted pollutants. The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase, the Orcem portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant. Please refer to Section 3.8.4 (A) for additional information. A description of how VMT and Orcem would comply with required state and local measures is provided in Appendix J-1 and J-2, respectively.

PH56-3 This comment asks what the effects would be of changing the zoning designation.

Under the Draft Final EIR the project is no longer requesting the rezone of the 5.25 acres to industrial uses. Impacts that were determined to be significant and unavoidable due to the proposed rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 of the Draft Final EIR.

PH56-4 This comment claims that more time is needed to study these things.

CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-

day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA.

PH56-5 This comment asks what is meant by the language unavoidable.

Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable.

Letter PH57

Commenter: Nathan Daniel Stout

Date: October 7, 2015

PH57-1 This comment provided some background information on the guiding principles for the waterfront and environmental stewardship.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH57-2 This comment states there is a meeting on October 8th at Florence Douglas Senior Center regarding the General Plan.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH57-3 This comment claims that the Draft EIR is in direct conflict with many of the guiding principles.

Please refer to the response for comment PH45-2 above.

PH57-4 This comment asks what the impact would be from a deep water port on the Napa River. The Draft EIR did not find that the project would have a measurable impact on the Napa River. The reader is referred to Sections 3.3 – Biological Resources and 3.8 - Hydrology.

- PH57-5** This comment asks what the health impact of the proposed project would be on the citizens that live in South and West Vallejo. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH58

Commenter: Kathryn Sutton

Date: October 7, 2015

- PH58-1** This comment states commenter suffers from respiratory illness and expresses concern for the project's impact on health. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH59

Commenter: Ken Szuta

Date: October 7, 2015

- PH59-1** This comment claims that CEQA goals are to inform agency decision makers and the EIR is intended to demonstrate that the agency has analyzed and considered the ecological impacts of this decision.

The Introduction in Chapter 1 of the EIR states that the EIR is an informational document meant to identify the potentially significant effects of the proposed project on the environment and to indicate the manner in which those significant effects can be avoided or mitigated to a level below significance, and to identify feasible alternatives to the proposed project that would avoid or substantially lessen any significant adverse environmental effects associated with the proposed project. Additional information regarding the purpose and intended use of the EIR can be found in Sections 1.3 and 1.4.

- PH59-2** This comment claims that if the City has already signed a 65-year contract as examined in the EIR then they have violated CEQA.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead

agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter PH60

Commenter: Joette Tizzone

Date: October 7, 2015

PH60-1 This comment expresses the opinion that the project isn't respecting citizens, the waterfront, the environment or the City. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH60-2 This comment asks how much money has been spent considering this project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

PH60-3 This comment asks if the cement would help to attract people and businesses of quality in the future.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH61

Commenter: Boudicca Todi

Date: October 7, 2015

PH61-1 This comment states that the change.org petition has almost 1,000 signatures.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH61-2 This comment asks why an official Bay Area organization (San Francisco BCDC) has been working with VMT for years and the residents are just now hearing about it.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH62

Commenter: Jessica Toth-Zegri

Date: October 7, 2015

PH62-1 This comment references the change.org petition.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH62-2 This comment asks why the secrecy regarding the project. Please refer to Master Response 10 for information regarding public outreach.

PH62-3 This comment asks the City if they would have their children live here. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH63

Commenter: Paula Tusler

Date: October 7, 2015

PH63-1 This comment asks how specifically air quality would be monitored, at what frequency and if the tests would be made available to the public. Please refer to Master Response 7 which summarizes requirements of the MMRP.

PH63-2 This comment expresses the opinion that planners should provide specific data on the impact to property values broken down into zones based on proximity to the project.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter PH64

Commenter: Dalia Vidor

Date: October 7, 2015

PH64-1 This comment claims that the people running the meeting are referring to the project as if it has already happened.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

PH64-2 This comment asks when delegates will be going to Ireland, France and the Netherlands to see how Orcem operates there and what impacts trucking and shipping are having on those communities.

Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH65

Commenter: Lina Villenas

Date: October 7, 2015

PH65-1 This comment asserts that the Draft EIR is defective. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH65-2 This comment asks what the purpose of the Draft EIR is. Please refer to the response for comment PH59-1 for information regarding the purpose and intent of the Draft EIR.

PH65-3 This comment claims that the City has to defend a statement of overriding considerations to implement the project.

Section 15093 of the CEQA Guidelines explains that if the City were to approve a project which would result in significant impacts identified in the EIR but not avoided or substantially lessened, the City would state in writing the specific reasons to support its action based on the Draft Final EIR and other information in the record. This written statement is called a Statement of Overriding Considerations. The City is still required to make findings on the EIR pursuant to Section 15091 of the CEQA Guidelines.

Letter PH66

Commenter: Leslie Wetsch

Date: October 7, 2015

PH66-1 This comment claims there needs to be mitigation to damages to the community.

Mitigation measures are provided for every impact determined to be significant in the EIR. Mitigation Measures are listed near the end of each section in Chapter 3. Table ES-1 lists all impacts found to be significant in the Draft EIR, the proposed mitigation measures and the level of significance after mitigation. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

PH66-2 This comment asks why the City is not pursuing industries that would operate in a green way and still bring millions of dollars into Vallejo.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter PH67

Commenter: Heidi Wohlwend

Date: October 7, 2015

PH67-1 This comment expresses concern for heavy industry especially impacts to children. Please see Master Response 1 for information regarding potential air

quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

- PH67-2** This comment asks what the vision of Vallejo is and expresses the opinion that the waterfront should be redeveloped with green walks and restaurants. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH68

Commenter: David Wollins

Date: October 7, 2015

- PH68-1** This comment claims that flatly refusing to mitigate air pollution from the plant is unacceptable. Mitigation measures for air quality impacts are provided in Section 3.2.5 of the EIR.

- PH68-2** This comment claims that noise, vibration and toxic gases resulting from operation are serious impacts.

Impacts from noise and vibration are evaluated in Section 3.10. Noise impacts from the combined project operations are quantified for the ten closest noise-sensitive locations in Section 3.10.4 (A) and results are listed in Table 3.10-28. Mitigation measures for noise and vibration impacts are provided in Section 3.10.5. Air quality and hazards are both evaluated in Section 3.2 and Section 3.7, respectively. Mitigation measures are listed in Section 3.2.5. Potential impacts from hazardous materials are evaluated in Section 3.7.4 and mitigation measures are provided in Section 3.7.5.

- PH68-3** This comment alleges that truck traffic needs some kind of mitigation. Please refer to Master Response 2 for air quality mitigation for trucks. Section 3.12.4 (A) discusses congestion impacts from additional truck traffic on roadways in the project area. Table 3.12-10, in Section 3.12.4 (A), shows existing plus project peak hour intersection service levels. Existing intersection Levels of Service (LOS) and City of Vallejo LOS standards are discussed in Section 3.12.2 Existing Conditions. Operational impacts to intersections and freeways were determined to be less than significant for both projects individually and cumulatively and no mitigation measures are required. Please refer to Section 3.12.4 (A) in the Draft Final EIR for additional information regarding the analysis for traffic congestion impacts. In particular note Mitigation Measure MM-3.12-3 which is designed to

provide for the safe movement of project trucks along with other existing pedestrian, bicycle, and vehicular traffic.

PH68-4 This comment asks why Franklin Middle School is not on the sensitive receptor list. Please refer to the response for comment I218-10 above.

PH68-5 This comment claims that there are definitely air quality stations nearby. Please see response to comment I54-59.

PH68-6 This comment claims that many issues are not mitigated properly by the project.

Mitigation measures are provided for every impact determined to be significant in the EIR. Mitigation Measures are listed near the end of each section in Chapter 3. Table ES-1 lists all impacts found to be significant in the Draft EIR, the proposed mitigation measures and the level of significance after mitigation. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

Letter PH69

Commenter: Latricia Alfour

Date: October 25, 2015

PH69-1 Commenter states health problems from growing up in Hunters Point and states that these effects should not be repeated here in the Vallejo community.

Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH69-2 This comment asks if churches have been invited to the public meetings and claims that religious communities in the area should be invited. The public meetings held on October 7, 2015 and October 25, 2015 were open to any member of the public who wanted to attend. Please refer to Master Response 10 for information regarding public outreach.

PH69-3 This comment claims that for the health and safety of the communities the Planning Commission should look into eminent domain. This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site

Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter PH70

Commenter: Lori Allio, PhD

Date: October 25, 2015

- PH70-1** This comment claims that there should be an environmental justice review for South Vallejo. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- PH70-2** This comment claims that those in South Vallejo are exposed to greater impacts and review shows that the project requires an environmental justice review since the community is low income, minority and would experience disproportional health impacts. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- PH70-3** This comment asserts that the process for community outreach is insufficient for an environmental justice review and that advanced notice in Spanish and Tagalog is necessary. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis and to Master Response 10 for information regarding public outreach.
- PH70-4** This comment claims that cumulative impacts need to be considered.
- Draft EIR Chapter 4, Cumulative Impacts, examines each impact area from Chapter 3 (Aesthetics, Air Quality, Biological Resources etc.) in a cumulative project scenario. The methodology for the cumulative analysis is provided in Section 4.2 and the list of projects considered in the analysis is provided in Section 4.2.1. Please refer to Chapter 4 for additional information.
- PH70-5** This comment claims that socioeconomic factors need to be considered and that a kayak ramp is not adequate mitigation. With regards to the public access ramp, there are several policies (those of the City's and BCDC) that rely on compliance with BCDC policies and plans and the project has been found to be potentially

inconsistent with these policies. The final consistency determination will be made by BCDC. Please refer to Section 3.9.4 of the Draft Final EIR for more information. Please also refer to Master Response 9 for information regarding the Environmental Justice Analysis prepared for the project.

Letter PH71

Commenter: Dante Baldwin

Date: October 25, 2015

PH71-1 This comment claims that pollution affects all people and that the plant is only here to bring tax revenue. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH72

Commenter: Gaylene Bartlett

Date: October 25, 2015

PH72-1 This comment expresses the opinion that Lemon Street is not suitable for heavy traffic since there are pedestrian crossings, schools and parks. Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. Mitigation measure MM-3.12-4 would be implemented to improve the safety of pedestrian and bicycle movements along Lemon Street which would reduce impacts to a less-than-significant level. The full text of mitigation measure MM-3.12-4 is provided in Section 3.12.5.

Letter PH73

Commenter: Lou Bianga

Date: October 25, 2015

PH73-1 This comment expresses the opinion that the community should reject this project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH73-2 This comment claims that the project violates best practices. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH74

Commenter: Peter Brooks

Date: October 25, 2015

- PH74-1** This comment played the Lemon Street traffic song. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- PH74-2** This comment asks if Orcem would reduce its hours to reduce impacts. The proposed continuous operation is necessary to limit the environmental impacts associated with the proposed project. If the hours of operation are limited to a block of time throughout the day, impacts to traffic, air quality, and GHG emissions would be exacerbated as all trucks, trains and ships would be traveling to the facility at generally the same time. By allowing transport to the facility 24 hours a day, the arrival of trucks, trains and ships can be dispersed throughout the day, which would lessen environmental impacts.

Letter PH75

Commenter: Ann Carr

Date: October 25, 2015

- PH75-1** This comment expresses the opinion that this project is catastrophic. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- PH75-2** This comment asks how the impacts of trucks on residential roads would be mitigated. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.
- PH75-3** This comment asks what the noise heard outside would be with and without attenuation. Please refer to the response for comment I45-29 above.
- PH75-4** This comment claims that the Draft EIR should consider winds and drift patterns for emissions. Information regarding the methodology for the air quality analysis is provided in Appendix D-1.
- PH75-5** This comment asks how asthma and big rig accidents would be mitigated. For information on health impacts, please refer to Master Response 1 regarding the Health Risk Assessment. Section 3.7.4 (B) of the EIR determined that VMT and Orcem impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less

than significant with implementation of mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to Section 3.7.4 (B) for the full text of the analysis and to Section 3.7.5 for the full text of the mitigation measure.

PH75-6 This comment alleges that the Draft EIR does not consider the cumulative effect of traffic and pollution from I-80. Please refer to the response for comment I45-35 above.

PH75-7 This comment asks about the impacts from GGBFS verse portland cement. Impacts from both GGBFS and portland cement are examined in the Draft EIR. The Draft EIR is required to evaluate the worst-case scenario, so the analysis uses the mode of operation that would result in the greatest potential impact. Information regarding the impacts of Orcem operation can be found throughout the Chapter 3 analysis.

Letter PH76

Commenter: B.J. Carson

Date: October 25, 2015

PH76-1 This comment states that the commenter lives in one of the areas labeled as a receptor.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH76-2 This comment states that the commenter does not want to see children and the elderly going through respiratory issues and claims that the City is full of people with existing respiratory problems and that was not taken into consideration. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH77

Commenter: Yolanda Chen

Date: October 25, 2015

PH77-1 This comment expresses the opinion that the citizens deserve better than this and that the City shouldn't even consider this project.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

PH77-2 This comment claims that this project would ruin the City's infrastructure.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH78

Commenter: Brenda J. Crawford

Date: October 25, 2015

PH78-1 This comment claims that the Orcem plant is environmental racism and that everyone has the right to adequate transportation, air, housing and the quiet enjoyment of home. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH78-2 Commenter played clip of noise from plant in Europe and asks how noise would be mitigated. Overseas operations of Orcem are not required to be examined under CEQA and are not within the scope of this EIR. Mitigation measures for noise impacts are provided in Section 3.10.5. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

Letter PH79

Commenter: Mina Diaz

Date: October 25, 2015

PH79-1 This comment states that commenter found out about the project a month ago and claims almost no Spanish speakers know about the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH79-2 This comment claims that the City needs to inform the Spanish speaking community about what is going on. Please refer to Master Response 10 for information regarding public outreach.

PH79-3 This comment expresses the opinion that all community needs to be considered not just those who speak English and that information on the proposed project and future projects needs to be made available in multiple languages. This comment asks that a bilingual hearing be held.

Please refer to the response for comment PH79-2 above.

PH79-4 This comment expresses the opinion that a cement plant has no business in Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH80

Commenter: Vicki Evans

Date: October 25, 2015

PH80-1 This comment states that only two people have expressed support for the project and they were both from unions.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH80-2 This comment expresses concern that only three councilmembers were present at the hearings and supporting the citizens and three members have not attended any meetings.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH80-3 This comment expresses the opinion that this project cannot happen in Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH81

Commenter: Matthew Finkelstein

Date: October 25, 2015

PH81-1 This comment recalls a petition for the Planning Commission.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH82

Commenter: Kay Flavel

Date: October 25, 2015

PH82-1 This comment expresses the opinion that Vallejo could be the San Francisco Bay's second tourist destination. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH82-2 This comment asks why public meetings are being held before the project is considered. Public meetings are being held to give citizens a chance to voice comments and concerns regarding the project and the adequacy of the Draft EIR. All comments made during these meetings will be included in the Draft Final EIR and a part of the public record. Please refer to Master Response 10 for more information regarding public outreach.

PH82-3 This comment expresses the opinion that adaptive reuse should occur in this area. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH82-4 This comment suggests a Mare Island Preserve with a lighthouse memorial lookout.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH83

Commenter: Barbara Gaya

Date: October 25, 2015

PH83-1 This comment expresses the opinion that this is a beautiful site and photos in the museum of the site are also beautiful. This comment also includes a call for activism to preserve the waterfront.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH84

Commenter: Susan George

Date: October 25, 2015

PH84-1 This comment expresses the opinion that the waterfront is beautiful.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH84-2 This comment claims that some files related to significant and unavoidable impacts cannot be opened. All of the project files can be found on the City of Vallejo's website for public viewing.

PH84-3 This comment asks that all questions regarding significant and unavoidable impacts be answered clearly in one place.

Table ES-1 lists all impacts found to be significant in the Draft EIR. This table lists the impact, the proposed mitigation measure(s) and the significance after mitigation. Impacts that were determined to be less than significant in the Draft EIR are not included in this table. Additionally, Section 5.2 lists and describes all the impacts the Draft EIR determined to be significant and unavoidable.

Letter PH85

Commenter: Cookie Govelon

Date: October 25, 2015

PH85-1 This comment provides background information on commenter's asthma condition.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH85-2 This comment expresses the opinion that jobs are needed in Vallejo, but why does the cement want to be here in South Vallejo and why not a Walmart.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

PH85-3 This comment expresses the opinion that the City means well but the waterfront is a beautiful place and asks who would pay for the impacts.

Potential impacts of the project have been thoroughly evaluated in the analysis contained in Chapter 3 of the EIR. Each section discusses impacts to a particular resource area and mitigation measures are provided for all impacts determined to be significant. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

PH85-4 This comment asks what impacts the project would have on ferry commuters and users of the BART.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

Letter PH86

Commenter: Victoria Gray

Date: October 25, 2015

PH86-1 Commenter states familiarity with BAAQMD from working in the area.

This comment is noted, but does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH86-2 This comment expresses frustration with references to Vallejo as the armpit of the bay.

This comment is noted, but does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH86-3 This comment states that the liquid nitrogen gas terminal plant was not developed and the people don't want this plant developed either.

This comment is noted, but does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH86-4 This comment expresses the opinion that heavy industry is not needed here and buildings should be taken down and developed with tourist attractions.

This comment is noted, but does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH87

Commenter: Martin Gruber

Date: October 25, 2015

PH87-1 This comment asks how similar plans have affected property values.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

PH87-2 This comment claims that mitigation that offsets NO_x in other areas is an environmental justice issue. Please refer to Master Response 6 for a summary of the offset requirements and NO₂ modeling. Please also refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH87-3 This comment claims that there are heavy metals in the Mare Island Strait and that sampling conducted was too shallow and deeper sampling should be done.

Please refer to the response for comment I101-1 above.

PH87-4 This comment claims that many issues are still to be determined such as dredge material and traffic impacts on Lemon Street.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

PH87-5 This comment claims that there are toxins in slag used to make cement from Asia and China and there is the potential for the release of these toxins during operation. Potential impacts to the environment related to hazardous materials has been evaluated in Section 3.7, Hazards and Hazardous Material, of the Draft EIR. GBFS is the raw material that would be used to produce GGBFS at the Orcem plant. As discussed in Section 3.7.4 Impact Discussion (A), Operational Impacts Orcem Project Component, a laboratory analysis of a GBFS sample was undertaken by Weck Laboratories to analyze the potential hazards of GBFS. GBFS is nonflammable, nontoxic and nonexplosive but is capable of emitting fugitive dust particles if not properly contained. Results of the analysis are provided as Attachment A in Appendix I-9 of the Draft EIR. Appendix I-9 also includes material safety data sheets for limestone, pozzolan and gypsum which are additional materials that may be used on site and an analytical laboratory report for a portland cement sample. More information can be found in Draft Final EIR Section 3.7.4 (A) and in Appendix I-9.

PH87-6 This comment states that the proposal to expand area applies to VMT not Orcem. The meaning of this comment is not exactly clear, however any future growth or development on the project site would require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter PH88

Commenter: Bryan Harris

Date: October 25, 2015

PH88-1 This comment states that coffee with cops for South Vallejo will be at 10 am Tuesday at the Emmanuel Temple.

The City appreciates this comment, however, the comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH88-2 This comment states that a meeting will be held with the applicant on Wednesday at 7 pm.

The City appreciates this comment, however, the comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH89

Commenter: Stephen Hallett

Date: October 25, 2015

PH89-1 This comment requests public records from the applicants and the City related to the lease, traffic and asthma rates.

All information utilized in the preparation of the Draft EIR, including the traffic report and the health risk assessment, was included as appendices to the EIR. The Health Risk Assessment can be found in Appendix D-1 and the traffic study is included as Appendix L.

PH89-2 This comment asks what the acceptable threshold is for cancer and by how much the project exceeds it.

Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines. Thresholds of significance are quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. The Draft EIR uses the BAAQMD Threshold of Significance for cancer risk, which is an increase above 10 in one million. The air quality Thresholds of Significance are listed in Table 3.2-6 and explained in Section 3.2.3. Cancer risks are evaluated in Section 3.2.4 (D) and the unmitigated cancer rate is shown in Table 3.2-17. The cancer risk would be less than significant with implementation of mitigation measure MM-3.2-2, which provides five scenarios for mitigation. The full analysis for cancer risk is discussed in Section 3.2.4 (D), the full text of the mitigation measure is provided in Section 3.2.5, and additional information related to health risks and air quality impacts is provided in Master Response 1.

PH89-3 This comment asks if the City is unwilling to provide communication with Orcem, would VMT and Orcem be willing to provide communications. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included. Please refer to Master Response 10 for information regarding public outreach.

Letter PH90

Commenter: Scott Ingham

Date: October 25, 2015

PH90-1 This comment claims that the project proponents don't live nearby.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH90-2 This comment asks how standards are chosen and if standards are the same everywhere or different standards based on where the project is occurring in the City.

Thresholds of Significance are defined in Section 15064.7 of the CEQA Guidelines. Thresholds of significance are quantitative or qualitative performance standards of a particular environmental effect, non-compliance with which would normally result in a determination of a significant impact. Individual public agencies are encouraged to develop their own thresholds which must be adopted by ordinance, resolution, rule or regulation and developed through a public review process. Thresholds considered may be previously adopted or recommended by other public agencies or experts. Each Section of the Draft EIR contains a heading titled Thresholds of Significance which lists the thresholds and states that the project would result in a significant impact if any of the thresholds were exceeded. Additionally, this section states where those thresholds came from. Generally the thresholds adopted come from Appendix G of the CEQA Guidelines, but they can also come from other public agencies, such as the Bay Area Air Quality Management District (BAAQMD). For more information refer to the Thresholds of Significance heading in Sections 3.1 through 3.13 and CEQA Guidelines Section 15064, 15064.7 and 15131.

PH90-3 This comment claims that a self-storage facility was not approved on Lemon street because of the traffic increase.

Congestion impacts are addressed in Section 3.12 Transportation and Traffic of the EIR. Table 3.12-10, in Section 3.12.4 (A), shows existing plus project peak hour intersection service levels. Existing intersection Levels of Service (LOS) and City of Vallejo LOS standards are discussed in Section 3.12.2 Existing Conditions. Operational impacts to intersections and freeways would not exceed LOS standards and therefore were determined to be less than significant for both projects individually and cumulatively and no mitigation measures are required. Please refer to Section 3.12.4 (A) in the Draft Final EIR for additional

information regarding the analysis for traffic congestion impacts. The full text of the mitigation measure is provided in Section 3.12.5 of the Draft Final EIR.

PH90-4 This comment claims that Lemon Street improvements are not mentioned. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.

PH90-5 This comment expresses the opinion that the project makes sense for very few. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH91

Commenter: Malachi Kessler

Date: October 25, 2015

PH91-1 This comment claims that the goals of Orcem don’t align with Vallejo’s goals.

The Draft EIR concluded that the proposed project is subject to several land use plans, policies, and regulations, including the Bay Plan, the City of Vallejo General Plan, and the City of Vallejo Zoning Ordinance. Table 3.9-2 of the Draft EIR lists the individual policies of plans determined to be applicable to the various components of the proposed project. A consistency determination was also provided in Table 3.9-2 for each applicable policy and regulation. The Draft Final EIR concludes that impacts related to land use and consistency with applicable land use plans would be potentially significant (subject to final determination from BCDC). Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

PH91-2 This comment states that commenter grew up in a light industrial area. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH91-3 This comment asks how cement waste would be handled.

Disposal of hazardous and potentially hazardous wastes is discussed in Section 3.7.4 (A) of the Draft EIR. This section address hazardous materials used during construction, dredging waste, building materials, waste from on-shore excavation and grading, and operational wastes from VMT and Orcem. The Draft EIR notes that all construction and operation wastes would be handled according to federal, state and local waste management regulations. Implementation of Mitigation

Measures MM-3.7-1a, MM-3.7-1b, MM-3.7-2a, MM-3.7-2b, MM-3.7-2c, and MM-3.7-3 (defined in Section 3.7.5); MM-3.8-1 and MM-3.8-2 (Section 3.8.5); and MM-3.3-3 (Section 3.3.5) would reduce all impacts related to the use, transportation and disposal of hazardous waste to a less-than-significant level. Please refer to the full analysis in Section 3.7.4 (A) for additional information. Solid waste disposal services are evaluated in Section 3.13.4 (F) and (G). The Draft EIR determined that the project would be served by Keller Canyon Landfill, which has sufficient capacity to handle the project's expected solid waste needs. The Draft EIR also concluded that the project would comply with all required solid waste disposal regulations and impacts related to solid waste would be less than significant. Please see Section 3.13.4 (F) and (G) for additional information.

PH91-4 This comment asks how waste from off-loading the tanker would be handled.

Please refer to the response for comment PH91-3 above.

PH91-5 This comment claims that Vallejo has neglected the area of the waterfront and they need to make better choices regarding its future.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH92

Commenter: Wayne Law

Date: October 25, 2015

PH92-1 This comment reminds other citizens that this is a proposal not a finished product.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH92-2 This comment claims that no notices for the meeting were given until the day before and no notification has been given to neighbors. This comment also claims

that the City needs to do more to notify residents. Please refer to Master Response 10 for information regarding public outreach.

PH92-3 This comment claims that there would be loss of property values in the area and asks who would pay those costs. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

PH92-4 This comment asks who holds the applicants accountable for mitigation if the project were approved. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

Letter PH93

Commenter: Wanda Maderas

Date: October 25, 2015

PH93-1 This comment claims that the railroad hasn't been maintained and is in substandard condition.

Existing railroad conditions are examined in Section 3.12.2 Existing Conditions. The Draft EIR states that according to the California Northern Railroad staff, the signal system would need to be upgraded to allow the tracks to serve train traffic. Additional necessary improvements include replacement of missing or damaged equipment at several crossings and upgrading all crossings to be compliant with California Public Utilities Code standards and the at-grade rail crossing design requirements set forth in the California Manual on Uniform Traffic Control Devices, Chapter 8. More information is provided in the existing conditions discussion in Section 3.12.2.

PH93-2 This comment claims that the water mains broke under the PR tracks and needs to be replaced and asks if the City would replace the water mains.

Water mains will need to be updated and repaired if necessary by the project applicant during project completion. The comment does not contain a direct question regarding CEQA, thus no further response is required.

PH93-3 This comment asks if there is an emergency plan for train derailment. An Emergency Response Plan would be required under mitigation measure MM-3.7-4. Future accidents conditions are speculative but the Emergency Response Plan

would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Please refer to Section 3.7.4 (B) for the full text of the analysis and to Section 3.7.5 for the full text of the mitigation measure.

PH93-4 This comment asks if police and fire services are prepared to handle a 77-car derailment event.

Impacts to public services are evaluated in Section 3.11 of the Draft EIR. In Section 3.11.4 (A), both the Vallejo Fire Department and the Police Department confirmed that they have adequate equipment and personnel to service the project.

PH93-5 This comment claims that gas transmission lines intersect with the PR in several places and asks if VMT and Orcem are planning on moving shipments via the railroad across to Mare Island.

The railroad network is discussed in Section 3.12.2 Existing Conditions. Please refer to the Railroad Network and Operations heading for details regarding the location of the railroad tracks and the necessary improvements to the railroads that would be required for operation.

PH93-6 This comment asks if the City would require PG&E to conduct feasibility studies or gas lines in the PR.

The project's impact on energy resources is evaluated in Section 3.13.4 (H) of the Draft EIR. The VMT component of the project would require electricity and minimal natural gas. PG&E has provided a will-serve letter confirming its ability to provide services from existing facilities. For the Orcem component, PG&E concluded they have adequate natural gas to serve the projected demand, however, reinforcements of the existing gas system would be required on Derr Street from Lemon Street to the Orcem site and a gas tie-in would be required at the intersection of Lemon Street and Sonoma Boulevard.

PH93-7 This comment asks if the City knows how deep the gas lines are.

Please refer to the response for comment PH93-6 above.

Letter PH94

Commenter: Tony Mason

Date: October 25, 2015

PH94-1 This comment expresses the opinion that the cement plant is toxic and the City wouldn't be able to handle it if the company went bankrupt.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH94-2 This comment expresses the opinion that approval of the project should be on the ballot and that shipping and dredging is all bad.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH95

Commenter: Laura Noel

Date: October 25, 2015

PH95-1 This comment states that commenter did not hear about the project until one month ago via Facebook and claims that there has been a lack of communication regarding the project. Please refer to Master Response 10 for information regarding public outreach.

PH95-2 This comment expresses the opinion that there is potential for a project in Vallejo to benefit everybody and not just a small minority who would benefit from this project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH95-3 This comment expresses concern for traffic on Lemon Street with the new Curtola park and ride opening, and claims that the traffic impacts do not include the impacts from the new park and ride.

Please refer to the response for comment A9-15 above.

PH95-4 This comment asks who would pay to maintain the roads. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

PH95-5 This comment asks who would pay the ongoing costs for dredging. Ongoing maintenance of the terminal would be VMT’s financial responsibility. Please refer to Master Response 7 for information regarding monitoring and ongoing maintenance responsibilities.

PH95-6 This comment asks why Orcem is getting a 65-year lease and why a shorter term or a reviewable term have not been considered. A majority of the land is owned by VMT and a portion of this land would be leased to Orcem for its operations. The land being leased is owned by VMT; this matter is not within the City’s jurisdiction.

Letter PH96

Commenter: Michelle Pellegvil

Date: October 25, 2015

PH96-1 This comment expresses the opinion that this project would be the nail in the coffin of Vallejo’s future. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH96-2 This comment expresses the opinion that Vallejo needs a safe and beautiful place to bring in tax dollars. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH96-3 This comment tells other citizens present that it is critical to write comments. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH96-4 This comment claims that asthma risks and social justice are important issues to address. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

PH96-5 This comment claims that funding for federal agencies requires a public participation plan which was not done.

Federal actions include actions funded by federal monies, actions on federal lands, actions requiring a discretionary federal permit, or actions proposed by a federal agency. The proposed project is not considered a federal action.

Letter PH97

Commenter: Leot Rotherheimer

Date: October 25, 2015

PH97-1 This comment alleges that mitigation doesn't address traffic impacts and health of children.

Traffic impacts are addressed in Section 3.12 and mitigation measures for traffic impacts are discussed in Section 3.12.5. Air quality impacts, including health risks, were evaluated in Section 3.2 and mitigation measures are provided in Section 3.2.5. Additional information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project is provided in Master Response 1.

PH97-2 This comment claims that specific measures to mitigate impacts are needed, and a kayak ramp is not sufficient.

Mitigation measures are listed for every significant impact identified in the EIR. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Mitigation measures can be found under the Mitigation Measures heading in Sections 3.1 through 3.13. The Draft EIR proposed the kayak ramp as off-site improvement provided in lieu of direct public access as required by the Bay Conservation Development Committee (BCDC). More information on the off-site improvements is provided in Section 2.4.4.

PH97-3 This comment asks what VMT/Orcem is offering in side deals to people in the City in exchange for their support.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

PH97-4 This comment claims that there is no control for what would come into port and citizens need to know what would be transported on the train tracks running through the City.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter PH98

Commenter: Lee Simmons

Date: October 25, 2015

PH98-1 This comment asks what citizens want in their community and if they want heavy industry.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH98-2 This comment claims that people who live closest the plant would be most affected.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH98-3 This comment claims that NO_x is a health risk that causes cancer. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

PH98-4 This comment references mitigation for NO_x emissions and asks what phase mitigation means. Mitigation Measures MM-3.2-1, MM-3.2-2, and MM-3.2-3 would be implemented to reduce impacts from NO_x emissions. CEQA only requires mitigation when an impact would exceed the established thresholds of significance. Since the project would be constructed in phases, emissions would not exceed the threshold immediately.

Letter PH99

Commenter: Nathan Stout

Date: October 25, 2015

PH99-1 This comment claims that the General Plan is currently being updated and until recently the Orcem and VMT project was not mentioned. Please refer to Master Response 10 for information regarding public outreach. The City is in the process of preparing a Draft Preferred Scenario that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission. The proposed project is not subject to the policies, plans, goals and regulations of the General Plan update, so no significant land use impacts have been identified and mitigation measures and alternatives are not required.

PH99-2 This comment claims that the Healthy Communities Committee has made no real mention of the project. This comment also provides information for their next meeting on October 26, 2016 at 6:30 p.m. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH100

Commenter: Ken Szutu

Date: October 25, 2015

PH100-1 This comment expresses the opinion that this decision should not be left to the Planning Commission but should be put to a vote by the citizens. Please refer to Master Response 10 for information on public outreach. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH100-2 This comment claims that dust and noise problems already exist past midnight and asks if the City cannot handle the current problems how they can be expected to handle VMT. Mitigation measures for dust pollution and noise are provided in Section 3.2.5 and 3.10.5, respectively. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR. Section 3.10.4 (A) quantified noise impacts from

combined project operations to the ten closest noise-sensitive locations and results are provided in Table 3.10-28.

- PH100-3** This comment asks if a long-term lease means that the project is a done deal and claims that the EIR should be completed before commitments are made. The project is being proposed jointly by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter PH101

Commenter: Kim Thomas

Date: October 25, 2015

- PH101-1** This comment asks for a simplified less technical summary because the community doesn't understand.

The City appreciates this comment and understands that this is a complex project. The City has made every effort to prepare a document that the public can understand. In particular, the Executive Summary included at the beginning of the EIR, provides a summary of the project description and lists all of the potential impacts and mitigation measures associated with the project.

- PH101-2** This comment asks when responses to comments will be provided.

All comments submitted to the City and those made at the public hearings have been responded to in Chapter 4 of the Draft Final EIR.

- PH101-3** This comment asks how the property is currently zoned.

Zoning and general plan designations are listed in Section 2.2 Existing Project Site and are discussed in detail in Section 3.9 Land Use and Planning. The property, minus the 5.25-acres outside of the City limits, is zoned "Intensive Use." More information on the "Intensive Use" zoning designation is provided in Chapter 16 of the Vallejo Municipal Code and in Section 3.9.1 of the EIR.

PH101-4 This comment asks how much authority the City has over private lands. The City would be able to enforce mitigation measures required by the EIR through the MMRP, which is included as Appendix M of this EIR.

PH101-5 This comment asks for simplified information and that the health and well-being of children be considered. Please refer to the response for comment PH101-1 above. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter PH102

Commenter: Boudicca Todi

Date: October 25, 2015

PH102-1 This comment claims that public health reports need to be available online. A copy of the Health Risk Assessment prepared for the project is available in Appendix D-1 of the Draft EIR. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

PH102-2 This comment asks if the City has signed a Statement of Overriding Considerations. The City has not signed a Statement of Overriding Considerations. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. After reviewing the Draft Final EIR the City would be required to make findings and if adopted, a Statement of Overriding Considerations pursuant to Sections 15091 and 15093 of the CEQA Guidelines.

PH102-3 This comment states that Propel Vallejo is working to build a better vision for Vallejo and they have meetings almost every Monday. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH102-4 This comment expresses the opinion that Vallejo doesn't have to be trapped in a history of blue collar disease.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter PH103

Commenter: Christina Toth

Date: October 25, 2015

PH103-1 This comment asks why the project was kept a secret for so long.
Please refer to Master Response 10 for information regarding public outreach.

PH103-2 This comment asks why information was not posted at schools and claims that young people were not notified. Please refer to Master Response 10 for information regarding public outreach.

Letter PH104

Commenter: Jessica Toth-Zegri

Date: October 25, 2015

PH104-1 This comment gives information on the Facebook group for change.org This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH104-2 This comment claims that Mare Island was a disaster and wildlife is just now beginning to return. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

PH104-3 This comment expresses concern for noise impacts from the cement plant. Noise impacts resulting from implementation of the proposed project are evaluated in Section 3.10 of the EIR. Noise impacts from the combined operations is quantified in Section 3.10.4 (A) and the results for noise impacts to the ten closest noise-sensitive locations is provided in Table 3.10-28. Mitigation Measures identified to reduce noise impacts are provided in Section 3.10.5.

PH104-4 This comment expresses concern for the salt marsh harvest mouse which is an endangered species. Impacts to special-status species are examined in Section 3.3.4 (A) of the EIR. The Draft EIR determined that implementation of mitigation measures MM-3.3-1 through MM-3.3-7 would reduce all impacts related to terrestrial and marine special-status to a less-than-significant level. The full analysis for these impacts is evaluated in Section 3.3.4 (A) and the full text of the mitigation measures is provided in Section 3.3.5.

RTC.6 OPEN CITY HALL**Letter OCH1****Commenter: No name provided****Date: November 2, 2015**

- OCH1-1** The commenter opposes the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH2**Commenter: Sylvia Montiel****Date: November 2, 2015**

- OCH2-1** The commenter asks for an impact report on property value. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

- OCH2-2** The commenter is concerned for public safety when crossing intersections, particularly for children near parks or schools.

Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Mitigation measure MM-3.12-4 was provided to reduce impacts to a less- than-significant level. Mitigation measure MM-3.12-4 requires improvements to be made to Lemon Street to provide for safe movement of pedestrians and bicycles. Improvements are subject to approval by the Public Works Department which would also determine the project's fair-share cost allocation for necessary improvements. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR.

- OCH2-3** The commenter questions the veracity of the noise report, specifically at Lemon and Third St.

Noise impacts are evaluated in Section 3.10 of the Draft EIR. As stated, the primary sources used to support the analysis includes a technical noise impact assessment report conducted for the project by an independent acoustical engineer, Awn Consulting. The assessment for the VMT component is included in Appendix K-1, the assessment for the Orcem component is included in

Appendix K-2 and the cumulative assessment for both VMT and Orcem is included in Appendix K-3 of the Draft EIR. Section 3.10.2 Existing Conditions, details the methods used to determine the ambient noise level of the project area which involved five unattended long-term surveys and four attended short-term surveys to determine the existing baseline noise environment (illustrated on Figure 3.10-2). The five unattended long-term (LT) locations are listed in Section 3.10.2 and results of the measurements are provided in Table 3.10-2. The four short-term (ST) monitoring locations are also listed in Section 3.10.2 and results of the measurements are included in Table 3.10-3. The ten nearest noise-sensitive locations used in the analysis in Section 3.10.4 Impact Discussion, are provided in Table 3.10-4 and illustrated on Figure 3.10-3. Section 3.10.4 analyzes all potential noise impacts from construction and operation of each component individually and the combined project. Mitigation measures are provided for all significant impacts in Section 3.10.5. Please refer to Sections 3.10.2, 3.10.4 and 3.10.5 of the Draft Final EIR for additional information.

OCH2-4 The commenter expresses concerns regarding the impact of 300 heavy diesel trucks, trains, and water vessels on air quality and human health. Detailed information about health risks to children, the elderly and all other sensitive receptors is provided in Master Response 1.

OCH2-5 The commenter asks who will monitor the emissions and hold emitters accountable to standards.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

OCH2-6 The commenter asks who will be responsible for the maintenance of the streets with the heavy truck activity. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

- OCH2-7** The commenter questions the amount of public outreach from the city. The commenter requests the Draft EIR be translated into Spanish. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH3

Commenter: Maria Munoz Vaughn

Date: November 2, 2015

- OCH3-1** The commenter opposes the proposed project and expresses concerns for the number of “significant but unavoidable” impacts for which there is no effective mitigation. Significant and unavoidable impacts are those that cannot be substantially lessened by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it is less than significant, then the impact is considered significant and unavoidable. Please refer to Table ES-1, in Section ES.6 Summary of Impacts, for a list of all potentially significant impacts, the proposed mitigation and the significance after mitigation.

- OCH3-2** The commenter notes the project will be in the heart of a residential neighborhood and that Lemon Street is a narrow city street unsuited to handle the heavy traffic from the proposed project.

The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Mitigation measure MM-3.12-4, which would reduce impacts to a less-than-significant level, requires improvements to be made to Lemon Street to provide for safe movement of pedestrians and bicycles. Improvements are subject to approval by the Public Works Department which would also determine the project’s fair-share cost allocation for necessary improvements. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR. Please also refer to Master Response 8 for information on the improvement of roads.

- OCH3-3** The commenter alleges the Draft EIR does not take into account the project’s proximity to schools and playgrounds.

Section 21151.4 of the CEQA Statute states that an EIR shall not be certified for any project involving the construction or alteration of a facility within one-quarter mile of a school that might be reasonably anticipated to emit hazardous air emissions or handle extremely hazardous substances unless both of the following occur: the lead agency has consulted with the school district regarding the potential impact of the project on the school, and the school district has been given written notification of the project not less than 30 days prior to the proposed certification of the EIR. Compliance with Section 21151.4 of the CEQA Statute would require that the City of Vallejo consult with the Vallejo City Unified School District and provide them with at least 30 days notification prior to certification of the Draft Final EIR.

OCH3-4 The commenter questions why the Draft EIR does not take into account the impact on the expensive new transit center on Curtola Parkway and Lemon St. Please refer to the response to comment A9-15.

OCH3-5 The commenter states that the proposed project is in opposition to the new general plan guidelines. The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project’s consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

Letter OCH4

Commenter: No name provided

Date: November 2, 2015

OCH4-1 The commenter questions why the Draft EIR does not include a Material Safety Data Sheet.

GBFS is the raw material that would be used to produce GGBFS at the Orcem plant. As discussed in Section 3.7.4 Impact Discussion (A), Operational Impacts Orcem Project Component, a laboratory analysis of a GBFS sample was

undertaken by Weck Laboratories to analyze the potential hazards of GBFS. GBFS is nonflammable, nontoxic and nonexplosive. The glassy nature of the granules and the moisture of the GBFS minimize the dust created in either handling or storage. Results of the lab analysis are provided as Attachment A in Appendix I-9 of the Draft EIR. Material Safety Data Sheets for limestone, pozzolan and gypsum, which are additional materials that may be used on site, are provided in Appendix I-9.

Portland cement clinker is a common construction material manufactured by blending materials including limestone, shale and clay in a kiln and processing at temperatures in excess of 1800° Fahrenheit (°F). An analytical laboratory report (included in Appendix I-9) was prepared for a portland cement sample which also indicated the presence of hexavalent chromium, another known human carcinogen. More information can be found in Draft Final EIR Section 3.7.4 (A) and in Appendix I-9.

OCH4-2 The commenter provides a definition and background information on the negative health effects of slag. The commenter asks what steps will Orcem and VMT take to prevent the emissions of slag dust and crystalline silica into the atmosphere.

Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District, which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from toxic air contaminants have been evaluated in the Health Risk Analysis prepared for the project and included in Appendix D-1 of the Draft EIR.

Orcem operations are discussed in detail in Section 2.4.2.2 Orcem Operations, Production Process. Each step of the operation process has measures in place intended to minimize fugitive dust emissions. For a complete detailed description of the Orcem Operation process please refer to Section 2.4.2.2 of the Draft Final EIR.

OCH4-3 The commenter notes that slag contains trace amounts of crystalline silica and hexavalent chromium, both classified by IARC and NTP as known human carcinogens. The commenter asks if current air quality standards permit Orcem and VMT to emit either of these ingredients.

The proposed milling process, whether undertaken for GGBFS or portland cement clinker, would be carried out in a closed circuit system under negative pressure (no outlet to the exterior, except through high performance filters). Likewise, fully

sealed finished product storage in silos would be provided. Facility operations will require permit from the Bay Area Air Quality Management District (BAAQMD), as discussed in Section 3.2, as well as mitigation for air quality that would reduce the potential for fugitive emissions and toxic air contaminants (including hexavalent chromium) from the Orcem facility. In addition, please see response to comments A1-5 and O4-49.

- OCH4-4** The commenter asks about the risk of exposure to tuberculosis for the residents of South Vallejo as a result of the operation of the VMT and Orcem facility. Tuberculosis is an infectious disease caused by the mycobacterium tuberculosis bacteria. Industrial processes such as the proposed project are not associated with infectious diseases.
- OCH4-5** The commenter asks about the steps Orcem/VMT would take to prevent workers and residents of South Vallejo from increased incidences of kidney and end-stage renal disease. Please refer to Master Response 7 for detailed information regarding Mitigation Measures that would be implemented by the applicant to reduce the risk of health impacts on residents.
- OCH4-6** The commenter asks if Orcem/VMT will provide chemical analysis of shipments to the Vallejo Fire Department so fighting personnel can use the proper level of a SCBA. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH4-7** The commenter asks how Orcem/VMT intends to prevent slag dust from becoming airborne. Please refer to the response to comment OCH4-2.
- OCH4-8** The commenter asks about the disposal steps taken to properly dispose of wet slag that has been allowed to dry. Please see response to comment OCH4-2.
- OCH4-9** The commenter asks about the preventive measures Orcem/VMT will take to prevent slag from becoming wet and producing sulfurous odors. Please see response to comment OCH4-2.
- OCH4-10** The commenter notes that slag buildups can release, collapse or fall unexpectedly. The commenter asks what are the chemical exposures faced by on-site personnel, first responders, and surrounding general population from slag buildup. Please refer to the response to comment OCH4-2.

OCH4-11 The commenter asks how often the HEPA vacuums will be cleaned. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH4-12 The commenter inquires about the exposure to harm for first responders to an excessive slag dust incident. The commenter further asks if first responders in Vallejo have the approved NIOSH safety equipment and training. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH4-13 The commenter asks what protective measures should the nearby residents take in the event of exposure to dust from the project site, particularly if they are elderly, asthmatic, have compromised immune systems, etc.

Pollution created from drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District, which would be implemented to reduce fugitive dust. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR. Health impacts from fugitive dust, toxic air contaminants and PM_{2.5} have been evaluated in the Health Risk Analysis prepared for the project. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

OCH4-14 The commenter inquires whether “green cement” has been reviewed according to EPA Hazard Categories promulgated under Sections 311 and 312 of the Superfund Amendment and Reauthorization Act of 1986. If so, what are the findings of the review. Please refer to the response to comment I171-35 and I229-66 for more information regarding the components of the GGBFS and other materials. The project applicants would be subject to all federal, state and local laws pertaining to the evaluation, monitoring and transportation of hazardous materials. Since no question specific to the adequacy or accuracy of the Draft EIR is raised, no further response is required.

OCH4-15 The commenter notes that the Resource Conservation and Recovery Act (RCRA) requires product users to determine at the time of disposal whether a material

containing or derived from the product should be classified as a hazardous waste. The commenter asks what information Orcem/VMT will provide to purchasers of their product. Please refer to the response to comment OCH4-14.

OCH4-16 The commenter inquires what amount of chromium will be emitted by the proposed project and if the authors of the Draft EIR feel the amount of chromium emitted can be hazardous to the health of residents of the region. Please see response to comment OCH4-1. Please also see response to comment A1-5 regarding chromium emissions.

OCH4-17 The commenter wishes to know the geographic size of space that will be devoted to dry storage for GBFS and if that space is equal to or in excess of 1.5 times the delivering ship cargo equivalent. Please see Section 2.4.2.2 of the Draft EIR for a description of the Orcem Operation including the operation's production process, shipping transport, truck transport, rail transport, storage of raw materials, transport of raw materials from stockpile area to the process plant, drying and grinding raw materials, storage, loading, transport of finished product, site access, parking and staffing.

The operations described in the Draft EIR are those proposed by the Applicants and are the basis for the environmental analysis in the Draft EIR.

OCH4-18 The commenter asks about the maximum amount of product to be produced by Orcem. Please see 2.4.2.2 Orcem Operation of the Draft EIR for a description of annual production and maximum material volumes.

OCH4-19 The commenter alleges the anticipated construction noise exceeds current City of Vallejo limits for adjacent residential area and asks what neighborhoods would be exposed to that elevated noise level. The commenter also asks how much the noise of construction will be amplified at night when the noise from roadways is reduced. Please refer to the response to comment OCH2-3.

OCH4-20 The commenter inquires how often the bag filters will be cleaned to prevent them from becoming full and exposing adjacent residential areas to dust generated at the proposed project site. Per BAAQMD clarification, both VMT and Orcem will be subject to BAAQMD permitting. Section 3.2 of the Draft Final EIR has been revised to reflect this. Master Response 7 describes how EIR mitigation and permit conditions (including the BAAQMD conditions) will be enforced.

OCH4-21 The commenter notes the Draft EIR states the material offloaded by Orcem would be kept damp in order to reduce dust. The commenter states the MSDS asserts the

material should be kept dry. The commenter asks about the procedures to keep dust particulates dry and prevent them from becoming airborne. Please refer to the response to comment OCH4-2.

OCH4-22 The commenter asks about the quality controls in place to prevent contamination by unknown sources at the points of origin and delivery.

As discussed in Section 2.4.2.2 Orcem Operation Production Process, raw materials would be transported to the site via shipping, rail and truck transport. VMT would provide primary method of material transport on a long term basis. In the event VMT were not operational, the Port of Richmond, approximately 17 miles south, would serve as a short-term emergency source for delivery. Raw materials would be loaded onto trucks and port and driven to the project site. Rail transport would bring smaller consignments of gypsum, anhydrite, limestone, pozzolan, clinker and portland cement from Arizona, Nevada and California. Lastly, truck transport would bring loads of gypsum, anhydrite, pozzolan, and limestone from sources in California and Nevada. Section 2.4.2.2 Orcem Operations, provides details on how raw materials would be stored on site, moved to the production facilities, how cement products would be produced, and ultimately how the finished products would be stored and transported off-site. Please refer to Section 2.4.2.2 in the Draft Final EIR for more information.

The project applicants would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH4-23 The commenter asks how the arriving material and finished product of Orcem compares to the GBFS produced by the United States Steel Corporation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH5

Commenter: Diana Lang

Date: November 2, 2015

OCH5-1 The commenter expresses disappointment that the proposed project has gotten this far. The commenter weighs the economic contribution of the project in the local economy to the negative effects of redevelopment, pollution, traffic, noise and the ruination of a large swath of the waterfront.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH6

Commenter: Amy Petrolati

Date: November 2, 2015

OCH6-1 The commenter expresses disappointment with the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH6-2 The commenter notes that a portion of emissions will be caused by idling ships offloading raw materials and asks why Orcem/VMT won't include ship to shore power for these ships to prevent idling and further emissions into the air. Please refer to Master Response 3 for information regarding proposed mitigation for ship emissions.

OCH6-3 The commenter questions who will repair the residential streets from the wear and tear of 300 diesel trucks, as well as the safety for children with the constant traffic. Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Mitigation Measure MM-3.12-4 was provided to reduce impacts to a less than significant level. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

OCH6-4 The comment alleges the jobs and tax revenue provided by Orcem/VMT do not counterbalance the damage it will do to the city of Vallejo. This comment

addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH7

Commenter: Sharon Stoepler

Date: November 2, 2015

- OCH7-1** The commenter expresses the opinion that this plant is not a good decision for the city of Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH8

Commenter: Barbara Cohen

Date: November 1, 2015

- OCH8-1** The commenter notes the VMT/Orcem project comes with both substantial risks for Vallejo citizens and potential benefits for the city. The commenter requests the City perform a risk/benefit analysis. A cost benefit analysis is not within the purview of the EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- OCH8-2** The commenter note that Vallejo's updated General Plan is not yet complete and asks for an explanation why the decision about the VMT/Orcem project cannot wait until the plan update is finalized. The comment asks if the proposed project would be compatible with the draft for the updated plan as it currently stands. Please refer to the response to comment OCH3-5.

Letter OCH9

Commenter: Name not available

Date: November 1, 2015

- OCH9-1** The commenter inquires how the cement plant will contribute to the safety, health, and socioeconomic future of Vallejo. Please refer to Section 2.3, Project Objectives, of the Draft Final EIR which discusses the objectives of the proposed project as identified by the applicants and the City. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH10

Commenter: Percy Angress

Date: October 31, 2015

OCH10-1 The commenter voices grave concerns regarding the safety and wisdom of the project, and asks why an industrial behemoth would go on Mare Island's waterfront.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision.

Letter OCH11

Commenter: Wanda Madeiros

Date: October 30, 2015

OCH11-1 The commenter questions the definition of "not envisioned" when the Initial Study states liquid bulk cargoes or large scale container operations are "not envisioned" to be handled through the VMT. The commenter requests the applicant should be held to "will not be handled."

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

OCH11-2 The commenter asks for clarification why the proposed project requires a General Plan Amendment from Open-Space Community Park to Employment, where the parcel outside City boundaries is located, and who currently owns it. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone impacts determined to be significant and

unavoidable due to this rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 (a) and (d) of the Draft Final EIR.

OCH11-3 The commenter raises concerns regarding the air, ground, and water contamination for surrounding neighborhood fruit and vegetable gardens.

Air quality concerns for the project have been analyzed in Section 3.2.4 of the EIR. The health risk analysis takes into consideration multiple exposure pathways, including inhalation, soil exposure, drinking water, home grown produce, etc. Mitigation Measures for significant air quality impacts are provided in Section 3.2.5.

In addition, water quality concerns were addressed in Section 3.8.4 (A) of the EIR. Construction impacts would be mitigated to a less-than-significant level through implementation of Mitigation Measures MM-3.8-1 and MM-3.8-2. The EIR concluded that operational impacts to water quality would be less than significant for both Orcem and VMT due to adequately designed drainage systems, preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), and compliance with NPDES permitting requirements. Information about SWPPP and NPDES requirements is provided in Section 3.8.1 Regulatory Setting. A description of how VMT and Orcem intend on complying with these requirements is provided in Appendix J-1 and J-2, respectively. A full analysis of water quality impacts is provided in Section 3.8.4 (A) and mitigation measures for construction impacts are provided in Section 3.8.5.

OCH11-4 The commenter asks whether the site is an ancient Native American burial site, and if so, have tribal leaders been notified.

Please see Appendix G, Native American Heritage Commission Records Search and Archaeological Resources Records Search.

OCH11-5 The commenter outlines the nearby fault lines and past earthquake history in the region. The commenter asks about appropriate emergency plans and the seismic standard to which the buildings and docks will be built.

The commenter is referred to Section 3.5, Geology and Soils. Facilities would be constructed in accordance with the current version of the California Building Code and geotechnical design recommendations, as determined in the final design process by the City of Vallejo Building Division and project engineers. Appendix H-1 and H-2 provide preliminary seismic design information that is subject to change based on the City of Vallejo Building Division review and approvals of

final plans. The commenter is also referred to Mitigation Measure MM-3.7-4 (Emergency Response Plan) which addresses actions to take in the event of an emergency, which includes the potential for an earthquake-caused emergency.

- OCH11-6** The commenter asks how the facility will interfere with an existing emergency response plan and how the facility will ensure that nearby residents are notified and evacuated in the case of a hazardous materials emergency.

Please refer to the response for comment PH93-3.

- OCH11-7** The commenter requested an exhaustive list of products that will be shipped to or received at the VMT and the protocols to prevent those materials from becoming airborne or seep into the ground or water. The commenter also asks if the city of Vallejo will restrict what comes into the port.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

- OCH11-8** The commenter notes the proximity of Lake Dalwigk Park, and asks what the impacts to both the park environment and children will be in terms of noise, air pollution, and heavy industrial vehicle traffic.

Please refer to Section 3.10 of the Draft EIR for noise impacts, Section 3.2 for air quality impacts, and Section 3.12 for traffic-related safety impacts. As described in these sections, there would be significant and unavoidable impacts related to noise, air quality, and traffic safety even after mitigation.

OCH11-9 The commenter asks what mitigation measures the applicant proposes for Transportation and Traffic Impact 3.12-4.

Please refer to Section 3.12.5 Mitigation Measures for mitigation of Impact 3.12-4.

OCH11-10 The commenter notes the combined maximum 46,082 gallons of water per day but wastewater projections are only 2,400 gallons per day and asks what the fate of the remaining 43,000 gallons is.

Please refer to the response for comment I35-34 above.

OCH11-11 The commenter questions where the water will be disposed. The commenter asks if the water would have been in contact with raw materials or fugitive dust emissions from project operations.

Wastewater is discussed in Section 3.13 Utilities and Service Systems while stormwater runoff is addressed in Section 3.8 Hydrology and Water Quality. Wastewater demand is quantified in Section 3.13.4 (A), the potential for expansion of existing or construction of new wastewater facilities due to project demand is evaluated in Section 3.13.4 (B) and the ability of the wastewater treatment provider to serve the project is analyzed in Section 3.13.4 (E). All wastewater collected from the project site would be treated at the Ryder Street WWTP which has sufficient capacity and existing infrastructure to handle the projected demand. Wastewater collected at the Ryder Street WWTP is treated in compliance with the treatment and discharge requirements of the San Francisco RWQCB. All impacts related to wastewater were determined to be less-than-significant. For more information please refer to Section 3.13.4 (A), (B) and (E) in the Draft Final EIR.

Section 3.8.4 (A) discusses potential impacts to water quality resulting from stormwater runoff. The project would be required to comply with the City's stormwater management requirements to install hydrodynamic devices or incorporate other BMPs to remove pollutants from stormwater runoff and to show the locations of such controls on plans submitted with the building permit application. In addition, the City requires implementation of LID strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of an increase in runoff flows. Both VMT and Orcem would also be required to comply with NPDES-related stormwater permitting requirements including measures to reduce development and minimize impervious area, measures to limit directly

connected impervious areas, and specifics on the location and design of vegetated swales and bio-basins. Please refer to Section 3.8.4 (A) for additional information. Information regarding how VMT and Orcem would comply with NDPEs and SWPPP requirements is provided in Appendix J-1 and J-2, respectively. Information about SWPPP and NPDES requirements is provided in Section 3.8.1 Regulatory Setting. A full analysis of water quality impacts is provided in Section 3.8.4 (A).

OCH11-12 The commenter notes the necessity of an Environmental Justice report. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

OCH11-13 The commenter remarks on the aging infrastructure of water mains and asked if they will be replaced. Water infrastructure is evaluated in Section 3.13.4 (B). The project would be served by the City of Vallejo Water Division which utilizes the Fleming Hill Water Treatment Plant, and would connect to existing infrastructure on the project site. The EIR determined that the existing water infrastructure would be sufficient to handle the demand of the proposed project and the expansion of existing or creation of new facilities would not be required. This impact would be less than significant. Please refer to the Section 3.13.4 (B) for the full text of the analysis.

OCH11-14 The commenter asks if the city will require engineering studies on the feasibility of Vallejo’s current railroad tracks to ensure the heavy trains filled with VMT/Orcem shipments will not be in danger of derailment. The commenter asks if the City has an emergency plan in place to respond to a train derailment.

Please refer to the response for comments PH93-1 and PH93-3 above.

OCH11-15 The commenter expresses concern regarding the intersections of gas transmission pipelines and railroad tracks and asks if engineering feasibility studies will be conducted to determine the load capacity the gas transmission lines can bear.

Please refer to the response for comment PH93-6 above.

OCH11-16 The commenter asks why the city hasn’t required more signage and information and these gas pipelines and their relation to the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH11-16 The commenter requests clarification regarding the ownership, leasing, and liability of the project site.

As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the property. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations.

OCH11-17 The commenter asks about the mitigations to prevent GGBFS from being introduced to the Napa River, San Pablo Bay, or the Vallejo sewer system.

Please refer to the response to comment OCH11-11.

OCH11-18 The commenter requests clarification on how Orcem will prevent dispersion of GGBFS into the air. Please refer to the response to comment OCH4-2.

OCH11-19 The commenter asks about the procedure if the GGBFS gets wet from sprayed down or being rained upon. See the Response to A9-11 for more information regarding erosion control during project operation.

OCH11-20 The commenter asks why Orcem GGBFS would not be stored in sealed silos similar to the plant in Ireland. Please refer to Section 2.4.2.2 Orcem Operation for a description regarding storage of raw materials and/or finished product. Overseas operations of Orcem are not required to be examined under CEQA and are beyond the scope of this EIR.

OCH11-21 The commenter asks about the long-term health impacts to employee and nearby residents. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

OCH11-22 The commenter notes the alkalinity of the components of GGBFS and the possible pH changes in other substances they could cause. The commenter asks how Orcem would mitigate a product release into the waterway. Please refer to the response to comment OCH11-11.

OCH11-23 The commenter expresses concern that the dust may be blown from outside piles of product and materials and asks how Orcem will prevent sensitive receptors from being subject to the chronic effects outlined in the MSDS. Please refer to the response to comment OCH4-2 for a detailed description of the measures in place to prevent the fugitive dust becoming airborne. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1.

OCH11-24 The commenter requests the City of Vallejo indicate which local disposal laws apply to VMT/Orcem products and raw materials and their stipulations for disposal or accidental release of product.

VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City’s responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH11-25 The commenter asks what raw materials will Orcem use in all of their products as the information is not listed or attached to the Draft EIR.

Please refer to Appendix B-2 Orcem Application for the principal raw materials and the Appendix I-9 Hazards and Hazardous Materials Report for a further breakdown of the components.

OCH11-26 The commenter requests the addition of a MSDS for each raw material and final product produced by Orcem.

Refer to Appendix I-9 Hazards and Hazardous Materials Report for Materials Safety Data Sheets on materials which may be used in the manufacturing process.

OCH11-27 The commenter asks which VMT/Orcem shipments are designated as “dangerous goods” and the City of Vallejo’s regulations of transporting these goods by road, rail, and shipping. Please refer to the response to comment OCH11-24.

OCH11-28 The commenter asks if there will be Customs and Immigration inspectors located at the VMT. Please refer to the response to comment OCH11-24.

OCH11-29 The commenter cites the City of Vallejo’s NPDES Permit Provisions and the inclusion of the Lemon Street Watershed. The commenter asks if this will impact the City’s permit.

As discussed in Section 3.8.4 (A) of the EIR, the project would be required to comply with the City’s NPDES permit requirements. Information regarding the City’s NPDES permit is provided in Section 3.8.1 Regulatory Setting. A full analysis of the project’s impact on water quality is provided in Section 3.8.4 (A). Details regarding how VMT and Orcem would comply with the City’s NPDES permit requirements are provided in Appendix J-1 and J-2, respectively, of the Draft EIR.

OCH11-30 The commenter asks what the City of Vallejo’s management plan in protecting the Lemon Street Watershed is.

Please refer to the response for comment OCH11-29 above.

OCH11-31 The commenter asks how VMT/Orcem will comply or not comply with the statewide Watershed Management Initiative and what mitigations will be in place to protect the Napa River Watershed and San Pablo Bay Watershed.

Please refer to the response for comment OCH11-29 above. Information regarding water quality and the protection of local waterways is evaluated in Section 3.8.4 (A).

OCH11-32 The commenter requests clarifications on the wastewater disposal restrictions on VMT/Orcem and what agency will be monitoring this.

Please refer to the response for comment OCH11-11 above.

OCH11-33 The commenter asks if the City of Vallejo will create a tax for each incoming and outgoing ship and truck from the VMT.

Taxes are an economic issue that is not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH11-34 The commenter asks if there is a law regarding how close a residential property can be to a Department of Homeland Security-controlled facility.

CEQA is tasked to look at changes and impacts that could potentially occur with the placement of a project based on the construction or operation of the proposed

project. Thus the Draft Final EIR fulfills this goal, regardless of the facilities Homeland Security designation.

OCH11-35 The commenter asks if the Solano County Realtors Association will be notified in order to update seller property disclosure forms.

Property values are an economic issue that is not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH11-36 The commenter asks if the City of Vallejo or Solano County has entered into a lease contract with VMT or Orcem.

As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the majority of the project site. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations.

Letter OCH12

Commenter: Name not available

Date: October 30, 2015

OCH12-1 The commenter notes the rezoning of 5.25 acres of the proposed project was not considered in the Bay Area 2010 Clean Air Plan and asks what additional observations would be made in 2015 that were not considered in the Plan. The rezoning of this portion of the project site is no longer being proposed under the Draft Final EIR. Without the proposed rezone impacts determined to be significant and unavoidable due to this rezone would be reduced to less-than-significant. Updated conclusions are provided in Section 3.2.4 (a) and (d) of the Draft Final EIR.

OCH12-2 The commenter notes the operation of the project would exceed BAAQMD thresholds and conflicts with the Clean Air Plan's goal to reduce ozone through NOx. The commenter asks how the operation of the Orcem facility, the VMT facility, and the combined actions of the two would affect the BAAQMD threshold. Pollution and air quality are addressed in Section 3.2 of the EIR. Section 3.2, Table

3.2-13 presents combined Orcem and VMT impacts and shows that combined NOx emissions would exceed the BAAQMD threshold for NOx emissions.

OCH12-3 The commenter asks if enclosing the Orcem operations in a clean room facility would be sufficient to avoid a significant and unavoidable finding.

Orcem operations are discussed in detail in Section 2.4.2.2 Orcem Operations, Production Process. Each step of the operation process has measures in place intended to minimize fugitive dust emissions. For a complete detailed description of the Orcem Operation process please refer to Section 2.4.2.2 of the Draft Final EIR. Impacts of the project as a whole also stem from the transport of materials by rail, ship and truck. These activities by their nature must occur outside of a ‘clean room facility’.

OCH12-4 The commenter asks about the NOx BAAQMD thresholds for 2015, the NOx BAAQMD thresholds for South Vallejo in October, 2015, and the NOx emission levels within 10 miles of the proposed facility.

Thresholds of Significance established by the BAAQMD and utilized in the air quality analysis are listed in Section 3.2.3 of the EIR. Potential NOx emissions for the project were quantified in Section 3.2.4 (B) and results for maximum annual emissions for combined project operations are provided in Table 3.2-13.

OCH12-5 The commenter notes rezoning would permit more intensive land use to the property and asks why the more intensive land use was not considered in the 2010 Bay Area Clean Air Plan. The commenter asks what the findings would be if the 2015 Bay Area Clean Air Plan standards were considered. Please refer to response to comment OCH12-1.

OCH12-6 The commenter asks how removing historical architectural resources would impact the City of Vallejo’s ability to qualify for architectural grants. The commenter asks if the removal of the historical architectural resources prevent any other buildings from qualifying for programs under the present Department of the Interior guidelines.

Section 3.4.4 (A) discusses the potential loss of historic resources. The project would demolish the flour mill, grain silo and dock, which are all important components of the original Sperry Mill. It is noted that once demolished, the buildings would no longer retain historic integrity and would no longer be contributors to a potential historic district which would result in the loss of such a potential historic district’s integrity. The EIR concluded that implementation of Mitigation Measures MM-3.4-

1a, MM-3.4-1b, and MM-3.4-1c would reduce this impact to a less-than-significant level. The full text of this analysis is provided in Section 3.4.4 (A) and the full text of the mitigation measures are provided in Section 3.4.5.

The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time.

OCH12-7 The commenter asks what mitigations of site equipment could reduce emissions of carbon dioxide per year.

Carbon dioxide emissions are discussed in detail in Section 3.6 Greenhouse Gas Emissions. Section 3.6.5 Mitigation Measures, provides mitigation for operational emissions exceeding the BAAQMD threshold.

OCH12-8 The commenter asks if every mitigation measure was implemented, would that result in compliance with the City's Climate Action Plan.

Section 3.6.4 (b) evaluates consistency with Vallejo's Climate Action Plan (CAP). Table 3.6-10 depicts the various strategies of the CAP and analyzes the project consistency with each. The Clean Air Plan does not address impacts from rail and ship facilities, thus those impacts result in the project's inconsistency with the CAP.

OCH12-9 The commenter asks what the impact would be if each suggested mitigation measure was implemented.

Refer to Section 3.6.6 Level of Significance after Mitigation for the evaluation of each impact if mitigation measures were implemented.

OCH12-10 The commenter asks what mitigation measures apply to marine and/or rail operations.

Section 3.12.5 Mitigation Measures describes the mitigation measures for Transportation and Traffic.

OCH12-11 The commenter asks what the potential water savings would be if grey water, recycled water, and rainwater catchment systems were used.

As indicated in Draft EIR Appendix J-4 (pg. 3), the project is proposing the use of an underground tank to provide a portion of the water demand for the dust

suppression system. Refer to Section 3.8.4 Impact Discussion for information on the rainwater harvesting tanks contained in the project.

- OCH12-12** The commenter suggests upgrading existing railroad track all the way over to Chestnut Street. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-13** The commenter asks what the impact would be if double or triple pane glass and insulation was provided on all residences and offices within the impact area. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-14** The commenter asks what the noise level from operation will be from Chestnut street to Napa Junction if the present track is not replaced, as suggested by the EIR. Refer to Operational Impacts in Section 3.10.4 Impact Discussion for a description of noise levels from the proposed project.
- OCH12-15** The commenter asks what would be the cost of the railroad upgrade between the facility and Chestnut Street and Chestnut Street and the Napa Junction. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH12-16** The commenter asks if the rail and barge hoppers can be lined with rubber to reduce noise. Mitigation Measures for noise impacts are identified in Section 3.10.5. Mitigation measure MM-3.10-1a would require VMT to work with the California Northern Railroad to upgrade existing track and any new track to a continuous welded rail which would remove the joints and provide a smooth continuous surface for rolling stock. Mitigation measure MM-3.10-1b would require that hoppers be lined with rubber wearing sheets to reduce noise associated with loading material into rails and barges. Compliance with these mitigation measures would be required through a Mitigation Monitoring and Reporting Program. However, as noted in Section 3.10.6, Mitigation measure MM-3.10-1a would be dependent on the California Northern Railroad since the City does not have jurisdiction over the railroad. While the City can require that the applicants work with the California Northern Railroad they cannot ensure that the California Northern Railroad will agree to make the improvements. For this reason, impacts associated with rail noise and vibration were determined to be significant and unavoidable. Please refer to Master Response 7 for information

regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

- OCH12-17** The commenter asks about the vibration impact of a train with a length of 5 to 50 cars. Refer to Rail Activity in Section 3.10.4 Noise Impact Discussion.
- OCH12-18** The commenter asks about mitigation measures to reduce and/or eliminate ambient noise levels at any point within one mile of the project site. Ambient, or background, noise levels level gradually change throughout a typical day, corresponding to distant noise sources, such as traffic volume, as well as changes in atmospheric conditions. Refer to Section 3.10.5 Mitigation Measures for a description of the mitigation measures.
- OCH12-19** The commenter asks about the existing ambient noise levels at intersections within one mile of the project site and the expected increase at these intersections. Refer to Section 3.10.2 Existing Conditions and Section 3.10.4 Impact Discussion for predicted maximum construction and operational noise levels.
- OCH12-20** The commenter asks what the maximum length of a train is that can be used to limit a waiting time to three minutes or less. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-21** The commenter asks if the train operators are able to control the traffic signals. The commenter also asks if there can be a requirement for train operators to notify police and fire. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-22** The commenter asks about Impact 3.12.2(A) and why the traffic delays are higher than expected. The comment is unclear as there was no expected impact or expected delay before analysis was undertaken. Traffic delays are thoroughly described in Section 3.12-4.
- OCH12-23** The commenter asks whose responsibility is it to provide information on train operations in areas other than the City of Vallejo and asks if these other areas have been notified on the potential train traffic. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-24** The commenter asks if the downward direct lightbeam be sufficient to provide on-site safety to workers and also prevent wildlife/marine species from harm of any nature. The potential for impacts on sensitive species from artificial night lighting on the new wharf as well as from improved shoreside facilities and buildings

would result in a significant impact (Impact 3.3-7), and mitigation is provided in Section 3.3.5.

- OCH12-25** The commenter asks about reductions in emissions with connection to ship to shore electrical systems. Please refer to Master Response 3 for information regarding shore power.
- OCH12-26** The commenter asks if barges and non-ocean traveling vessels were included in emissions calculations. Appendix D-1 contains the Air Quality and Greenhouse Gas Evaluation performed by Ramboll Environ. The maximum operational emissions scenario was considered. Section 3.2.4 Impact Discussion contains a description of the emissions sources considered during operation of the facilities.
- OCH12-27** The commenter asks about the accuracy of the connection between the reduction in cancer risk by reducing ship emissions. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-28** The commenter notes the breeding season dates of certain birds and asks what suggestions a biologist would make. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-29** The commenter notes the bat and roost sites on the project site and asks if the applicant is committed to moving the nests if found. Refer to mitigation measure MM-3.3-2 for a description of the mitigation measure to avoid disturbance to Townsend's big-eared bat. Please also refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.
- OCH12-30** The commenter states the creosote pilings must be removed correctly to avoid release of hydrocarbons. The commenter asks what the procedures are to remove the pilings and if the applicant committed to follow this suggestion. The Draft EIR found that removal of the estimated 444 creosote pilings at the VMT site would result in a significant impact from the release of toxic PAHs from creosote piling fragments if the pilings are not removed properly. Section 3.3.5 identifies mitigation measure MM-3.3-3, which requires implementation of a creosote piling removal plan which would inventory all existing pilings, document individual conditions and suitability for removal using best management practices (BMPs).
- OCH12-31** The commenter questions what the risks are to people who live within a one mile radius of the project site, if the creosote pilings are not removed correctly. Please

refer to Master Response 1 for information regarding the Health Risk Assessment conducted for the proposed project.

- OCH12-32** The commenter asks about the procedure to remove the hazardous materials. Please refer to 3.7.4 Impact Discussion which describes the procedure to remove the hazardous materials.
- OCH12-33** The commenter asks if the applicant committed to implementing the measures mitigating the impact of hammer noise and pile driving on marine life. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.
- OCH12-34** The commenter asks if the mitigation for lighting at night will be sufficient to eliminate intrusion on any structure within a two mile radius of the proposed project. The implementation of mitigation measure MM-3.1-1 would reduce impacts due to lighting and glare during operation of the proposed project to a less-than-significant level.
- OCH12-35** The commenter asks if the applicant committed to implementing the mitigation measures regarding wharf maintenance and pile replacement. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.
- OCH12-36** The commenter questions if stockpiled materials can be stored to prevent escape of any dust into the atmosphere or the ground. As stated in Section 3.7 of the Draft Final EIR, all cargo received or shipped through the VMT Terminal would be handled through enclosed transport devices (with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open). In addition, dry soils would be wetted during loading operations, and any construction vehicles or equipment that may come in contact with potentially impacted materials shall be decontaminated prior to leaving the site. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-37** The commenter asks if the hours of elevated construction noise (jackhammering, etc.) can be limited to Monday through Friday, 10am to 4pm. The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft Final EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted,

construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than those specified in the Noise Element and would help to mitigate the potentially significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

OCH12-38 The commenter questions what non-native marine species will be removed and the effects that will have on remaining marine species. The proposed project could increase the risk of spreading non-native marine species attached to wood pilings or rock armoring/riprap being removed as part of the VMT wharf construction activities. Spread of non-native species would be a significant impact (Impact 3.3-11) to Bay-Delta marine habitats and ecosystems. As described in MM-3.3-9, VMT shall develop and implement an Invasive Species Control Plan prior to any in-water deconstruction activities.

OCH12-39 The commenter asks if there will be anything of historical significance remaining after demolition. Historic resources are identified and discussed in Section 3.4 Cultural Resources. The flour mill, grain silos, administrative building, garage, manager's house, barn and dock are all contributing buildings to a potential Sperry Flour Mill Historic District. The project would result in significant impacts to historical architectural resources due to the loss of integrity of a potential Sperry Flour Mill Historic District through demolition of the flour mill, grain silo and dock. Mitigation measure MM-3.4-2a requires the project sponsor to undertake Historic American Building Survey (HABS) documentation of the property including measured drawings, photography and a historical report. The Draft EIR determined that while this measure would reduce the impact, it would remain significant. The full text of this analysis is provided in Section 3.4.4 (A) and the full text of the mitigation measures are provided in Section 3.4.5.

The Architectural Heritage and Landmarks Commission of the City of Vallejo designated the six structures as local landmarks on March 1, 2016. The decision was appealed to the City Council and action regarding this appeal is being held until both the project and the appeal can be heard at the same time.

OCH12-40 The commenter asks who will be responsible for the handling of potential archaeological resources. Refer to Mitigation measure MM-3.4-3 in Section 3.4 Cultural Resources.

- OCH12-41** The commenter asks if there is any known Native American history or artifacts at the project site. As described in Section 3.4.2 Existing Conditions, a letter was sent to the Native American Heritage Commission requesting a records search for identified Native American cultural resources in the project vicinity. A response was received on October 24, 2014, stating that “A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area” (see Appendix G).
- OCH12-42** The commenter asks how will a determination be made if there are any further retaining walls that might be erected. As described in mitigation measure MM-3.5-1, the acceptable level of stability (i.e., seismic and static factor of safety (FOS) values) shall be determined by the geotechnical consultant in consultation with the City of Vallejo Building Division. These final plans cannot be made until final design documents are available. However, as described in this mitigation measure, all slope stability evaluations shall be prepared and stamped by a registered geotechnical engineer or engineering geologist, and reviewed and approved by the City of Vallejo Building Division prior to approval of final building plans.
- OCH12-43** The commenter expresses concern for sea level rise and how it might affect the hazardous materials contained in the proposed project. Section 3.6.4 of the Draft Final EIR and Appendix D-2 provide the requested information. The State of California Sea-Level Rise Guidance Document produced by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team and a Technical Memorandum on Sea Level were developed specifically for this project by Moffatt & Nichol in 2015. Section 3.8.4 analyzed all potential water quality issues including inundation by seiche, tsunami or mudflow. Mitigation measures for all significant impacts are provided in Section 3.8.5 and a conclusion on the significance after mitigation is provided in Section 3.8.6. As described in Section 3.6.4, the proposed Orcem project component would be located upland from the shoreline and would not be subjected to the effects of sea level rise.
- OCH12-44** The commenter asks if dredging will be required for the project. If so, what materials will be found in the dredged material and how will it be disposed. Mitigation Measure MM-3.8.1 requires preparation of a dredged material management plan for the VMT project to ensure that dredged materials are handled in a manner that is consistent with the San Francisco Bay Long-Term Management Strategy for Dredging developed cooperatively by the EPA, USACE, RWQCB, and BCDC.

- OCH12-45** The commenter asks what government agency will monitor the removal of creosote pilings. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.
- OCH12-46** The commenter asks if double sided rail cars and truck trailers are mandated for delivery and usage. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-47** The commenter asks what is the maximum weight and size of any loads taken to or from the proposed project by rail and/or road. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-48** The commenter asks what the current agreement is between the California Northern Railroad and the applicant regarding improvement of railroad tracks. Mitigation measure MM-3.10-1a would require VMT to work with the California Northern Railroad to upgrade existing track and any new track to a continuous welded rail which would remove the joints and provide a smooth continuous surface for rolling stock. Mitigation measure MM-3.10-1b would require that hoppers be lined with rubber wearing sheets to reduce noise associated with loading material into rails and barges. Compliance with these mitigation measures would be required through a Mitigation Monitoring and Reporting Program, described in Master Response 7. However, as noted in Section 3.10.6, mitigation measure MM-3.10-1a would be dependent on the California Northern Railroad since the City does not have jurisdiction over the railroad. While the City can require that the applicants work with the California Northern Railroad, they cannot ensure that the California Northern Railroad will agree to make the improvements. For this reason, impacts associated with rail noise and vibration were determined to be significant and unavoidable.
- OCH12-49** The commenter questions if the applicant will limit noise from construction to the hours of 8am to 6pm. Please refer to the response to comment OCH12-37.
- OCH12-50** The commenter asks about the street improvements that would be needed to meet the standards for a truck route to and from the proposed project. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.
- OCH12-51** The commenter asks if lowering speed limits to 25 mph would reduce the impact upon pedestrians and bicyclists. The commenter also asks about safety control devices to protect pedestrians and bicyclists. Pedestrian safety issues are

addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Mitigation measure MM-3.12-4 was provided to reduce impacts to a less-than-significant level. Mitigation measure MM-3.12-4 requires improvements to be made to Lemon Street to provide for safe movement of pedestrians and bicycles. These improvements may include continuous 4-foot minimum-width sidewalks, installation of highly visible crosswalks and lowering the speed limit to 25 miles per hour. Improvements are subject to approval by the Public Works Department which would also determine the project's fair-share cost allocation for necessary improvements. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR.

- OCH12-52** The commenter asks what is the rationale for increasing the gross total weight of vehicles to be used from 25 to 26 tons. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-53** The commenter asks what the benefits of cap and trade will be on Vallejo. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-54** The commenter asks what the difference in air contaminants would be if the VMT Terminal was built without the Orcem project component. The project is being proposed jointly by Vallejo Marine Terminal LLC and Orcem California, who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Refer to Section 3.2 Air Quality for more information on air contaminants.
- OCH12-55** The commenter asks what government agency decides the air quality standards for the VMT and Orcem proposed project. The commenter also asks who will be responsible for daily monitoring of air quality if the project is operational. The commenter further questions if higher air quality standards are implemented after project completion, can they be required of the proposed project. Refer to Section 3.2.1 Regulatory Setting for a review of the applicable federal, state, local agencies and regulations. Master Response 7 also contains information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.
- OCH12-56** The commenter stated the state recently announced a reduction of 10% in air pollutants that can be emitted and questions what the proposed project will do in

order to meet these reduced emission levels. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

- OCH12-57** The commenter asks how long a 77-car train will stop traffic at an intersection. The commenter also asks about the delay for 50-, 40-, and 30-car trains. Refer to Section 3.12.4 Impact Discussion for information regarding operational impacts from rail transport.
- OCH12-58** The commenter asks why GBFS from the United States won't be used. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-59** The commenter asks if would there be differences in air quality if the proposed project did not handle Portland cement. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-60** The commenter asks what is included in the phrase "marine construction materials." Refer to Section 2.4.1 Construction.
- OCH12-61** The commenter asks if a municipality can require vessels arriving at the VMT Terminal connect to a land-based power source. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-62** The commenter asks what is the difference between less than significant and significant impacts on air quality. Refer to Section 3.2.3 Thresholds of Significance, which discusses the evaluation of air quality impacts of the proposed project construction and operational activities.
- OCH12-63** The commenter asks if the presence of a mitigated less-than-significant impact on air quality result in pulmonary consequences. Refer to Master Response 1, which provides information on the Health Risk Assessment conducted for the proposed project.
- OCH12-64** The commenter asks why alternate projects were not analyzed because the applicant deemed such a possibility was not economically feasible. Two alternatives to the proposed project, including the No Project Alternative, were analyzed in Chapter 6, Alternatives. The No Project Alternative is a required element of an EIR pursuant to Section 15126.6(e) of the CEQA Guidelines that examines the environmental effects that would occur if the project were not to proceed. The other alternative is discussed as part of the "range of reasonable alternatives" selected by the City.

- OCH12-65** The commenter asks what is the cost to the city and steps to take if there is a breach of the mitigation requirements. Refer to Master Response 7 for information regarding the MMRP, included as Appendix M in the Draft Final EIR.
- OCH12-66** The commenter asks if Vallejo can require compliance with the 2010 Clean Air Plan and if any newer air standards have been adopted. The commenter asks if the 2010 Clean Air Plan is sufficient to prevent pulmonary consequences. Please refer to the response to comment OCH12-55. Master Response 1 also contains information regarding the Health Risk Assessment conducted for the project.
- OCH12-67** The commenter asks what happens if the proposed General Plan does not include heavy industrial use at the proposed project site. General Plan land use designations and zoning are analyzed in Section 3.9 Land Use and Planning. As discussed in Section 3.9.1, City of Vallejo Zoning Code, the project site is zoned “Intensive Use.” Intensive Use is the heaviest industrial zone in Vallejo and under Section 16.34 of the City’s Zoning Code “Heavy Industrial Uses” are permitted upon issuance of a major use permit (Section 16.34.040.B.1). Please refer to Section 3.9.4 for a complete discussion on the project’s consistency with the General Plan, Zoning Code and other applicable land use documents.
- OCH12-68** The commenter asks if it is true that the City of Vallejo would have no legal or financial repercussions if it denied the project, and if the project applicant made a binding legal agreement to this effect. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-69** The commenter asks if Vallejo can require the railroad to update the railroad. Please refer to the response to comment OCH12-48 .
- OCH12-70** The commenter asks if any of the alternatives that were economically infeasible would result in less than significant air quality impacts. Refer to Chapter 6, Alternatives, for a discussion of a range of reasonable alternatives to the project.
- OCH12-71** The commenter asks for the age breakdown of residents in South Vallejo that would be affected by the particulate matter from the proposed project. The commenter also asks if the people affected by particulate matter include school populations and other workers who commute into the area for the day. Master Response 1 provides an overview of the population included in the Health Risk Assessment conducted for the project. Master Response 4 describes the geographic boundaries considered in the air quality and greenhouse gas analysis.

- OCH12-72** The commenter asks why the EIR does not discuss the percentage increase in cancer risk in the downwind residents. The commenter asks how accurate the statistic is (from the public hearing) that there will be a 20% increase in the cancer rate in areas downwind of the project site. Cancer risks are evaluated in Section 3.2.4 (D) and the unmitigated cancer rate is shown in Table 3.2-17. The cancer risk would be less than significant with implementation of mitigation measure MM-3.2-2, which provides five scenarios for mitigation. The full analysis for cancer risk is discussed in Section 3.2.4 (D), the full text of the mitigation measure is provided in Section 3.2.5
- OCH12-73** The commenter requests the EIR quantify the negative impacts on air quality, traffic, safety, etc. on a street by street basis. Air Quality impacts can be found in Section 3.2 and Transportation and Traffic impacts can be found in Section 3.12.
- OCH12-74** The commenter asks what criteria did the authors of the Draft EIR use to determine which areas to study. This EIR has been prepared in compliance with CEQA (California Public Resources Code Section 21000 et seq.) and the procedures for implementation of CEQA set forth in the CEQA Guidelines (14 CCR 15000 et seq.). According to CEQA Guidelines Section 15161, an EIR should focus primarily on the changes in the environment that would result from developing the proposed project. This EIR evaluates the potential environmental impacts that may occur from construction and operation of the proposed project, including direct, indirect, cumulative, and growth-inducing impacts. The general areas of environmental impact to be addressed in this EIR were identified in the environmental considerations section of the Notice of Preparation (NOP) issued for this EIR by the City.
- OCH12-75** The commenter questions the asthma rates in other cities where Orcem operates a plant. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-76** The commenter asks if the EIR can evaluate the air quality surrounding the Park and Ride before and after the start of project operations. Please refer to Section 3.2 Air Quality of the Draft Final EIR for analysis of air quality impacts and Master Response 4 for a description of the geographic boundaries of the analysis.
- OCH12-77** The commenter asks how much water the proposed project will use and the effects it will have on the nearby water treatment plant. The commenter asks if the City will have to build another water treatment plant to compensate. The project would connect to existing infrastructure on site to provide the necessary water for

operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

OCH12-78 The commenter asks what the consequences would be if any of the proposed materials at the project site get into the San Francisco Bay. Please refer to Section 3.3.4 Impact Discussion for information on impacts to marine and aquatic biological resources.

OCH12-79 The commenter asks what the cost will be and who will pay for the Bay to be dredged annually. The commenter also asks how close to the shores of Mare Island and to the mainland will the dredging have to be done. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH12-80 The commenter asks if the allotment of water from Lake Berryessa is reduced, will the City still be able to provide the amount of water needed by the project without raising water rates or imposing restrictions. Please refer to the response to comment OCH12-77.

OCH12-81 The commenter asks how the noise impact conclusions compare to the standards established by the World Health Organization. Refer to Section 3.10.1 Regulatory Setting for applicable federal, state, and City of Vallejo noise guidelines.

OCH12-82 The commenter asks about the fines imposed on Orcem in foreign countries. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH12-83 The commenter asks how the disaster preparedness plan for the City of Vallejo would change if the proposed project is approved. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH12-84 The commenter asks what the impact of sea level rise would be on the stored materials at the proposed project. Please refer to the response to comment OCH12-43.

- OCH12-85** The commenter asks how the potential noise impacts from the proposed project compare to the noise impacts at the other Orcem plants. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-86** The commenter asks what the amount of utility tax generated from the project would be, considering the amount of electricity it would use. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH12-87** The commenter asks about the number of workers compensation claims that are filed in other Orcem plants. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-88** The commenter requests a map displaying the wind patterns from each direction and season. General wind scenarios are discussed in Section 3.2. To the extent highest wind speeds are germane to impact assessment they are discussed in this Section.
- OCH12-89** The commenter asks what would be the amount of each chemical and particulate that would be emitted from the proposed project and the distance they would affect. Please refer to Section 3.7.4 Impact Discussion for information regarding hazardous materials and Section 3.2 Air Quality for an analysis of air quality impacts.
- OCH12-90** The commenter asks how many people and parcels of real estate are within various a quarter mile, half mile, three-quarter mile, etc. from the project site. The commenter also asks for the value of each parcel of land. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH12-91** The commenter asks what the stopping distance for a fully loaded cement truck is on each of the streets that there will be truck travel to and from the project site. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-92** The commenter asks what the poisonous effects of each chemical are if they come into contact with water. Refer to Section 3.3 for the full text of the potential impacts to terrestrial and marine/aquatic biological resources and mitigation measures. All assessments and surveys are available in Appendix E-1 through E-7.

- OCH12-93** The commenter asks what risks the particulate emissions present to a person with asthma. Refer to Master Response 1 for information on the Health Risk Assessment conducted for the proposed project.
- OCH12-94** The commenter requests the amount of taxes that the proposed project would create from the start of construction through the year 2030. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH12-95** The commenter asks what the added costs from maintenance of the roads will be. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.
- OCH12-96** The commenter asks if the barges would be capable of connecting to a municipal power system. Refer to Master Response 3 for information on shore power.
- OCH12-97** The commenter asks what the cost to prepare an environmental justice analysis is and how long the report takes. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- OCH12-98** The commenter asks what the increased potential for pulmonary heart disease is for children under the age of 18. Please refer to Master Response 1 for information regarding the Health Risk Assessment.
- OCH12-99** The commenter asks what particulates are removed if the Orcem and/or VMT project components are removed. The Project Description clearly describes the VMT and Orcem project components and states that the two project components are evaluated together in the EIR as the “proposed project” due their shared site and the operating characteristics of the site.
- OCH12-100** The commenter questions how much the proposed project would be charged if Vallejo adopts a cost formula charging California Proposition 218 rates for water usage and fixed costs for maintenance? The requested analysis is beyond the scope of CEQA and is not required to be included in the EIR.
- OCH12-101** The commenter asks what requirements will be in place for the vessels using the VMT Terminal. Refer to Section 3.12.1 Regulatory Setting of the Transportation and Traffic section. VMT and Orcem would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security

and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH12-102 The commenter asks if the proposed project begins operations, what long-term pollution will enter the soil and air. Please refer to the responses to comments OCH12-89 and OCH12-92.

OCH12-103 The commenter asks what the cumulative impact of all contaminants from the proposed project and current conditions would be. Please refer to Master Response 5 for information regarding cumulative air quality impacts.

OCH12-104 The commenter asks what pre-loading tests will be done on the materials that will be received at the VMT Terminal. Please refer to response to comment OCH12-101.

OCH12-105 The commenter asks what amount of cap and trade purchases will be made on behalf of the proposed project for the duration of its anticipated life span. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH12-106 The commenter asks where the dredged materials will be deposited, the testing that will be done upon them, and who will bear the costs of dredging. Please refer to the response to comment I173-45.

OCH12-107 The commenter asks what is the chemical composition of the water that would be evaporated by Orcem. Please refer to Section 3.7 Hazards and Hazardous Materials for a discussion of the materials used in the proposed project. Refer to Section 3.8 Hydrology and Water Quality for information regarding the treatment of runoff from the project site.

The chemical composition of water on site will vary depending on the point in process that is being examined. No impacts were found from water evaporation as can be seen from review of Sections 3.3 – Air Quality and 3.8 – Hydrology and Water Quality. Impacts would have been addressed in these sections if technical experts had found impacts to be potentially significant.

OCH12-108 The commenter asks what traffic problems Orcem identified that the EIR does not. Refer to Section 3.12 Transportation and Traffic. This section analyzes the potential impacts of both project components. Orcem did not conduct its own analysis.

- OCH12-109** The commenter asks how many trucks per hour will the proposed project generate. The commenter also asks what the noise impacts will be from this truck traffic. Truck traffic is quantified for both the VMT portion and the Orcem portion in Section 3.12 Transportation and Traffic. Table 3.12-8 shows the projected number of truck trips daily generated by VMT and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). Table 3.12-9 shows the projected number of truck trips daily generated by Orcem and what portion of those trips would occur during a.m. peak hours (7:00 a.m. – 9:00 a.m.) and p.m. peak hours (4:00 p.m. – 6:00 p.m.). For more information regarding the VMT and Orcem operations please refer to Section 2.4.2 of the Draft Final EIR and for information regarding truck generation and traffic impacts please refer to Section 3.12.4 (a) of the Draft Final EIR. Refer to 3.10.4 Impact Discussion for the analysis of the noise generated by trucks.
- OCH12-110** The commenter asks how the toxicity levels of barge loads will be measured and who will conduct the testing. The project would comply with laws and regulations governing hazardous waste (see Section 3.7.1), BAAQMD and BCDC permits, local requirements, and implementation of the mitigation measures in Section 3.7.6 would ensure the impacts of routine transport, use, or disposal of hazardous materials.
- OCH12-111** The commenter asks if electric front loaders can be used instead of biodiesel-powered front loaders. The commenter also asks what harmful emissions are produced by biodiesel front loaders and electric-powered front loaders and how these emissions can be minimized. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-112** The commenter asks what is the size of the vessel and tonnage of weight that will be used to transport materials from Japan to the United States. Refer to Section 2.4.2 Operation for information regarding shipping facilities and the movement of materials.
- OCH12-113** The commenter asks what emissions will come from each class of vessels while traveling on the Bay, during docking procedures, during tie-up time at the wharf, and while departing. The breakdown of type of emissions from class of vessel was not analyzed and is not necessary to determine project impacts as described in Section 3.2, Air Quality.
- OCH12-114** The commenter asks what were the emissions of the cement plants used to provide the “green cement” for the NASA Ames Facility, Levi Stadium, the San

Francisco Public Utilities Building, etc. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- OCH12-115** The commenter asks why a social justice impact report was not prepared for the Draft EIR and what impact one would have on decision makers. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.
- OCH12-116** The commenter asks what the noise levels will be for residential buildings within a two miles radius. Refer to Section 3.10 Noise for an analysis of the potential impacts of the proposed project. Figure 3.10-3 indicates the location of the nearest noise-sensitive locations.
- OCH12-117** The commenter asks how many pounds of airborne materials would enter any residential building within a two-mile radius. As stated in Section 3.7 of the Draft Final EIR, all cargo received or shipped through the VMT Terminal would be handled through enclosed transport devices (with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open). In addition, dry soils would be wetted during loading operations, and any construction vehicles or equipment that may come in contact with potentially impacted materials shall be decontaminated prior to leaving the site. Please also refer to the response to Master Response 4 for information on the geographic boundaries that were considered in the air quality and greenhouse gas (GHG) analysis.
- OCH12-118** The commenter questions the public outreach process conducted by the City of Vallejo. Please refer to Master Response 10 for information regarding public outreach.
- OCH12-119** The commenter asks how the projected noise levels would compare to the Vallejo Noise Ordinance. The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. In order to reduce the noise impact of the continuous plant operation, it states in Section 3.10.4 of the Draft EIR, Impact Discussion, that the operations equipment staging area in the VMT would not be operated between the hours of 12:00 a.m. and 6:00 a.m. In addition, Section 3.12 Transportation and Traffic includes mitigation measure MM-3.12-2 to reduce the traffic impact caused by trains travelling to and from the project site.
- OCH12-120** The commenter asks how long the vessels be docked at the VMT Terminal. Refer to Section 2.4.2 Operation for information regarding shipping facilities and the movement of materials.

OCH12-121 The commenter asks what the maximum number of trucks that would be waiting in line to load or unload would be, and if the trucks would be required to turn their engines off (rather than idling).

Potential impacts to traffic are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. As discussed in Section 3.12.4 Impact Discussion (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis. The other modes analyzed in this section would provide less truck traffic, but for CEQA purposes traffic impacts are assessed based on the worst case scenario. The Draft EIR identifies those significant impacts and recommends mitigation measures to reduce those impacts to a level that is less than significant where appropriate.

OCH12-122 The commenter asks what will happen if the vessels release ballast, where will that material go, and what will be in that material. The FEIR discusses the National Invasive Species Act of 1996 (16 U.S.C. 4701), wherein the U.S. Coast Guard established national voluntary ballast water guidelines and regulations that require ships to maintain and implement vessel-specific ballast water management plans. The project would be subject to these regulations.

OCH12-123 The commenter asks what reductions in particulate matter can be achieved if the entire operation and storage of materials is enclosed in a building. As stated in Section 3.7 of the Draft Final EIR, all cargo received or shipped through the VMT Terminal would be handled through enclosed transport devices (with the exception of cargos that do not release fugitive dust or airborne/soluble toxic materials when handled in the open).

OCH12-124 The commenter asks if employees would be required to wear protective suits and/or respirators and if any worker safety regulations apply. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

OCH12-125 The commenters asked if emissions would enter the atmosphere if the hatches in the silo will be open during the loading or unloading process. Please refer to the response to comment OCH12-117.

- OCH12-126** The commenter asks if trains would be enclosed when hauling materials to or from the proposed project. Please refer to response to comment OCH12-123.
- OCH12-127** The commenter asks what, if any, environmental demands the State Lands Commission has placed on the proposed project. The California State Lands Commission has not placed any environmental demands on the proposed project. For a list of Lead and Response agencies, please refer to Section 1.6.2 of the Draft Final EIR.
- OCH12-128** The commenter asks what methods would be in place to ensure quality compliance by trucks when they are at the proposed project. Please refer to the response to comment OCH12-101.
- OCH12-129** The commenter asks what the maximum number of train cars that can be stored on the tracks inside and outside the proposed project. The commenter asks how long they will be stored there. The combined VMT and Orcem project is anticipated to generate rail traffic consisting of 77-car trains (the largest train that can be assembled west of the first grade crossing at Sonoma Boulevard). Refer to 3.12 Transportation and Traffic for further information.
- OCH12-130** The commenter asks how VMT and Orcem would prevent graffiti on the buildings and train cars. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH12-131** The commenter asks if planting vegetation on the hill between the project site and nearby residences would reduce particulate emissions, and if so, by how much. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH13

Commenter: Victor Nuno

Date: October 30, 2015

- OCH13-1** The commenter expresses concern for the environmental impact of the project, specifically for the air quality degradation on Mare Island which houses Touro University. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH14

Commenter: Tarrina Woodson

Date: October 29, 2015

- OCH14-1** The commenter expresses the desire for Vallejo to build a Performing Arts Center on the waterfront. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH15

Commenter: Name not available

Date: October 29, 2015

- OCH15-1** The commenter requests an environmental justice analysis be conducted in connection with the VMT/Orcem project and that the results be made available. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter OCH16

Commenter: Eric Rzomp

Date: October 29, 2015

- OCH16-1** The commenter alleges the Draft EIR inadequately addresses the impacts to a sensitive receptor living in the South Vallejo area. Please refer to Master Response 4 for details regarding the boundaries determined for the health risk assessment and Master Response 1 for information on sensitive receptors considered for the project.
- OCH16-2** The commenter asks how noise impact assessment is possible without a regulatory framework to protect the public. The commenter notes the City of Vallejo noise ordinance hasn't established a limit for construction noise exposure. Refer to Section 3.10.1 Regulatory Setting for applicable federal, state, and City of Vallejo noise guidelines.
- OCH16-3** The commenter alleges the CNEL and other averaging of noise measurements don't make sense. The commenter requests an explanation how this averaging is used to determine the physiological, psychological, and behavioral impacts of exposure to continuous or intermittent noise. The commenter requests examples of other studies to show the connection between noise-induced behavioral, psychological, and physiological changes impact community health and crime.

Refer to Section 3.10 Noise, Noise Background and Terminology, for background information on the fundamentals of environmental noise.

OCH16-4 The commenter requests an assessment of additional noise impacts from construction worker's personal vehicles and asks if it's possible to shuttle in these employees. Refer to Section 3.10.4 Noise, Impact Discussion, for a discussion of the transport of workers to the project site.

OCH16-5 The commenter notes the Vallejo noise ordinance makes exception for temporary or short-term noise. The commenter requests clarification between temporary construction noise exceptions and ambient operational noise standards. Refer to Section 3.10 Noise, Noise Background and Terminology, for background information on the fundamentals of environmental noise.

OCH16-6 The commenter asks why there will not be continuous noise monitoring at the project site to ensure noise levels are not exceeded. Primarily this is due to the fact that significant noise impacts emanating from the project are due to train traffic along the rails and not from noise emanating from the plant itself. There are a number of ongoing mitigations of the site itself. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project, which is included in Appendix M of this Draft Final EIR.

OCH16-7 The commenter requests confirmation of the accuracy of the noise modeling and asks if it will be performed again once the project begins. The noise analysis is presented in Section 3.10 of the EIR and additional detail regarding the noise modeling conducted for the project is provided in Appendices K-1 through K-3.

OCH16-8 The commenter requests an explanation of the allowable hours for construction.

The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than those specified in the Noise Element and would help to mitigate the potentially significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

OCH16-9 The commenter asks what the noise emission level of a standard freight locomotive is as compared to the low emission genset switcher. The commenter

clarifies by asking how we can evaluate if the supposed 10 dB difference is significant if we don't know what the value is for the standard locomotive. The operational noise analysis of the VMT and Orcem project components states that a low noise emission genset switcher is proposed which has a noise emission level 10 dB below a standard freight locomotive. This information is provided for comparison purposes, however, noise impacts are typically (and in this document) measured against ambient noise to determine change due to the project. These impacts are fully discussed in Section 3.10 of the FEIR.

OCH16-10 The commenter requests an explanation for limiting rail activity to 8pm-12am and 4am-6am due to the noise impacts. The commenter inquires if rail activity can be moved to the time period allowed by the City of Vallejo noise ordinance. The information in this comment is consistent with what was written in the Draft EIR. However, in the Draft Final EIR, all rail movement would be limited from 7:00 AM to 6:00 PM and loading and unloading of rail cars would be limited to the hours of 7:00 AM to 10:00 PM.

If the EIR gets approved and certified, a Mitigation Monitoring and Reporting Program (MMRP) would be approved as required under CEQA Section 15097. As stated in CEQA Section 15097, the Lead Agency (City of Vallejo) is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

OCH16-11 The commenter states vessel loading and unloading is to be a 24-7 operation. The commenter asks if monitoring can be done at the NSLs once operations commence to confirm ambient noise is less than that of combined operations at VMT. The Orcem facility will operate 24 hours a day as previously described, however the Draft Final EIR does describe reductions to reduce noise impacts. As discussed in Section 2.4.2.1 and Section 3.12.6 of the Draft Final EIR, the California Northern Railroad is independently owned and the City does not have jurisdiction over the railroad. All rail operations, including the loading and unloading of rail cars would be limited to the hours of 7:00 AM to 10:00 PM.

OCH16-12 The commenter questions if it is possible to suspend VMT loading operations from 12am-7am.

Please refer to the response to comment OCH16-10.

- OCH16-13** The commenter requests an explanation why the predicted increase of 6dB at NSL6 is considered a less than significant permanent increase with no mitigation. Please see comment response I65-31.
- OCH16-14** The commenter asks why the Orcem Fixed and Mobile Plant Operations have higher noise levels at night (as reflected in Tables 3.10-14 and 3.10-15). As described in Section 3.10, there is penalty is applied to account for increased noise sensitivity during the nighttime hours.
- OCH16-15** The commenter notes the existing ambient noise is already elevated and asks if no increase in ambient noise is possible. Any change of use is expected to include changes in noise. The analysis described in Section 3.10 was developed to highlight those areas where a change in the noise environment brought on by the project is perceived as a significant change.
- OCH16-16** The commenter asks why the increase in noise level from combined operations and truck activity is not considered significant (reflected in Table 3.10-26). As shown in Table 3.10-26 changed noise at all of the assessed locations falls below the impact thresholds described in Section 3.10-3.
- OCH16-17** The commenter questions why construction noise has a less-than-significant impact simply because the City of Vallejo does not have a limit for construction noise exposure. The commenter asks what can be done to mitigate any noises over 55dBA. While it is true that City policy dictates that sounds from temporary construction or demolition work may exceed these maximum sound pressure levels. However, local regulations do state that construction must comply with state conditions (i.e., equipment meeting maximum allowable sound generation levels, properly fitted with factory-installed mufflers)(City of Vallejo 2014).
- OCH16-18** The commenter asks how vibration during construction activity would affect marine life, particularly during pile driving. The impacts to marine life from noise and vibration is extensively discussed in Section 3.3 – Biological Resources.
- OCH16-19** The commenter asks if construction activity can be prohibited until 9am on Saturdays.
- The City of Vallejo designates allowable hours for construction activity within the Noise Element in Policy 2b; the allowable hours are 7:00 a.m. to 9:00 p.m. The Draft EIR states in mitigation measure MM-3.10-3a that except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday to Saturday. Construction shall be prohibited on Sundays. The hours specified in mitigation measure MM-3.10-3a are more conservative than

those specified in the Noise Element and would help to mitigate the potentially significant construction noise nuisance impacts (Impact 3.10-6 and Impact 3.10-7) that would be generated by the construction of the proposed project components.

OCH16-20 The commenter questions the accuracy of the biological assessment because it was performed during the fall of 2007 and does not reflect the spring migratory season.

The Draft EIR references reports prepared for the proposed project as well as reports prepared for previous projects proposed on the project site. Additional studies have been prepared as necessary to address current conditions on the site and the proposed project. As discussed in Section 3.3.2 Existing Conditions, an updated biological survey and site visit was completed by a Dudek biologist in April 2014. The Biological Resources Assessment (included as Appendix E-3) states that the tree survey completed in 2008 was subsequently reviewed by a Dudek certified arborist in 2014 and determined to be complete. The assessment of marine biological impacts presented in Section 3.4.4 of the EIR is based on surveys and research that were conducted specifically for the proposed project and are provided in Appendices E-4 through E-7 of the EIR.

OCH16-21 The commenter asks if the possible failures of the VMT/Orcem operations been identified and assessed for severity and likelihood of occurrence. The commenter asks if mitigations have been identified to reduce the impacts of these possible failures. The Draft EIR is required to examine the worst-case scenario for potential impacts which would result from the operation of both the VMT and Orcem projects separate and together. Mitigations are provided for all impacts designated as significant.

OCH16-22 The commenter asks what these failures might be, the likelihood of their occurrences, and the preventative measures in place. VMT and Orcem would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH16-23 The commenter questions why the review of pollution and emissions data is not conducted on intervals shorter than one year. The commenter notes a lot of egregious activity can occur in a year. This comment does not include a specific comment on the Draft EIR; therefore, no further response is warranted.

Letter OCH17

Commenter: Robert Alexander

Date: October 28, 2015

OCH17-1 The commenter expresses the belief that the project is a bad idea at a bad location due to the health risks to the residents.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH17-2 The commenter asks if infrastructure will be put in place to provide all of the ship's electricity while docked. Please refer to Master Response 3 for information regarding shore power and potential air quality impacts resulting from implementation of the proposed project.

OCH17-3 The commenter asks who will be responsible for fallout damage to nearby residents, home, and vehicles. Please refer to the response to comment OCH16-22. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH17-4 The commenter expresses concern for the train traffic stopping average citizens and emergency vehicles.

Delays due to train movements are examined in Section 3.12.4 (A) and emergency access is addressed in Section 3.12.4 (D) of the EIR. The Draft EIR concluded impacts to delays and emergency access from railways would be significant for both projects individually and cumulatively mitigation measure MM-3.12-2a and 3.12-2b would be implemented to address significant impacts of delays from railroad operations. These mitigation measures require coordination with the California Northern Railroad to limit train movements through Vallejo during peak hours to minimize traffic queuing associated with train movements, and require notification is given to the police and fire departments of proposed rail operations and potential delays to facilitate alternative routing during emergencies. Railways are under the jurisdiction of the California Northern Railroad not the City of Vallejo. Although the City can require the applicants to work with the California Northern Railroad to avoid peak commute hours, the City cannot ensure that the California Northern Railroad would agree to the desired hours of operation. For this reason, delays due to railroad operation and subsequent impacts to emergency services were determined to be significant and

unavoidable. Please refer to Section 3.12.4 (A) and (D) for information regarding the analysis. A full text of mitigation measures MM-3.12-2a and MM-3.12-2b is provided in Section 3.12.5 of the Draft Final EIR.

Letter OCH18

Commenter: Elaine Sanchez

Date: October 28, 2015

- OCH18-1** The commenter expresses disapproval for the proposed project, citing the cancer risk, air pollution, noise and traffic pollution, road repair, etc. The commenter hopes the city will continue to expand in a positive manner. Concerns related to cancer and health risks and air quality were evaluated in Section 3.2.4 of the EIR and additional information is provided in Master Response 1. Noise impacts were evaluated in Section 3.10.4. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH19

Commenter: Name not available

Date: October 28, 2015

- OCH19-1** The commenter expresses concern for the negative effects of the cement on asthmatic lungs. A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.
- OCH19-2** The commenter expresses disapproval regarding the disruption of the regular flow of traffic. Section 3.12 of the Draft EIR discusses impacts to transportation and traffic that could result from implementation of the proposed project. Section 3.12.4 (A) addresses project impacts on congestion to freeways, railway crossings and intersections. Section 3.12.4 (B) addresses if the project would conflict with applicable congestion management programs. Section 3.12.4 (C) addresses the required improvements to Lemon Street in order to provide for safe and efficient vehicle movements. Section 3.12.4 (D) addresses potential impacts to emergency access and Section 3.12.4 (E) addresses required improvements for the safety of

pedestrians and bicyclists. Please refer to Section 3.12.4 (A) through (E) for additional information. Mitigation measures are provided in Section 3.12.5.

Letter OCH20

Commenter: Cynthia Traylor

Date: October 28, 2015

OCH20-1 The commenter feels that the proposed project would be too close to residents and the number of jobs it would create would not offset the negative effects of the project.

General Plan land use designations and zoning are analyzed in Section 3.9 Land Use and Planning. As discussed in Section 3.9.1, City of Vallejo Zoning Code, the project site is zoned “Intensive Use.” Intensive Use is the heaviest industrial zone in Vallejo and under Section 16.34 of the City’s Zoning Code “Heavy Industrial Uses” are permitted upon issuance of a major use permit (Section 16.34.040.B.1). Please refer to Section 3.9.4 for a complete discussion on the project’s consistency with the General Plan, Zoning Code and other applicable land use documents.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH21

Commenter: Name not available

Date: October 28, 2015

OCH21-1 The commenter states this is just another example of a bad decision by Vallejo and will not make the city a better place.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH22

Commenter: Name not available

Date: October 27, 2015

OCH22-1 The commenter expresses approval for the proposed project as that area has been industrial since the late 1800s.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH23

Commenter: John Rice

Date: October 27, 2015

OCH23-1 The commenter states that the negatives of the proposed project would overwhelm the benefits.

Please refer to the response to comment I252-1 for project benefits. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH23-2 The commenter expresses concern for the wear and tear on the city streets caused by big rig traffic. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.

OCH23-3 The commenter expresses the opinion that this project would move Vallejo backwards. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH24

Commenter: Sean Hennessey

Date: October 25, 2015

OCH24-1 The commenter states that Vallejo does not need another dirty industry causing health problems and emphasizes that the site should be made usable for the future. For information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

Letter OCH25

Commenter: Christina Natividad

Date: October 25, 2015

OCH25-1 The commenter states that no amount of jobs will compensate for the effect this project will have on air quality and health. Information regarding the jobs

provided by the project is included in Sections 2.4.2.1 and 2.4.2.2 of the EIR. Air quality and health impacts are evaluated in Section 3.2.4 of the EIR and additional information is provided in Master Response 1. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH25-2 The commenter expresses concern for the noise pollution intruding on the neighborhood right to quiet enjoyment. Noise impacts are addressed in the Section 3.10 Noise of the Draft EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. Section 3.10.4 (A) quantifies noise impacts to the ten closest noise-sensitive locations for the project, which are listed in Table 3.10-4 and illustrated on Figure 3.10-3. Table 3.10-27 shows the results of the combined noise levels from VMT and Orcem construction activities to the closest sensitive receptors. Table 3.10-28 shows the results of the combined noise levels from all VMT and Orcem operational activities. Mitigation Measures to reduce noise impacts are provided in Section 3.10.5. Please refer to Section 3.10.4 (A) for information regarding the analysis for noise impacts to noise sensitive locations and to Section 3.10.5 for the full text of all mitigation measures.

OCH25-3 The commenter expresses concern for the amount of water the proposed project will require.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. The project would connect to existing infrastructure on site to provide the necessary water for operational activities. Section 3.13.4 (B) analyzes the water demand and concluded that this existing infrastructure would be sufficient to handle the demand of the project and no expansion of existing or construction of new water treatment facilities would be required. Section 3.13.4 (D) evaluated the City's ability to provide water to the project and concluded that the City's projected water supply is sufficient to meet the projected demand. Please refer to Section 3.13.2 Existing Conditions, for additional information on the City's water supply and to Sections 3.13.4 (B) and (D) for a full analysis of impacts to the water infrastructure and on water demand.

OCH25-4 The commenter expresses concern for the increase in traffic and road maintenance.

Section 3.12 of the Draft EIR discusses impacts to transportation and traffic that could result from implementation of the proposed project. Section 3.12.4 (A)

addresses project impacts on congestion to freeways, railway crossings and intersections. Section 3.12.4 (B) addresses if the project would conflict with applicable congestion management programs. Section 3.12.4 (C) addresses the required improvements to Lemon Street in order to provide for safe and efficient vehicle movements. Section 3.12.4 (D) addresses potential impacts to emergency access and Section 3.12.4 (E) addresses required improvements for the safety of pedestrians and bicyclists. Please refer to Section 3.12.4 (A) through (E) for additional information. Mitigation measures are provided in Section 3.12.5.

Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

OCH25-5 The commenter proposes alternatives for the project site. As discussed in Chapter 6, CEQA requires EIRs to examine a reasonable range of alternatives to the project which would feasibly attain most of the objectives but would avoid or lessen any of the significant impacts of the project. The Revised Operations Alternative was examined in the EIR as part of this reasonable range of alternatives. For more information please refer to Chapter 6 in the Draft Final EIR.

CEQA Guidelines Section 15126.6(f)(1) state that one of the factors in determining the feasibility of an alternative includes whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal.

Letter OCH26

Commenter: Name not available

Date: October 25, 2015

OCH26-1 The commenter states the revenue from the proposed project would not be enough compensate for increased road maintenance, the loss in property values, and the inability to attract business which is not heavy industry. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH27

Commenter: Lynn Abee

Date: October 24, 2015

OCH27-1 The commenter questions why the Alternative Use Section of the Draft EIR allegedly indicates there are no acceptable alternative uses for the property. The commenter proposes a number of alternative projects. Please refer to the response to comment OCH25-5.

OCH27-2 The commenter alleges the Draft EIR does not consider the impact of the pollution on those downwind of the project site.

Atmospheric dispersion modeling is the mathematical simulation of how air pollutants disperse in the ambient atmosphere. Dispersion modeling was not required for criteria pollutants associated with the proposed project, per BAAQMD CEQA guidelines. Instead, per BAAQMD CEQA guidelines, the CEQA analysis calculated mass emissions and compared those emissions to BAAQMD emission thresholds, which are health-protective. However, NO₂ modeling was done to address Environmental Justice; refer to Master Response 9 for more information. Figures 6.1 and 6.2 of that appendix show maps with colored areas representing varying levels of impact; the figures show impacts would be below ambient air standards. The maps also show the geographic distribution of pollutants.

OCH27-3 The commenter considers the modest improvements to the public dock an unequal exchange for the loss of public access to the waterfront for 66 years. The commenter asks if this can be renegotiated for more improvements. For information regarding the proposed off-site mitigation, provided in lieu of direct public access, please refer the responses provided in the BCDC comment letter (A2) above.

OCH27-4 The commenter asks where the limestone ingredient in the cement will be coming from, the chemical content of the limestone, and what the impact to humans would be. Limestone is a non-hazardous substance. Appendix I-9 includes material safety data sheets for limestone and other materials that may be used on site.

A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5

Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

OCH27-5 The commenter asks what limitations are there on what will be shipped through the VMT, specifically on oil and coal.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

OCH27-6 The commenter asks for a more extensive contingency plan if a chemical accident occurs at the VMT and is released into the water.

Potential hazards associated with spills during construction and operation of the project are evaluated in Section 3.7 of the Draft Final EIR Hazards and Hazardous Materials. As described in Section 3.7.4, impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to less-than-significant with implementation of mitigation measure MM-3.7-4. Future accident conditions are speculative at this time, but the Emergency Response Plan would address responsibilities, procedures and a chain of command to follow in the event of an accident. All mitigation measures required in the Draft Final EIR would be enforced through the MMRP, which is included as Appendix M of this EIR.

OCH27-7 The commenter asks if state and local agency comments will be part of public record and posted on the City's website. Agency and organization comments will be included in the Draft Final EIR.

Letter OCH28

Commenter: Brian Bigham

Date: October 23, 2015

OCH28-1 The commenter emphasizes there should be no destruction of the historical residential areas of South Vallejo with smog and detriment.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH28-2 The commenter states the cargo ships running 24/7 for up to 5 days/week at the VMT would be extensive polluters.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH28-3 The commenter states the sound pollution of up to 60 decibels near the site is intolerable and the trucks using Lemon Street every day will bring those heavy decibels from the facility all the way down the street every morning. Please refer to the response for comment OCH25-2 above.

OCH28-4 The commenter states that using a train to send and receive shipments will likely add to the traffic and increase the noise and pollution.

Noise impacts from rail transport were quantified in Section 3.10.4 (A) for the 10 closest noise sensitive locations which are listed in Table 3.10-4 and illustrated on Figure 3.10-3. Table 3.10-9 shows the noise levels attributed to individual components of the VMT rail activity and total rail noise levels for VMT activities are shown in Table 3.10-10. Table 3.10-19 shows the noise levels attributed to individual components of the Orcem rail activity and total rail noise levels for Orcem activities are shown in Table 3.10-20. Mitigation measure MM-3.10-1a for potential noise impacts from railroads is provided in Section 3.10.5. Implementation of this mitigation measure is dependent on the California Northern Railroad which is not under the jurisdiction of the City. So although the City can require the applicants to work with the California Northern Railroad they cannot ensure that the railroad would agree to make improvements. For this reason, noise impacts from railroads were determined to be significant and unavoidable in the EIR.

OCH28-5 The commenter expresses concern for the atmosphere of renovated Lake Dalwigk Park and the safety of the children playing there.

Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Mitigation measure MM-3.12-4 was provided to reduce impacts to a less-than-significant level. Mitigation measure MM-3.12-4 requires improvements to be made to Lemon Street to provide for

safe movement of pedestrians and bicycles. These improvements may include continuous 4-foot minimum-width sidewalks, installation of highly visible crosswalks and lowering the speed limit to 25 miles per hour. Improvements are subject to approval by the Public Works Department which would also determine the project's fair-share cost allocation for necessary improvements. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR.

OCH28-6 The commenter emphasizes the need for aesthetics in the public and residential areas, not environmental hazards.

As described in Section 3.9.4 of the Draft EIR, General Plan and Zoning Designations, the proposed use of the site by VMT and Orcem is consistent with the City's existing General Plan and zoning designations for the majority of the site. Both the VMT and Orcem project components are classified as "General Industrial Uses," which are permitted in the "Intensive Use" zoning district. Please refer to Section 3.9.4, General Plan and Zoning Designations for more information regarding the land use consistency.

Letter OCH29

Commenter: K B

Date: October 23, 2015

OCH29-1 The commenter describes their considerations of healthy air quality and good drinking water when deciding to move to Vallejo, and expresses concern that the region will become like "Cancer Alley" in Long Beach.

A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

OCH29-2 The commenter asks if the cement factory owners would be willing to install an air filtering system in every Vallejo home to clean the toxic air coming in through the windows. Air quality impacts are discussed in Section 3.2.4 of the Draft EIR. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

- OCH29-3** The commenter notes the similarities of the Port of Long Beach and Vallejo, and alleges the port workers do not live in Long Beach because they don't want their children exposed to the toxins. The commenter also alleges that similar to Long Beach, the City of Vallejo and the VMT will be plagued with continuous lawsuits for decades to come. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH29-4** The commenter alleges that once you allow a toxic factory in the neighborhood, there will be a flood of other toxic industries. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH29-5** The commenter alleges the residents of Vallejo will have ongoing lung damage and the City will need to set up special respiratory clinics. Detailed information about health risks to children, the elderly and all other sensitive receptors is provided in Master Response 1.
- OCH29-6** The commenter predicts that locals will not get these jobs at the VMT because there is a high degree of young adults that do not have the necessary skills.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH29-7** The commenter predicts that all the city officials will be voted out in favor of environmentally sensitive employees.
- This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has in no way reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment is noted and will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.
- OCH29-8** The commenter asks how the air quality will be monitored and what organization is in charge of it.

Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the proposed project, which is included in Appendix M of this Draft Final EIR.

- OCH29-9** The commenter asks if residents will be part of supervising the air quality organization. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.
- OCH29-10** The commenter asks who will pay for the monitoring of air quality and what will happen if the results are less than acceptable. Please refer to Master Response 7 for information regarding the Mitigation and Monitoring Reporting Program for the project.
- OCH29-11** The commenter asks if the air quality is not acceptable and the project is shut down, will city officials represent the City of Vallejo or the toxic industries. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH30

Commenter: Name not available

Date: October 22, 2015

- OCH30-1** The commenter alleges that the VMT and Orcem project is in direct conflict with the new Vallejo General Plan because there is no mention of industrial uses for the waterfront. The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017,, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project’s consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

- OCH30-2** The commenter notes the wildlife at Mare Island will be disturbed by the light and noise created by the project and ships’ generators at port.

As described in Section 3.3.5 of the Draft Final EIR, impacts from noise on wildlife and marine life would be significant; however, implementation of mitigation measures MM-3.3-5 and MM-3.3-6 would reduce the impacts of noise from pile driving to below a level of significance. A full text of the impact analysis is provided in Section 3.3.4 Impact Discussion (A) and a full text of the mitigation is provided in Section 3.3.5 Mitigation Measures in the Draft Final EIR.

OCH30-3 The commenter asks if the wildlife studies will include nesting birds, Pacific Flyway migrating birds, and Napa River aquatic life for one complete breeding season.

Impacts to biological resources were examined in Section 3.3, Biological Resources, of the Draft EIR. The Draft EIR examined potential impacts to special status species (Section 3.3.4 A), riparian habitat (Section 3.3.4 B), sensitive natural communities (Section 3.3.4 B), wetlands (Section 3.3.4 C), wildlife nursery sites and wildlife corridors (Section 3.3.4 D), and ordinances and policies protecting biological resources (Section 3.3.4 E). Specific impacts to Marine Biological Resources are examined in each of these areas.

OCH30-4 The commenter requests more details on the wildlife and habitat studies, including the dates they will commence and conclude, if the results will be made available to the public, and if the decision to move ahead on the project is contingent on these results.

Refer to Section 3.3 for the full text of the potential impacts to terrestrial and marine/aquatic biological resources and mitigation measures. All assessments and surveys are available in Appendix E-1 through E-7.

OCH30-5 The commenter asks if air quality will be constantly monitored and what kind of oversight will be provided by Orcem to ensure safe air quality is constantly maintained.

Please see the response to comment OCH29-10 for a discussion of air quality monitoring. Additionally, please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

OCH30-6 The commenter inquires if the VMT will be responsible for monitoring non-Orcem shipping deliveries. VMT and Orcem would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is

beyond the City’s responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH30-7 The commenter asks if air monitoring equipment will be stationed at the two nearby schools, adjacent neighborhoods, and sites directly downwind. Please see the response to comment OCH29-10 for the location of monitoring stations.

OCH30-8 The commenter asks how pumping fresh water from the San Pablo Bay and Napa River will be made safe for aquatic life. Please see the response to comment OCH30-9 for information on the source of water for the proposed project.

OCH30-9 The commenter requests more information on the disposal and cleanup of water from the project site, and the water quality monitoring to ensure the safety of the water.

Please refer to the response to comment OCH30-10 for information on potential impacts to water quality. Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR.

OCH30-10 The commenter asks about the health effects of suspended particulate matter on aquatic wildlife.

As described in Section 3.3, Biological Resources, of the EIR, the proposed project would have potential impacts to fish, aquatic organisms, and wildlife during construction activities; however all of the potential impacts would be reduced to below a level of significance through implementation of mitigation measures MM-3.3-3 through MM-3.3-9, and MM-3.8-1.

Section 3.8.4 (a) discusses potential impacts to water quality resulting from stormwater runoff. The project would be required to comply with the City’s stormwater management requirements to install hydrodynamic devices or incorporate other BMPs to remove pollutants, such as floating liquids and solids, trash and debris, and coarse sediment, from stormwater runoff and to show the locations of such controls on plans submitted with the building permit application. In addition, the City requires implementation of LID strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of an increase in runoff flows. Both VMT and Orcem would also be required to comply with NPDES-related stormwater permitting requirements including measures to reduce development and minimize impervious area, measures to limit directly connected impervious areas, and specifics on the location and design of vegetated swales and bio-basins.

Potential impacts to aquatic resources resulting from the project are discussed in depth in Section 3.3.5 Impact Discussion (A), Impacts to Marine/Aquatic Biological Resources. The analysis concludes that contaminants in Bay-Delta sediments at concentrations high enough to result in detectable increased loading of contaminants to Bay-Delta waters and posing a threat to marine biota is not expected from dredging activities or placement/removal of pilings. The permitting process for dredging sediments would require that representative samples be collected for physical, chemical, toxicity, and bioaccumulation to assess the quality of sediment and determine the suitability for each disposal option permitted. Under the proposed project, dredged sediments may be disposed in the Bay, but if they meet state and federal criteria for beneficial reuse would be dried and mixed with reclaimed and properly sized concrete to produce engineered fill which would be used to construct the new VMT wharf. If analytical analysis shows that either organic or inorganic contaminants are present in sediments at unacceptable concentrations for any aquatic or beneficial reuse site, adherence to the Long-Term Management Strategy (LTMS)-required best management practices (BMPs) for dredging and disposal procedures (e.g., use of silt curtains, upland disposal) would be required. This impact was determined to be less than significant. Please refer to Section 3.3.5 Impact Discussion (A) for additional information regarding potential construction and operational impacts to marine biota.

OCH30-11 The commenter notes the impact of congestion and truck weight on city streets, and asks about the maintenance of heavily used streets.

Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. Mitigation measures for the impacts can be found in Section 3.12.5 Mitigation Measures. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.

Letter OCH31

Commenter: Name not available

Date: October 22, 2015

OCH31-1 The commenter inquires about the city’s process of notifying residents about the proposed project, Draft EIR, the October 7th public hearing, and the October 25th public hearing. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH32

Commenter: Name not available

Date: October 21, 2015

OCH32-1 The commenter asks if the VMT project would be allowed to use drinking quality water for industrial purposes.

Please see the response to comment OCH30-9 for information on the source of water for the proposed project.

OCH32-2 The commenter asks for the projected amount of water per month the proposed project will use, and the rate at which they will pay.

Please refer to the response to comment OCH30-9.

OCH32-3 The commenter asks how Vallejoans will be compensated for the illegal air pollution the proposed project will bring.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. All potential air quality and air pollution issues were addressed and four impacts were determined to be significant and unavoidable. Impacts 3.1-1 and 3.2-5 were determined to be significant and unavoidable due to the proposed rezoning of the 5.25 acre portion of the project site to a heavy industrial use. The project is no longer proposing the rezone of the 5.25 acres and these impacts are reevaluated in Section 3.2.4 Impact Discussion (A) and (C) of the Draft Final EIR. The Draft EIR also determined that VMT and Orcem, both individually and combined, would exceed the Bay Area Air Quality Management District's threshold for NO_x emissions. Mitigation is provided in mitigation measure MM-3.2-1, which requires an air quality emissions report from trucks and on-site equipment be submitted to the City of Vallejo for review. Despite this mitigation this impact would remain significant.

Pollution from drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several BMPs recommended by the BAAQMD, which would be implemented to reduce fugitive dust. Additionally, a Health Risk Assessment was completed for the project which evaluated health impacts of project-related Toxic Air Contaminants and PM_{2.5}. The Health Risk Assessment is discussed in Section 3.2.4 (D) and a copy is provided in Appendix D-1 of the Draft EIR.

This comment also addresses economic issues and compensation which are not within the scope of CEQA; therefore, no further response is included.

OCH32-4 The commenter asks about the compensation for the health and safety risks associated with the proposed project.

This comment also addresses economic issues and compensation which are not within the scope of CEQA; therefore, no further response is included.

Letter OCH33

Commenter: Name not available

Date: October 21, 2015

OCH33-1 The commenter does not support the development of the proposed project due to the direct negative impacts on the surrounding neighborhoods. The commenter emphasizes the need to prioritize the health, welfare, and happiness of the residents over the project.

Please refer to the response to comment I252-1 and Section 2.3 for project objectives. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH34

Commenter: Sheila Serpa

Date: October 21, 2015

OCH34-1 The commenter expresses opposition to the building of the Orcem plant.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH35

Commenter: Name not available

Date: October 21, 2015

OCH35-1 The commenter requests the Draft EIR edit the maps showing the Cancer Risk: Unmitigated Full Operations (Figures 3.2 1 and 2) to include the cancer risk (per million) inside the site boundary. The Figure in question shows predicted cancer rates for the maximally exposed residential receptor. As the project

does not include any residents on site the more conservative modeling was done for near by residents.

Letter OCH36

Commenter: Ross Woody

Date: October 20, 2015

- OCH36-1** The commenter expresses approval of the proposed project and the opinion that the proposed project site would best serve another industrial business. The commenter notes the claims of toxic pollution have no evidence and that two government agencies will oversee this business. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH37

Commenter: Name not available

Date: October 19, 2015

- OCH37-1** The commenter expresses support for the project.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH38

Commenter: Name not available

Date: October 19, 2015

- OCH38-1** The commenter asks what the impact would be on water resources.
- Please refer to the response to comment OCH32-1 for information on the proposed project's water use.

- OCH38-2** The commenter states the Planning Commission has a history of making unwise decisions in relation to the welfare of its citizens.

The City did not select this site for the project. Vallejo Marine Terminal LLC owns this property and is proposing this project along with Orcem California. Vallejo Marine Terminal LLC and Orcem California have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days

to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter OCH39

Commenter: Joanna Lyons

Date: October 19, 2015

OCH39-1 The commenter expresses opposition to the proposed project for safety, health, and traffic reasons.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH40

Commenter: Name not available

Date: October 18, 2015

OCH40-1 The commenter expresses opposition to the proposed project because the number of jobs is not worth the environmental concerns and the well-being of Vallejo's citizens.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131, economic or social issues shall not be treated as significant effects on the environment.

Letter OCH41

Commenter: Ronnie DeFount

Date: October 13, 2015

OCH41-1 The commenter expresses opposition to the proposed project because the city is still recovering from the closure of Mare Island and the recession of 2008.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH41-2 The commenter states the city does not need or want a heavy industrial plant contributing noise & air pollution, destroying the streets, endangering delicate marine habitat, and destroying the Napa River waterway entrance to San Pablo Bay.

The City did not select this site for the project. Vallejo Marine Terminal LLC owns this property and is proposing this project along with Orcem California. Vallejo Marine Terminal LLC and Orcem California have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

Letter OCH42

Commenter: Name not available

Date: October 13, 2015

OCH42-1 The commenter asks for the source of the water Orcem/VMT would use in their operations and what condition the water would be in after Orcem/VMT operations. The commenter inquires where the water would be disposed of after use.

Water and utility infrastructure is discussed in Section 3.13 Utilities and Service Systems of the Draft EIR. Section 3.13.2 Existing Conditions, provides information on the water sources for the City of Vallejo. This section explains how the City uses surface water from five sources: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry to serve the City’s water needs. The Fleming Hill water treatment plant (WTP) treats water delivered from the Sacramento River Delta, Lake Berryessa, and Lake Curry and has a maximum design flow rate of 42 million gallons per day.

Wastewater is discussed in Section 3.13 Utilities and Service Systems while stormwater runoff is addressed in Section 3.8 Hydrology and Water Quality. Wastewater demand is quantified in Section 3.13.4 (a), the potential for expansion of existing or construction of new wastewater facilities due to project demand is evaluated in Section 3.13.4 (b) and the ability of the wastewater treatment provider to serve the project is analyzed in Section 3.13.4 (e). As discussed in Section 3.13.4 (a), VMT is projected to generate a total of 1,800 gallons of wastewater per day and Orcem is projected to generate a total of 600 gallons per day, for a combined total of 2,400 gallons of wastewater per day. All wastewater collected from the project site would be treated at the Ryder Street WWTP. The Ryder Street WWTP has a permitted dry weather capacity of 15.5 mgd. The short-term wet weather capacity of the Ryder Street WWTP is 60 mgd. During the rainy season, the Ryder Street WWTP has a capacity of 35 mgd for full secondary

treatment and an additional 25 mgd for primary treatment. The Draft EIR concluded that the addition of 2,400 gallons of wastewater per day would constitute less than 0.02% of the total permitted dry weather treatment capacity of the Ryder Street WWTP. The project would be adequately served by the Ryder Street WWTP and would not require the expansion of the facility or the construction of new facilities. Wastewater collected at the Ryder Street WWTP is treated in compliance with the treatment and discharge requirements of the San Francisco RWQCB. All impacts related to wastewater were determined to be less-than-significant. For more information please refer to Section 3.13.4 (a), (b) and (e) in the Draft Final EIR.

Section 3.8.4 (a) discusses potential impacts to water quality resulting from stormwater runoff. The project would be required to comply with the City's stormwater management requirements to install hydrodynamic devices or incorporate other BMPs to remove pollutants, such as floating liquids and solids, trash and debris, and coarse sediment, from stormwater runoff and to show the locations of such controls on plans submitted with the building permit application. In addition, the City requires implementation of LID strategies, preventative source controls, and additional stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge of certain industrial projects, as well as prevention of an increase in runoff flows. Both VMT and Orcem would also be required to comply with NPDES-related stormwater permitting requirements including measures to reduce development and minimize impervious area, measures to limit directly connected impervious areas, and specifics on the location and design of vegetated swales and bio-basins.

A description of how VMT intends on complying with these measures is included in Appendix J-1. According to Appendix J-1, the VMT portion would result in a decrease in impervious surface coverage and a reduction in the amount of water discharged into the Mare Island Strait compared to existing conditions. All stormwater on site would be directed to stormwater pipes, and eventually to vegetated swales and a bio-basin for retention and treatment through infiltration. The Draft EIR concluded that because the drainage system has been adequately designed to handle runoff in a manner that would not violate water quality objectives and because the SWPPP would be prepared for the operational phase, the VMT portion of the project would be in compliance with NPDES permitting requirements and impacts would be less than significant.

OCH42-2 The commenter asks where the dust, particulate, and other airborne contaminants from Orcem/VMT operations would likely travel to. Please refer to the response comment

12-36 and to Master Response 4 for information on the geographic boundaries that were considered in the air quality and greenhouse gas (GHG) analysis.

Letter OCH43

Commenter: Name not available

Date: October 13, 2015

- OCH43-1** The commenter expresses concerns for the wear and tear on the roads and cost of repairs. Please refer to Master Response 8 for information regarding road improvements and the City’s responsibility for approving such improvements.
- OCH43-2** The commenter questions where the 180,000 gallons of water per day is going to come from. Please refer to response to comment OCH42-1.
- OCH43-3** The commenter asked if the city would increase the cost of water to offset the volume of water used by the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH43-4** The commenter expressed unhappiness that residents were left with unanswered questions at the meeting on October 7th, 2015. Please refer to Master Response 10 for information regarding public outreach. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH44

Commenter: Clinton Davidson

Date: October 12, 2015

- OCH44-1** The commenter summarizes the “losers” from the proposed project, including the fall in property values, quality of life, increased noises, and congestion on the roads. The commenter summarized the “winners” from the proposed project.
- This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH44-2** The commenter alleges Orcem has made no commitment to pay for the increased wear on Lemon Street. The commenter also notes the existing turn from Lemon to Derr Street is narrow and dangerous and asks if it will be widened. If so, who will bear the cost.

Impacts to roadways are evaluated in Section 3.12.4 and mitigation is provided in Section 3.12.5. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

- OCH44-3** The commenter alleges that bringing in a heavy industry goes against the charter for waterfront development. Section 3.9 Land Use and Planning, examines compliance with the City's General Plan, zoning code and other applicable land use regulations. As stated in Section 3.9.1 Regulatory Setting, the City of Vallejo General Plan designated the project site as "Employment". The City of Vallejo zoning ordinance zoned the project site "Intensive Use." The City of Vallejo Zoning Code (Chapter 16.34) designates "General Industrial Uses" as "Permitted Uses" within the Intensive Use designation, while "Heavy Industrial Uses" are permitted upon issuance of a major use permit.

Letter OCH45

Commenter: Name not available

Date: October 12, 2015

- OCH45-1** The commenter expresses approval for the VMT/Orcem proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH46

Commenter: Name not available

Date: October 11, 2015

- OCH46-1** The commenter states that the VMT/Orcem proposed project is an environmental, train, and pedestrian accident waiting to happen and the pollution it will generate will never stop.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH47

Commenter: J Milliken

Date: October 11, 2015

OCH47-1 The commenter asserts the VMT/Orcem proposed project is wrong for Vallejo due to the constant threat of problems generated during operation.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH47-2 The commenter expresses concern for the quality of life in Vallejo due to the threats to the residents' safety, vehicle pollution, and noise pollution.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH48

Commenter: Cathryn Muzaffar

Date: October 10, 2015

OCH48-1 The commenter expressed their unhappiness with the proposal and dissatisfaction with the Draft EIR, citing the amount of pollution that will be produced in a residential area.

Please refer to the response to comment OCH44-3 regarding the zoning of the project site. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH49

Commenter: Name not available

Date: October 9, 2015

OCH49-1 The commenter provided background on the project site and past proposed projects.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH49-2 The commenter noted the site is zoned "industrial" and stated the developer is spending a lot of money to reuse the site for a legitimate purpose.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH49-3 The commenter notes the applicant is under enormous regulatory constraints and expresses support for the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH50

Commenter: Name not available

Date: October 9, 2015

OCH50-1 The commenter provided a link to a video of the Dublin Port and Marine Terminals to demonstrate the potential noise pollution and questions if this noise and pollution is only reserved for disadvantaged communities. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis. Noise impacts are addressed in the Section 3.10 Noise of the Draft Final EIR. Section 3.10.4, Impact Discussion, discusses if the project would generate noise impacts during project construction or operation. Please refer to Section 3.10.5 Mitigation Measures of the Draft Final EIR for a full text of mitigation measures MM-3.10-1 to MM-3.10-4.

Letter OCH51

Commenter: Name not available

Date: October 9, 2015

OCH51-1 The commenter provided a link to a video of the Dublin Port and Marine Terminals to demonstrate the potential noise pollution.

Please refer to the response to comment OCH50-1.

OCH51-2 The commenter asks if there were less populated potential project sites that were explored before this site in Vallejo was considered.

Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site Alternative which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the combination of functional amenities suitable for accommodation of both VMT

and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

Letter OCH52

Commenter: Charles Malarkey

Date: October 9, 2015

OCH52-1 The commenter asks where the water used in VMT/Orcem operations would come from.

Please refer to response to comment OCH42-1.

OCH52-2 The commenter asks what condition the water would be in after its use and where it would be disposed.

Please refer to the response to comment OCH42-1.

OCH52-3 The commenter asks where the dust, particulates, and other airborne contaminants from VMT/Orcem operations are likely to travel.

Please see response to comment OCH27-2.

OCH52-4 The commenter expressed disapproval of the proposed project because the return to the City in terms of jobs and taxes is paltry compared to the environmental and social impacts.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

OCH52-5 The commenter asserts the proposed project is an example of environmental injustice due to the location with a high proportion of disadvantaged residents. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter OCH53

Commenter: Drew Skau

Date: October 9, 2015

OCH53-1 The commenter expresses disapproval for the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH53-2 The commenter declares if the project goes through, the Planning Commission members do not have Vallejo's successful future in mind.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH54

Commenter: Name not available

Date: October 8, 2015

OCH54-1 The commenter describes Vallejo's rich maritime and industrial heritage, noting the maritime terminal takes advantage of existing links to rail.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH54-2 The commenter expresses concerns for the traffic on Lemon Street and resident and pedestrian health and safety. The commenter asks if a physical separation from the trucks would be possible.

Pedestrian safety issues are addressed in the Draft Final EIR Section 3.12 Transportation and Traffic. The Draft EIR determined that added operation auto and truck trips on Lemon Street would make local pedestrian and bicycle movements unsafe or less convenient. Implementation of mitigation measure MM-3.12-4 would reduce impacts to a less-than-significant level. For full text of the mitigation measure please refer to Section 3.12.5 Mitigation Measures in the Draft Final EIR.

OCH54-3 The commenter asks if the restriction of trucks to non-commute hours and the use of newer model low-emission trucks apply to all future VMT tenants.

Revised mitigation measure MM-3.2-1 specifies that 2010 model trucks or newer will be used at the start of facility operations for all vehicles (please refer to Master Response 2 and response to BAAQMD comment A1-1).

Letter OCH55

Commenter: KC Boucher

Date: October 7, 2015

OCH55-1 The commenter suggests putting something on the project site that will enrich the lives of nearby residents.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH55-2 The commenter asserts the City wouldn't consider putting a hazardous plant like this in a more affluent neighborhood. Please refer to Master Response 9 for information regarding an Environmental Justice Analysis.

Letter OCH56

Commenter: Name not available

Date: October 7, 2015

OCH56-1 The commenter asserts the proposed project is a terrible idea as it will degrade and destroy the quality of life for tens of thousands of residents.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH56-2 The commenter states they will work to ensure any Vallejo elected official who supports the proposed project is not re-elected.

This project is being proposed by Vallejo Marine Terminal LLC and Orcem California who have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA. The City of Vallejo has not reached a decision about the project and will carefully examine and consider the Draft Final EIR before coming to a final decision. This comment is noted and will be

included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter OCH57

Commenter: Lisa Watts

Date: October 7, 2015

OCH57-1 The commenter states the proposed project offers too few jobs and economic benefit for the risks associated with industrializing the valuable waterfront.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH57-2 The commenter stresses the proposed project will open the door to the transport of toxic goods through Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH58

Commenter: Name not available

Date: October 7, 2015

OCH58-1 The commenter expresses disapproval for any project that will pollute the water, air, and nearby peace and quiet.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH59

Commenter: Lenisha Anderson

Date: October 7, 2015

OCH59-1 The commenter expresses the opinion the proposed project is something Vallejo can do without.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH60

Commenter: Douglas Hillyard

Date: October 6, 2015

OCH60-1 The commenter describes an alternative use of the waterfront as a tourist destination with small businesses, giving examples of the waterfronts in San Francisco and San Antonio. The commenter states the cement plant is the wrong idea.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH61

Commenter: Name not available

Date: October 6, 2015

OCH61-1 The commenter does not support the project due to the long term environmental and public health impacts, as well as visual and noise pollution.

Please refer to Section 3.10 of the Draft EIR for noise impacts, Section 3.2 for air quality impacts, and Section 3.12 for traffic-related safety impacts. As described in these sections, there would be significant and unavoidable impacts related to noise, air quality, and traffic safety even after mitigation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH61-2 The commenter describes a recent purchase of property close to the proposed project site and states they will take aggressive legal action against the City of Vallejo to compensate them for the loss in property values.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment. This comment will be included in the Draft Final EIR so that the Planning Commission may consider it in making its decision whether or not to approve the proposed project.

Letter OCH62

Commenter: Lorianna Bender

Date: October 5, 2015

OCH62-1 The commenter states she does not agree with the city’s plan because the job number doesn’t compensate for the negative impact it will have.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH62-2 The commenter asserts the added traffic and congestion will create more problems for the roads in the long term.

Potential transportation and traffic impacts from the proposed project are discussed in Section 3.12, Transportation and Traffic, of the Draft EIR. Mitigation measures for the impacts can be found in Section 3.12.5 Mitigation Measures.

Letter OCH63

Commenter: Name not available

Date: October 2, 2015

OCH63-1 The commenter expresses concern for the health impacts of the proposed project. Please refer to Master Response 1 for detailed information related to health impacts on children, the elderly and other sensitive receptors.

Letter OCH64

Commenter: David Riffert

Date: October 1, 2015

OCH64-1 The commenter asks if Orcem will have a wastewater treatment plant based on the Lehigh cement plant in Permanente which leaked toxic effluent into Permanente Creek.

Refer to the response to comment OCH42-1.

OCH64-2 The commenter questions the accuracy of the projected mercury emissions for the Orcem plant.

Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials. As noted in Section 3.7.4 Impact Discussion (A), disposal or transport of asbestos

containing materials (ACMs), lead-based paints, PCB-containing equipment, mercury-containing equipment, mold growth and chemical supplies could result in a significant hazard to the public or environment. Three mitigation measures, MM 3.7-2a, MM3.7-2b, and MM3.7-2c are provided in Section 3.7.5 Mitigation Measures. Implementation of mitigation measure MM-3.7-2a would require an abatement work plan to be prepared in compliance with local, state and federal regulations. The work plan would include a monitoring plan conducted by a qualified consultant during abatement activities to ensure compliance with all requirements. Additionally, demolitions plans would incorporate necessary abatement measures for removing ACMs in accordance with the BAAQMD District Regulation 11-2-401.3. Mitigation measure MM-3.7-2b would require a survey be performed to determine presence of PCBs, mercury or other hazardous building materials prior to demolition. If found, these materials would be managed in accordance with the Metallic Discards Act and other applicable state and federal regulations. Necessary abatement measures would be incorporated as required by the Metallic Discards Act, especially Section 42175, Materials Requiring Special Handling for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Lead abatement would be conducted in accordance with California DHS requirements. Lastly, implementation of mitigation measure MM-3.7-2c would require a Waste Management and Reuse Plan be prepared for the project which would include waste handling procedures, waste storage locations, inspection procedures and waste disposal. The Draft EIR concluded that implementation of mitigation measures MM-3.7-2a through MM-3.7-2c would reduce impacts to a less-than-significant level. For a full text of all mitigation measures please refer to Section 3.7.5 Mitigation Measures of the Draft Final EIR.

OCH64-3 The commenter questions the breadth and accuracy of the Orcem statement regarding the presence of hazardous materials stored on site, and if these materials will include hexavalent chromium.

Please refer to the response to comment OCH64-2 for information on hazardous materials. The MSDS for portland cement clinker notes that it contains a known carcinogen, crystalline silica. An analytical laboratory report (included in Appendix I-9) was prepared for a portland cement sample which also indicated the presence of hexavalent chromium, another known human carcinogen. More information can be found in Draft Final EIR Section 3.7.4 (A) and in Appendix I-9.

OCH64-4 The commenter asks if Orcem can be certain the imported slag does not contain unknown toxins. VMT would be regulated by a range of federal and state policies and required to comply with regulations of the EPA, the California EPA, and

other federal standards related to shipping, maritime security and hazardous materials. Relevant regulations are provided in Section 3.7.1 Regulatory Setting. Compliance with required federal and state regulations is beyond the City's responsibility to monitor. Compliance with these regulations is monitored and enforced by various state and federal agencies.

OCH64-5 The commenter asks what kind of flammable and toxic fossil fuels Orcem will store on the proposed site.

Refer to Section 3.7.4 Impact Discussion of the Hazards and Hazardous Materials for more information of the materials Orcem will store on site. Orcem operations are discussed in detail in Section 2.4.2.2 Orcem Operations, Production Process. This section describes the storage process of all materials. Section 2.4 of the Project Description specifies the commodities that would be allowed through the VMT Terminal.

OCH64-6 The commenter provides background on an oil spill at a cement production facility in the Philippines. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH64-7 The commenter asks who would be in control of the Vallejo Marine Terminal.

As discussed in Section 2.4 Proposed Project, Orcem would be leasing a portion of the property from VMT, the owner of the majority of the property. VMT would operate on 27.67-acres while Orcem would only be leasing a 4.88-acre portion of the total combined 32.55-acre project site. A detailed description of the VMT operations is discussed in the Project Description Section 2.4.2.1 VMT Operations while a detailed description of Orcem is provided in Section 2.4.2.2 Orcem Operations.

OCH64-8 The commenter asks if bulk off-loads would contain garbage or potentially hazardous materials.

Although the Draft EIR includes a list of potential cargoes to be handled through the proposed VMT Terminal, Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed and to clarify that modifications to the list of commodities that could be handled through the VMT Terminal in the future may require an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

OCH64-9 The commenter inquires if the applicant was solicited to apply by the City of Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH64-10 The commenter asks if the proposed project would have a significant impact on artistic and cultural resources.

Refer to Section 3.4 Cultural Resources for a discussion of the project's potential impact on archaeological and cultural resources.

Letter OCH65

Commenter: Jennifer Goheen

Date: September 29, 2015

OCH65-1 The commenter requests clarification regarding the funding of the proposed project.

Construction and operation of the VMT/Orcem facilities would be privately funded.

OCH65-2 The commenter requests clarification regarding the fair-share cost allocation for the physical improvements of Lemon Street. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

Letter OCH66

Commenter: Name not available

Date: September 28, 2015

OCH66-1 The commenter praises the City of Vallejo's efforts to bring project proposals forward and the due diligence of residents and their commitment to public dialog. The commenter does not endorse the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH67

Commenter: Name not available

Date: September 28, 2015

OCH67-1 The commenter questions the validity of the Orcem’s “green” cement due to the 24/7 cement plant operation, air pollution, and noise pollution.

Please refer to Section 3.10 of the Draft EIR for noise impacts, Section 3.2 for air quality impacts, and Section 2.4 for plant operations. As described in these sections, there would be significant and unavoidable impacts related to noise and air quality even after mitigation. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH68

Commenter: Blair Abee

Date: September 29, 2015

OCH68-1 The commenter asks if the Vallejo Marine Terminal and Orcem cement plant are interdependent and if the success of the VMT depends on the plant.

Please refer to the response to comment OCH64-7.

OCH68-2 The commenter requests clarification if garbage will be shipped through the VMT. Please refer to the response to comment OCH64-8.

OCH68-3 The commenter expresses concern about the significant and unavoidable impacts and requests further explanation about them. Significant and unavoidable impacts are those that cannot be substantially lessened the by mitigation proposed and would cause a significant impact to the environment if the project was implemented. The goal of the analysis contained in Chapter 3, Environmental Analysis, of the EIR is to fully disclose the potential impacts of the proposed project. Mitigation measures are provided for all impacts identified as significant throughout this chapter. However, if the proposed mitigation would not substantially lessen the impact to a degree where it less than significant, than the impact is considered significant and unavoidable.

OCH68-4 The commenter asks for further explanation about the environmental and health implications of exceeding BAAQMD NO_x levels. The commenter asks if BAAQMD can halt the project, fine Vallejo, and what the implications of

noncompliance are. Please refer to Section 3.2 for impact determination. Also, please see response to comment I40-15.

- OCH68-5** The commenter requests further information about the severity and breadth of the potential cancer risk. The Draft EIR determined that implementation of mitigation measure MM-3.2-2 would reduce cancer risks to a less-than-significant level, meaning the cancer risk would be less than the BAAQMD significance threshold of ten in one million. As shown in Section 3.2.5 in Table 3.2-19 mitigated cancer risks would range from 9.39 in one million to 9.995 in one million depending on the control technique used. The Health Risk Assessment, provided in Appendix D-1 of the Draft Final EIR, includes Figures 8.1 and 8.2 which map the base case and mitigated case, respectively, of the risks of cancer at the full complement of 48 ship calls per year. As shown in Figure 8.1 Unmitigated Full Operations, a majority of the project area would be at a risk of less than 7.5 in one million with only a few areas being at a higher risk of 7.5-10 and over 10. Figure 8.2 Mitigated Full Operations, shows that a majority of the surrounding area would be at a risk of less than 6 in one million with only a few areas being a higher risk of 6-8 and 8-10 in one million. For additional information regarding potential health impacts resulting from implementation of the proposed project please refer to Master Response 1.
- OCH68-6** The commenter asks if the annual greenhouse gas emissions are significant and the health implications for nearby residents.
- The quantitative analysis of the greenhouse gas emissions, the VMT/Orcem Air Quality and Greenhouse Gas Evaluation, is available as Appendix D-1 of the Draft EIR. This report contains details regarding methodology, emissions calculations, model outputs and a copy of the Health Risk Assessment prepared for the project. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks that could result from implementation of the proposed project.
- OCH68-7** The commenter cites a study of the health effects of living near a cement plant and expresses concern for children attending school in the vicinity. The commenter asks how these effects can be mitigated. Refer to Master Response 1 for information on the Health Risk Assessment prepared for the proposed project and included in Appendix D-1 of the Draft EIR.
- OCH68-8** The commenter asks why the effects of mercury and dioxins are not included in the Draft EIR.

Hazardous materials are addressed in Section 3.7 Hazards and Hazardous Materials. As noted in Section 3.7.4 Impact Discussion (A), disposal or transport of asbestos containing materials (ACMs), lead-based paints, PCB-containing equipment, mercury-containing equipment, mold growth and chemical supplies could result in a significant hazard to the public or environment. Three mitigation measures, MM 3.7-2a, MM3.7-2b and MM3.7-2c are provided in Section 3.7.5 Mitigation Measures. Implementation of mitigation measure MM-3.7-2a would require an abatement work plan to be prepared in compliance with local, state and federal regulations. The work plan would include a monitoring plan conducted by a qualified consultant during abatement activities to ensure compliance with all requirements. Additionally, demolitions plans would incorporate necessary abatement measures for removing ACMs in accordance with the BAAQMD District Regulation 11-2-401.3. Mitigation measure MM-3.7-2b would require a survey be performed to determine presence of PCBs, mercury or other hazardous building materials prior to demolition. If found, these materials would be managed in accordance with the Metallic Discards Act and other applicable state and federal regulations. Necessary abatement measures would be incorporated as required by the Metallic Discards Act, especially Section 42175, Materials Requiring Special Handling for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Lead abatement would be conducted in accordance with California DHS requirements. Lastly, implementation of mitigation measure MM-3.7-2c would require a Waste Management and Reuse Plan be prepared for the project which would include waste handling procedures, waste storage locations, inspection procedures and waste disposal. The Draft EIR concluded that implementation of mitigation measures MM-3.7-2a through MM-3.7-2c would reduce impacts to a less-than-significant level. For a full text of all mitigation measures please refer to Section 3.7.5 Mitigation Measures of the Draft Final EIR.

OCH68-9 The commenter asks why Portland cement and its ingredients are not included in the Draft EIR if Orcem is allowed to produce the other form of cement.

In the Project Description Section 2.4.2.2 Orcem Operation, it states that Orcem would be capable of operating in three different modes. Mode 1 would import GBFS and produce GGBFS, Mode 2 would import clinker and produce portland cement and Mode 3 would import GBFS, produce GGBFS and import portland cement. The analysis of impacts includes Orcem operations in each of the three production modes or the worst-case scenario. For example, Table 3.2-10 in Section 3.2.4 (B) shows the operational throughput in each of the three modes of operation and at the beginning of the operation analysis it states that there would be import of GBFS, clinker, portland cement, gypsum, limestone and pozzolan.

Potential hazards of portland cement clinker are accounted for in Section 3.7.4 (A), under Operational Impacts Orcem Project Component. As discussed in Transportation and Traffic Section 3.12.4 (A) Orcem Truck and Auto Trip Generation, projected daily and peak truck traffic was determined for each of the five milestones in each of the three modes of operation (included in Appendix L of the Draft EIR). The mode utilized in the analysis represents the maximum daily and peak hour trips generated by any of the possible modes. Mode 2/Milestone 5, which would be the peak of portland cement production, represents the worst case scenario and is therefore utilized in the impact analysis.

OCH68-10 The commenter inquires what the recommendations by the Planning Commission and other City Agencies were regarding the advisability of the proposed project and its revised operations alternatives.

Chapter 6 of the EIR analyzes project alternatives. Included in this chapter is a discussion of alternatives considered but rejected. Section 6.3.1 discusses the Alternate Site, which was considered but ultimately rejected. The applicants do not own any other waterfront property in the area and the combination of functional amenities suitable for accommodation of both VMT and Orcem project components is not easily accommodated in other Bay Area sites. As described in Section 2.2 of the Draft Final EIR, VMT currently owns the majority of the project site and Orcem is leasing a portion of the site for their proposed facilities; therefore, it is not feasible for the applicants to reasonably acquire another site for the proposed project, such as the former Concord marine terminal. For the full analysis please refer to Section 6.3.1 Alternate Site in the Draft Final EIR.

OCH68-11 The commenter questions where the Draft EIR addresses the environmental impacts, mitigation measures, and other mitigation measures or alternatives of the project.

Please refer to Chapter 3, Environmental Analysis, which analyzes thirteen different topics as they pertain to the proposed project. Each section analyzes significant impacts, identifies mitigation measures for each significant impact, and discusses the significance of impacts after mitigation has been applied.

Chapter 6 Alternatives provides a description for a variety of project alternatives.

OCH68-12 The commenter asks for the timeline of the project approval process after the public comment period.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH68-13 The commenter asks about the impact of county, regional, state, and federal agency comments on the project.

Responsible agencies are state and local agencies, other than the lead agency, that have discretionary authority over a project or aspect of a project. Responsible agencies may use the EIR in their consideration of various permits or other discretionary approvals of the proposed project and may have different monitoring or reporting programs. A list of Lead and Responsible agencies is provided in Section 1.6.2 of the EIR.

OCH68-14 The commenter notes a Fiscal and Economic Impact Report of the proposed project was conducted and questions why it was not included in the Draft EIR.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH69

Commenter: Name not available

Date: September 28, 2015

OCH69-1 The commenter expresses disapproval for the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH70

Commenter: Name not available

Date: September 28, 2015

OCH70-1 The commenter expresses disapproval for the project and the need for cleaner businesses.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH71

Commenter: Name not available

Date: September 27, 2015

OCH71-1 The commenter states this proposed project is not the way to use valuable waterfront property and emphasizes the need to use the land for beneficial purposes.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH72

Commenter: Kim T

Date: September 25, 2015

OCH72-1 The commenter states the project site area is no longer industrial but a residential neighborhood with schools and the industry should not become a part of the community.

A full analysis of the project's consistency with the current Vallejo General Plan, Zoning Ordinance, and the Bay Plan is available in Land Use and Planning Section 3.9.4. As stated in Section 3.9.1 Regulatory Setting, the City of Vallejo General Plan designated the project site as "Employment". The City of Vallejo zoning ordinance zoned the project site "Intensive Use." The City of Vallejo Zoning Code (Chapter 16.34) designates "General Industrial Uses" as "Permitted Uses" within the Intensive Use designation, while "Heavy Industrial Uses" are permitted upon issuance of a major use permit. However there are several policies (those of the City's and BCDC) that rely on compliance with BCDC policies and plans and the project has been found to be potentially inconsistent with these policies. The final consistency determination will be made by BCDC. Please refer to Section 3.9.4 of the Draft Final EIR for more information.

Letter OCH73

Commenter: Kelsey Springer

Date: September 25, 2015

OCH73-1 The commenter cannot support the project due to the environmental and human health impacts.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH74

Commenter: Kathy Cook

Date: September 25, 2015

OCH74-1 The commenter states the geographic and aesthetic value of the project site is more than what is currently being planned and does not support the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH75

Commenter: Leslie Wetsch

Date: September 24, 2015

OCH75-1 The commenter expresses concern for the proposed project and support for clean industry in Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH76

Commenter: Brenda Crawford

Date: September 24, 2015

OCH76-1 The commenter expresses disapproval for the project due to the increased traffic, pollution, and environmental impacts.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH77

Commenter: Name not available

Date: September 24, 2015

OCH77-1 The commenter calculates the percent of the population that would benefit from the new jobs versus the amount impacted by the health risks.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH78

Commenter: Name not available

Date: September 24, 2015

OCH78-1 The commenter opposes the proposed project due to the heightened risk of cancer.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH79

Commenter: Name not available

Date: September 24, 2015

OCH79-1 The commenter opposes the project due to the decrease in nearby property values.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH80

Commenter: David Fisher

Date: September 23, 2015

OCH80-1 The commenter expresses disapproval Vallejo is considering a bad idea for the waterfront, just over the hill from residential communities.

The City did not select this site for the project. Vallejo Marine Terminal LLC owns this property and is proposing this project along with Orcem California. Vallejo Marine Terminal LLC and Orcem California have submitted applications to the City of Vallejo for Major Use Permits and Site Development Permits. Under CEQA Section 15060 the lead agency (City of Vallejo) is allowed 30 days to process the completeness of an application for permits or other entitlements for use. The City of Vallejo is required to fully examine any application deemed complete and requiring environmental review under CEQA.

OCH80-2 The commenter states cement plants can account for 5% of global CO₂ emissions and questions the “green” designation as it still produces emissions and pollution.

Please refer to Section 3.7.3 Impact Discussion of Hazards and Hazardous Materials for analysis of the materials in the proposed project. Impacts to the environment from GBFS are examined throughout the EIR. A laboratory test for GBFS was conducted and results are provided in Appendix I-9 of the Draft EIR. Please refer to Section 3.7.4 (A) and to Appendix I-9 for information regarding the potential hazards of GBFS.

OCH80-3 The commenter states that there are no clean emissions; all production has a local impact. The commenter relays the opinion that 25 permanent jobs is not a trade for the pollution.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH80-4 The commenter provides a picture of the Cupertino Cement Factory to emphasize the Orcem plant is not in line with residential and clean business growth goals.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH80-5 The commenter states provides a link to a cement plant in Richmond and states that plants often pay fines as it is cheaper than fixing things.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH80-6 The commenter notes the detrimental impact dust pollution can have on humans, animals, and vegetation. Please refer to the Master Response 1 for information on the Health Risk Assessment conducted for the project.

OCH80-7 The commenter provides a link to an article about a lawsuit over an EIR for a quarry near Cupertino and expresses the opinion that EIR’s are a rubber stamp by the industries seeking to control the message to the public.

This EIR has been prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), applicable federal and state environmental regulations, policies, and laws to inform federal, state, and local decision makers regarding the potential environmental impacts of the proposed project.

OCH80-8 The commenter notes that there is nothing greener than not having a cement plant in your community. The commenter states that any logical person will recognize this kind of plant does not belong in a residential area or on the waterfront.

General Plan land use designations and zoning are analyzed in Section 3.9 Land Use and Planning. As discussed in Section 3.9.1, City of Vallejo Zoning Code, the project site is zoned “Intensive Use.” Intensive Use is the heaviest industrial zone in Vallejo and under Section 16.34 of the City’s Zoning Code “Heavy Industrial Uses” are permitted upon issuance of a major use permit (Section 16.34.040.B.1). Please refer to Section 3.9.4 for a complete discussion on the project’s consistency with the General Plan, Zoning Code and other applicable land use documents.

OCH80-9 The commenter quotes an article analyzing the use of alternative fuels in the cement clinker and asks if the ingredients sound “good” for the community.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH80-10 The commenter asks if any level of mass increase of particulates and industrial activity is safe for a community, especially downwind. Please refer to the Master Response 1 for information on the Health Risk Assessment conducted for the project.

OCH80-11 The commenter states housing and recreational development would be more in keeping with the waterfront plan.

Please refer to the response to comment OCH80-8.

OCH80-12 The commenter asks what image does this area of Vallejo want to project as a primarily residential community and if the community wants to look like Richmond or Martinez.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH80-13 The commenter states that if you wouldn’t want to live next to such a plant, don’t ask someone else to do so. The commenter provides alternative suggestions for the property.

As discussed in Chapter 6, CEQA requires EIRs to examine a reasonable range of alternatives to the project which would feasibly attain most of the objectives but would avoid or lessen any of the significant impacts of the project. For more information on proposed alternatives, please refer to Chapter 6 in the Draft Final EIR.

Letter OCH81

Commenter: Carol Pearlman

Date: September 23, 2015

OCH81-1 The commenter expresses her opposition to the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH82

Commenter: Alan Miciano

Date: September 23, 2015

OCH82-1 The commenter states that he worked in the maritime industry for 30 years and witnessed the loss of marine terminals in the Bay Area. The commenter expresses support for the VTM/Orcem project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH83

Commenter: Name not available

Date: September 22, 2015

OCH83-1 The commenter does not support the VMT/Orcem project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH84

Commenter: Phillip Sanchez

Date: September 21, 2015

OCH84-1 The commenter supports the proposed project due to the job opportunities it brings and the return of industry to the city.

This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH85

Commenter: Kevin Forman

Date: September 21, 2015

OCH85-1 The commenter does not support the VMT/Orcem project due to the increase in pollution and health risks.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH86

Commenter: Name not available

Date: September 21, 2015

OCH86-1 The commenter states that Vallejo has a chance to develop into a city worthy of its beautiful geographic location and should not mar its waterfront.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH87

Commenter: Boudicca T

Date: September 20, 2015

OCH87-1 The commenter opposes the proposed project, citing the cancer risk and air quality impact. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH87-2 The commenter expresses concern that there are not restrictions on the materials ships can unload at the VMT Terminal. Please see the response to comment O4-2.

OCH87-3 The commenter states we need to clean up the mistakes of the past mill and waterfront area but not at this cost. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH88

Commenter: Sarah Rice
Date: September 20, 2015

OCH88-1 The commenter does not approve of the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH89

Commenter: Name not available
Date: September 20, 2015

OCH89-1 The commenter opposes the proposed project due to the air quality impacts and noise pollution.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH90

Commenter: Shamus Thornton
Date: September 20, 2015

OCH90-1 The commenter opposes the proposed project, citing various sections of the Draft EIR.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH91

Commenter: Name not available
Date: September 20, 2015

OCH91-1 The commenter states the project site needs to be a revitalized area but heavy industry should not have waterfront property.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH92

Commenter: Reymundo Zegri

Date: September 20, 2015

OCH92-1 The commenter states this project is not in the city's best interest.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH93

Commenter: Shareen Anderson

Date: September 20, 2015

OCH93-1 The commenter expresses her opposition to the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH94

Commenter: Jessica Toth

Date: September 19, 2015

OCH94-1 The commenter expresses her opposition to the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH95

Commenter: Kay Flavell

Date: September 18, 2015

OCH95-1 The commenter provides background on the City of Vallejo and outlines her vision of a green Vallejo.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH96

Commenter: Stephen Hallett

Date: September 18, 2015

OCH96-1 The commenter notes that the project would have a significant impact on emergency access. The commenter alleges that Impact 3.12-5 does not have a mitigation measure specific to it.

The mitigation measure for Impact 3.12-5 is MM 3.12-2b, which would provide emergency service provides the opportunity to plan alternative routing during emergencies. However, Impact 3.12-5 would remain significant and unavoidable with mitigation.

OCH96-2 The commenter requests the comment period for the Draft EIR be extended.

Please refer to Master Response 10 for information regarding public outreach. CEQA Section 15105 requires a minimum 30-day review period for Draft EIRs and a maximum review period of 60 days. The City of Vallejo extended the original 45-day public review period based on the complexity of the project and the technical nature of the associated environmental issues. The 60 day public comment period began on September 3, 2015 and ended on November 2, 2015. This provided the maximum allowable time for public review of the EIR under CEQA.

OCH96-3 The commenter questions the amount of outreach to the communities impacted by the project and requests more public meetings. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH97

Commenter: Name not available

Date: September 18, 2015

OCH97-1 The commenter requests clarification on Phase 2 operations through the VMT. The commenter asks what other operations are planned for the Vallejo Marine Terminal, as Orcem only accounts for 6,600 MT of materials transported by barge out of a total 48,000 MT. Since the publication of the Draft EIR, the Phase 2 rock dike has since been removed from the proposed project. Section 2.4 of the Project Description has been revised in the Draft Final EIR to specify the commodities that would be allowed through the VMT Terminal. Furthermore, any future modifications to the list of commodities or any future on-site uses would require

an amendment to the applicant's use permit, which would be subject to a discretionary process and subsequent environmental review under CEQA.

Letter OCH98

Commenter: Name not available

Date: September 18, 2015

OCH98-1 The commenter clarifies background on the project but notes it is difficult to understand and asks the city to conduct a public education of the Draft EIR.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH98-2 The commenter questions the public outreach conducted on behalf of the Draft EIR. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH99

Commenter: Jesse Santana

Date: September 17, 2015

OCH99-1 The commenter alleges the number of trucks in the Draft EIR does not add up correctly.

See Table 2-3 in Project Description, a summary of transport methods for the VMT project component and Table 2-4, a summary of transport methods for Orcem. VMT will utilize 87 trucks one way per day and Orcem will utilize 189 trucks one way per day.

OCH99-2 The commenter states the proposed project is not in Vallejoans' best interest.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH100

Commenter: Cameron Shearer

Date: September 15, 2015

OCH100-1 The commenter expresses disapproval for the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH101

Commenter: Name not available

Date: September 15, 2015

OCH101-1 The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH102

Commenter: Name not available

Date: September 14, 2015

OCH102-1 The commenter states this is the wrong business for Vallejo due to the harmful pollution. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH103

Commenter: Monica Tipton

Date: September 15, 2015

OCH103-1 The commenter objects to the proposed project due to the health and environmental hazards. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH104

Commenter: Paula Bauer

Date: September 15, 2015

OCH104-1 The comment requests the project be put on hold pending the finalization of the general plan update. The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination

with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal.

OCH104-2 The commenter requests the comment period be extended for as long as legally possible due to the complexity of the project and size of the Draft EIR. Please refer to Master Response 10 for information regarding public outreach.

OCH104-3 The commenter requests additional forums in appropriate venues of adequate duration. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH105

Commenter: Claire Siverson

Date: September 15, 2015

OCH105-1 The commenter alleged the City of Vallejo has not done enough to include the feedback of residents who will be most impacted by the project. Please refer to Master Response 10 for information regarding public outreach.

OCH105-2 The commenter requests an extension on the deadline for public comment on the Draft EIR. Please refer to Master Response 10 for information regarding public outreach.

Letter OCH106

Commenter: Donald Osborne

Date: September 15, 2015

OCH106-1 The commenter requests clarification on Phase 2 operations through the VMT and what other materials besides those from Orcem are planned.

Since the publication of the Draft EIR, VMT has removed Phase 2 from the proposed project. Section 2.4 Project Description contains an updated description of both project components.

Letter OCH107

Commenter: Nancy Hilton

Date: September 15, 2015

- OCH107-1** The commenter requests an extension on the deadline for public comment on the Draft EIR. Please refer to the Master Response 10 for more information regarding public outreach.

Letter OCH108

Commenter: Name not available

Date: September 14, 2015

- OCH108-1** The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH109

Commenter: Wayne Law

Date: September 14,2015

- OCH109-1** The commenter does not support the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included

Letter OCH110

Commenter: Name not available

Date: September 14, 2015

- OCH110-1** The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included

Letter OCH111

Commenter: Name not available

Date: September 14, 2015

OCH111-1 The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included

Letter OCH112

Commenter: Julie Stratton

Date: September 13, 2015

OCH112-1 The commenter questions where the water for VMT/Orcem operations will come from and where it will drain to.

Please refer to the response to comment OCH42-1.

OCH112-2 The commenter asks how much “fugitive dust” escapes. Drift materials and fugitive dust are discussed in Draft Final EIR Section 3.2 Air Quality. Section 3.2.4 Impact Discussion, lists several Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District which would be implemented to reduce fugitive dust.

Health impacts from fugitive dust have been evaluated in the Health Risk Analysis prepared for the project. For a full listing of all potential BMPs and measures utilized to reduce fugitive dust please refer to the Impact Discussion in Section 3.2.4 of the Draft Final EIR.

Letter OCH113

Commenter: Name not available

Date: September 13, 2015

OCH112-1 The commenter does not support the project because it will not result in enough jobs and will cause too many negative environmental impacts. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH114

Commenter: Name not available

Date: September 11, 2015

- OCH114-1** The commenter opposes the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH115

Commenter: Name not available

Date: September 10, 2015

- OCH115-1** The commenter will oppose the project until mitigation strategies can be provided.

Mitigation measures are provided for all impacts determined to be significant throughout the analysis of the Draft EIR. In the Executive Summary, Table ES-1 provides a list of all the significant impacts, the proposed mitigation measure(s) and the significance after mitigation. Mitigation Measures identified in this table include, but are not limited to, road improvements to Lemon Street, use of biofuels and model standards for trucks, measures to reduce cancer risk in the project area, measures to reduce fugitive dust in the project area, and measures to reduce impacts to fish and aquatic life from lighting and noise. A full text of mitigation measures is provided in each of the sections, 3.1 through 3.13, which specify actions to be taken by the applicant to reduce potential impacts. Please refer to these sections for detailed information about mitigation measures proposed for each resource area. Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

Letter OCH116

Commenter: Curt Harding

Date: September 10, 2015

- OCH116-1** The commenter opposes the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH117

Commenter: Chris Platzer

Date: September 10, 2015

OCH117-1 The commenter cites similar projects and questions the backlash against the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH118

Commenter: Matthew Musselman

Date: September 9, 2015

OCH118-1 The commenter asks what tangible benefits will be given to the community to offset the costs it will endure.

Please refer to the response to comment I252-1 and Section 2.3 for project objectives. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH118-2 The commenter asks what will offset the long-term health effects of small particulate matter from increased diesel traffic.

A copy of the Health Risk Analysis is provided in Appendix D-1 of the Draft EIR. For additional information regarding health impacts on children, the elderly and all other sensitive receptors please refer to Master Response 1. Section 3.2.5 Mitigation Measures provides measures that would be taken by the applicant to reduce the risk of health impacts on residents.

Letter OCH119

Commenter: Name not available

Date: September 9, 2015

OCH119-1 The commenter expresses support for the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH120

Commenter: Camille Benitah

Date: September 9, 2015

OCH120-1 The commenter opposes this project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH121

Commenter: Michelle Elikor

Date: September 9, 2015

OCH121-1 The commenter opposes the project due to the detrimental impact it will have on Vallejo's changing status to a vibrant Bay Area destination.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH122

Commenter: Lore Hilburg

Date: September 9, 2015

OCH122-1 The commenter opposes the project because of the negative impact it will have on the city's progress towards attracting cleaner jobs and businesses.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH123

Commenter: Name not available

Date: September 9, 2015

OCH123-1 The commenter asks how the impact on air quality will affect the neighborhood and children at Grace Patterson Elementary School.

Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project.

Letter OCH124

Commenter: Carla Lease

Date: September 9, 2015

OCH124-1 The commenter expresses disapproval for the project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH125

Commenter: David Richards

Date: September 9, 2015

OCH125-1 The commenter opposes the proposed project due to the negative environmental and quality of life impacts.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH125-2 The commenter expresses concern for the health effects on his son, who has asthma. Please see Master Response 1 for information regarding potential air quality impacts and associated health risks to children, the elderly and all other sensitive receptors that could result from implementation of the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH126

Commenter: Name not available

Date: September 9, 2015

OCH126-1 The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH127

Commenter: Name not available

Date: September 9, 2015

OCH127-1 The commenter opposes the proposed project.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH128

Commenter: Dirk Hoekstra

Date: September 19, 2015

OCH128-1 The commenter opposes the proposed project due to the meager benefits it affords.

Please refer to the response to comment I252-1 and Section 2.3 for project objectives. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH129

Commenter: Mimosa Montag

Date: September 8, 2015

OCH129-1 The commenter opposes the project due to the noise and air pollution.

This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

OCH129-2 The commenter asks how air quality will be monitored and who is responsible for paying for it. The commenter asks what happens if the monitored results are less than acceptable.

Air pollution is discussed in depth in Section 3.2 Air Quality of the Draft EIR. Section 3.2.5 Mitigation Measures, identifies how Mitigation Measure MM-3.2-1 would be implemented to reduce Impacts 3.2-2 and 3.2-4. Revised Mitigation Measure MM-3.2-1 specifies that 2010 model trucks or newer will be used at the start of facility operations for all vehicles (please refer to Master Response 2 and response to BAAQMD comment A1-1).

In addition, Section 3.2.2, Existing Conditions, of the Draft EIR explains how BAAQMD operates a regional 32-station monitoring network that measures the ambient concentrations of criteria pollutants. Representative background concentrations for ozone, NO₂, SO₂, CO, O₃, and PM_{2.5} are based on the ambient monitoring station located on Tuolumne Street, Vallejo, California (Station No. 06-095-0004) and covers the three most recent complete years (2011–2013). The station is designated a neighborhood scale station (with a range of 500 meters – 4 kilometers) and is suitable for assigning a background concentration for determining project impacts. The monitoring station is located 2.5 kilometers northeast of the proposed facility. The monitoring station is also located approximately downwind of the facility based on the wind data for both Vallejo and Conoco-Phillips Rodeo meteorological stations and thus should be broadly representative of the location at which the maximum emissions from the facilities will occur. In relation to fugitive emissions from the facilities, the use of the Tuolumne Street station is likely to overestimate the background levels of PM_{2.5} due to the remote nature of the project site relative to the ambient monitoring station.

Please refer to Master Response 7 for information regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

- OCH129-3** The commenter inquires whether residents will be involved with air quality monitoring. Please refer to the response to comment OCH129-2.

Letter OCH130

Commenter: Peter Brooks

Date: September 8, 2015

- OCH130-1** The commenter requests the Draft EIR edit the maps showing the Cancer Risk: Unmitigated Full Operations (Figures 3.2 1 and 2) to include the cancer risk (per million) inside the site boundary. Please refer to comment response OCH35-1.
- OCH130-2** The commenter notes various conclusions from the Draft EIR and expresses concern for nearby residents. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH131

Commenter: J R

Date: September 7, 2015

- OCH131-1** The commenter asks if the City will cover the decrease in property values due to the noise and health risks. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

Letter OCH132

Commenter: Michelle Gandley

Date: September 6, 2015

- OCH132-1** The commenter asks what the benefits of the project are for the city or its residents. Please refer to the response to comment I252-1 and Section 2.3 for project objectives. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH132-2** The commenter expresses concern for the hazardous waste on site and asks who will monitor and ensure no hazardous waste enters the air or water. Potential hazards were examined in Section 3.7 Hazards and Hazardous Materials of the Draft EIR. This section provides the potential impacts of the proposed project with regards to hazards and hazardous materials and recommends mitigation measures where necessary to reduce or avoid significant impacts. The hazards analysis in Section 3.7.5 (a) discusses all potential historic sources of toxins that could be encountered during construction and operation. The EIR determined that the risk of creating a significant hazard to the public or environment through routine use, transport or disposal of hazardous materials would be less-than-significant with implementation of mitigation measures MM-3.7-1a and MM-3.7-1b, MM-3.7-2a through MM-3.7-2c, MM-3.7-3, and MM-3.8-1 (from Section 3.8 Hydrology and Water Quality). Please refer to Draft Final EIR Section 3.7.4 for more information.

If the EIR gets approved and certified, a Mitigation Monitoring and Reporting Program (MMRP) would be approved as required under CEQA Section 15097. As stated in CEQA Section 15097, the Lead Agency (City of Vallejo) is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the MMRP. Please refer to Master Response 7 for information

regarding the MMRP for the project, which is included in Appendix M of this Draft Final EIR.

- OCH132-3** The commenter asks how the city will ensure that removal of creosote pilings do not pollute the water or air. The Draft EIR found that removal of the estimated 444 creosote pilings at the VMT site would result in a significant impact from the release of toxic PAHs from creosote piling fragments if the pilings are not removed properly. Section 3.3.5 identifies mitigation measure MM-3.3-3, which requires implementation of a creosote piling removal plan which would inventory all existing pilings, document individual conditions and suitability for removal using best management practices (BMPs).

Letter OCH133

Commenter: Christine Watson

Date: September 6, 2015

- OCH133-1** The commenter opposes the proposed project and expresses unhappiness with the city. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH134

Commenter: Name not available

Date: September 6, 2015

- OCH134-1** The commenter opposes the proposed project due to the air quality impacts, traffic, and impact on bird habitats. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH135

Commenter: Name not available

Date: September 6, 2015

- OCH135-1** The commenter opposes the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH136

Commenter: David Cates

Date: September 5, 2015

OCH136-1 The commenter awaits an economic impact report regarding the benefits from job creation and tax revenue to the City of Vallejo. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.

OCH136-2 The commenter requests more information regarding the cost of improvements to the city streets. Please refer to Master Response 8 for information regarding road improvements and the City's responsibility for approving such improvements.

OCH136-3 The commenter expresses concern that the heavy industrial use is not aligned with the citizens' vision of the waterfront or the General Plan update. The commenter suggests making any approval of this project contingent on the update of the General Plan zoning. A full analysis of the project's consistency with the current Vallejo General Plan is available in Land Use and Planning Section 3.9.4. Table 3.9-2 lists all the policies of the applicable land use plans including the Vallejo General Plan, Zoning Ordinance and the Bay Plan and determines project component consistency with each relevant policy or goal. Please refer to Section 3.9.4 of the Draft Final EIR for more information.

The City is in the process of preparing an updated General Plan that outlines a citywide vision for Vallejo over the next 25 years. While this planning effort is expected to go before the City Council in April 2017, it is not yet approved. It is also too preliminary to conduct a consistency determination with any plans, goals, policies and regulations outlined in the Draft General Plan Update as it not been formally adopted by the Planning Commission.

OCH136-4 The commenter requests the affected view from ferries and other marine craft be labeled as a "major" impact on aesthetics. Section 3.1.4, of the Draft EIR, Impact Discussion, discussions if the construction or operation of the proposed project would have a substantial adverse effect on a scenic vista. The Draft EIR concluded the proposed project would alter the existing view of the site from the six viewing locations and would result in minor view blockages of the Bay from some locations; however, the project would not result in any adverse impacts on a scenic vista and impacts would be less than significant. Please see Section 3.1.4 (A) for more details about this aesthetic analysis.

- OCH136-5** The commenter asked if the City of Vallejo performed a cost estimate for infrastructure improvements and if the city was responsible for the cost of those improvements and activities associated with the plant. This comment addresses economic issues which are not within the scope of CEQA. According to the CEQA Guidelines Section 15131 economic or social issues shall not be treated as significant effects on the environment.
- OCH136-6** The commenter suggested the Planning Commission and Planning Commission reduce the lease offer to 2 years and require alignment with the newly revised General Plan before approval. Please refer to the response to comment OCH136-3 for further information on the General Plan. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.
- OCH136-7** The commenter urges the Mayor, Planning Commission, and Planning Commission to reconsider the proposed project due to the negative impact on the local community. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH137

Commenter: Karen Jameson

Date: September 4, 2015

- OCH137-1** The commenter is in favor of the proposed project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

Letter OCH138

Commenter: William Tweedy

Date: September 4, 2015

- OCH138-1** The commenter expresses support for the project. This comment does not include a specific comment on the Draft EIR; therefore, no further response is included.

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