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ATTACHMENT 4

FILE NUMBER DR00-11

**MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE**
76 Gas Station & Circle K Mini-Mart Project

SEPTEMBER 2008

Revised APRIL 2009

SUBMITTED TO:

EL DORADO COUNTY
2850 FAIRLANE COURT
PLACERVILLE, CA 95667



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MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING PROGRAM CONTENTS

This document is the Mitigation Monitoring Reporting Program (MMRP) for the 76 Gas Station and Circle K Mini-Mart Project. The MMRP includes a brief discussion of the legal basis for and the purpose of the program, discussion and direction regarding complaints about noncompliance, a key to understanding the monitoring matrix, and the monitoring matrix itself.

LEGAL BASIS OF AND PURPOSE FOR THE MITIGATION MONITORING PROGRAM

California Public Resources Code Section 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report (EIR) or a mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the Draft Environmental Impact Report (EIR) for the 76 Gas Station and Circle K Mini-Mart Project. It is to be used by the El Dorado County staff, participating agencies, project contractors and mitigation monitoring personnel during implementation of the project.

The Draft Environmental Impact Report for the 76 Gas Station and Circle K Mini-Mart Project presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation measures, as defined by CEQA Guidelines Section 15370, are measures that do any of the following:

1. Avoid impacts altogether by not taking a certain action or parts of an action.
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectify impacts by repairing, rehabilitating or restoring the impacted environment.
4. Reduce or eliminate impacts over time by preservation and maintenance operations during the life of the project.
5. Compensate for impacts by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP will provide for monitoring of construction activities as necessary, on-site identification and resolution of environmental problems, and proper reporting to Agency staff.

The timing elements of mitigation measures and definition of the development process have been provided in detail throughout this MMRP to assist existing and future County staff by providing the most usable monitoring document possible.

RESPONSIBILITIES AND AUTHORITY

El Dorado County will have primary responsibility for the operation and implementation of the MMRP. El Dorado County will be responsible for the following activities:

1. Coordination of monitoring activities.

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2. Direction of the preparation and filing of compliance reports.
3. Maintenance of records concerning the status of all mitigation measures.

The County will also have the responsibility of implementing the mitigation measures for which it has been identified as the primary enforcement and monitoring agent. Other agencies or persons which have been identified as enforcement and monitoring agents for specific mitigation measures will be responsible for implementing these measures.

MONITORING PERSONNEL

El Dorado County bears responsibility for ensuring that the mitigation measures in this document are implemented. El Dorado County reserves the right to hire technical experts and professionals to help in evaluating compliance. These may include but are not limited to biologists, archaeologists and planning professionals. Some of the measures will be assigned to the contractor as part of the scope of work.

MONITORING MATRIX

The tables within the MMRP identify the mitigation measures proposed for the 76 Gas Station and Circle K Mini-Mart Project. These mitigation measures are reproduced from the 76 Gas Station and Circle K Mini-Mart Project Draft Environmental Impact Report. The tables have the following columns:

- **Mitigation Measure:** Lists the mitigation measures identified within the 76 Gas Station and Circle K Mini-Mart Project Draft Environmental Impact Report for a specific impact, along with the number for each measure as enumerated in the Draft Environmental Impact Report.
- **Timing:** Identifies at what point in time, review process or phase the mitigation measure will be completed.
- **Agency/Department Consultation:** References the person or agency with which coordination is required to satisfy the identified mitigation measure.
- **Verification:** Spaces to be initialed and dated by the individual designated to verify adherence to a specific mitigation measure.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to El Dorado County in written form, providing specific information on the asserted violation. El Dorado County shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the County shall take appropriate action to remedy any violation. The complainant shall receive a written response indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

**TABLE 5.0-1
FINAL MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Monitoring Responsibility	Timing	Verification (Date and Initials)
4.2 Air Quality			
<p>MM 4.2.2 a The project contractor shall implement measures found in the El Dorado County AQMD Rule 223-2-Fugitive Dust – Asbestos Hazard Mitigation (adopted July 19, 2005). Measures include monitoring and mitigation that is standardized and approved by the AQMD. The applicable Best Available Control Measures listed in Tables 1 through 6 of Rule 223-2 shall be implemented by the project contractor, including application of water or stabilizing agents to all disturbed soils on a regular basis to prevent the generation of visible dust; pre-watering soils prior to excavation; minimizing drop heights and emptying speeds from loader buckets to avoid dust plumes; hydroseeding; and limiting stockpile sizes among other measures.</p>	<p>El Dorado County Air Quality Management District.</p>	<p>To be incorporated into construction contracts and implemented prior to site disturbance.</p>	
<p>MM 4.2.2 b The project contractor shall comply with the provisions of the Airborne Toxic Control Measure (ATCM) at Title 17 Section 93105 adopted in 2002 by the California Air Resources Board (CARB). This ATCM identifies Construction as any activity that disturbs soil containing asbestos in concentrations of 0.25% or greater. The Construction ATCM also includes activities that disturb soil where asbestos building material debris or NOA may have been dumped or in areas that contain NOA. In accordance with the California Air Resources Board Final Regulation Order for Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, Section 93105 (March 10, 2004), the Department of Transportation shall notify the AQMD Officer in writing at least 14 days prior to construction and must implement dust control measures from Section 93105 in addition to the County regulations.</p>	<p>El Dorado County Air Quality Management District.</p>	<p>To be incorporated into construction contracts and implemented prior to site disturbance.</p>	
4.4 Cultural and Historic Resources			
<p>MM 4.4.1 If any prehistoric or historic artifacts or other indications of archaeological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the County shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.</p>	<p>El Dorado County Development Services Department.</p>	<p>As a condition of project approval, and implemented during construction activities.</p>	
<p>MM 4.4.2 If any paleontological resources (as defined above) or indications of paleontological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the County shall be immediately notified. A paleontologist</p>	<p>El Dorado County Development Services Department.</p>	<p>As a condition of project approval, and</p>	

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Proposed Mitigation	Monitoring Responsibility	Timing	Verification (Date and Initials)
meeting the Society of Vertebrate Paleontology’s criteria for a “qualified professional paleontologist” shall be retained to evaluate the finds and recommend appropriate mitigation measures.		implemented during construction activities.	
MM 4.4.3 If human remains are encountered during the construction of the proposed project, the county coroner shall be contacted immediately. If the county coroner determines that the remains are Native American, the coroner will then be required to contact the NAHC (pursuant to Section 7050.5 (c) of the California Health and Safety Code) and the County Coordinator of Indian Affairs. A qualified archaeologist shall also be contacted immediately.	El Dorado County Development Services Department.	As a condition of project approval, and implemented during construction activities.	
4.5 Geology and Soils			
MM 4.5.3 The project applicant shall provide a geotechnical report prepared by a registered engineer or engineering geologist at the time that the building permit application is submitted. This report should evaluate the temporary and long-term stability for the project site and identify design guidelines and construction techniques to ensure that constructed slopes would be stable. Additionally, the report should identify any special feasibility studies that may be required prior to development of the site. These investigations would be conducted in accordance with guidelines of the California Geological Survey (2002) and all other applicable standards of professional geologic/geotechnical practice, and design and construction work would comply with relevant building codes.	El Dorado County Development Services Department.	Concurrent with submittal of building permit application and as a condition of project approval.	
4.6 Hazards and Hazardous Materials			
MM 4.6.1 Prior to any construction activities requiring complete or partial closure of area roadways, the project applicant shall provide a traffic control plan that provides access to businesses to the maximum extent feasible and ensures safety of pedestrians, cyclists, and vehicle traffic to the satisfaction of the El Dorado County Department of Transportation. The traffic control plan shall include the following measures, at a minimum: <ul style="list-style-type: none"> • Provide written notice to property owners along affected roadways one week prior to roadway closures. • To ensure public safety, clearly mark and secure construction areas. • Steel plates or other appropriate measures shall be placed over open trenches at the end of each workday to restore vehicle 	El Dorado County Department of Transportation.	Prior to and during construction activities on adjacent roadways.	

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access.			
<p>MM 4.6.2a The applicant must comply with the permit application and plan submittal process of the Hazardous Materials Division and shall comply with all sections of the California Code of Regulations, Underground Tank Regulations. The submittal of plans shall clearly identify all components of the facility, and the installation must comply with the current UST regulations.</p>	El Dorado County Environmental Management Department.	Prior to approval of project plans.	
<p>MM 4.6.2b The applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site to include hazardous materials and hazardous waste handling and storage. The plan shall be submitted to the El Dorado County Environmental Management Department for review and all applicable fees paid.</p>	El Dorado County Environmental Management Department.	Prior to approval of project plans.	
4.7 Hydrology and Water Quality			
<p>MM 4.7.3 Pursuant to the County's storm water management plan, the following conditions shall apply to the site.</p> <ul style="list-style-type: none"> • The canopy shall have dimensions equal to or greater than the grade break. All runoff from the canopy shall not drain onto the fueling area. The downspouts shall be routed so as to prevent drainage across the fueling area. • The fuel dispensing area shall be paved with Portland cement concrete, or an equally impervious surface. The use of asphalt concrete is prohibited. • The fuel dispensing area shall be sloped at 1.5% to 4% to promote drainage away from the dispensers. • The concrete dispensing area must extend at least 6.5 feet beyond the corner of each dispenser, or one foot beyond the length at which the nozzle/hose assembly may be operated, whichever is less. • The fuel dispensing area shall be separate from the surrounding area by a grade break to prevent storm water run on. 	El Dorado County Development Services Department and El Dorado County Environmental Management Department.	Prior to approval of project plans.	
4.8 Land Use			

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Proposed Mitigation	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p>MM 4.6.1 Prior to any construction activities requiring complete or partial closure of area roadways, the project applicant shall provide a traffic control plan that provides access to businesses to the maximum extent feasible and ensures safety of pedestrians, cyclists, and vehicle traffic to the satisfaction of the El Dorado County Department of Transportation. The traffic control plan shall include the following measures, at a minimum:</p> <ul style="list-style-type: none"> • Provide written notice to property owners along affected roadways one week prior to roadway closures. • To ensure public safety, clearly mark and secure construction areas. <p>Steel plates or other appropriate measures shall be placed over open trenches at the end of each workday to restore vehicle access.</p>	<p>El Dorado County Department of Transportation.</p>	<p>Prior to and during construction activities on adjacent roadways.</p>	
<p>4.9 Noise</p>			
<p>MM 4.9.1a In noise sensitive areas, construction equipment, compressors, and generators, shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.</p>	<p>El Dorado County Development Services Department.</p>	<p>Include as a note on all grading and improvement plans.</p>	
<p>MM 4.9.1b If nighttime construction is allowed by the County pursuant to General Plan Policy 6.5.1.11, construction contractors shall conduct construction activities in such a manner in order to not exceed 65 dB noise levels at residential facades during nighttime construction activities, except where existing noise conditions already exceed 65 dB at residential façade. In those cases, construction activities shall not increase existing noise conditions by more than 5 dB. Nighttime construction is defined as 7:00 p.m. until 7:00 a.m. during the weekdays and 5:00 p.m. to 8:00 a.m. on the weekends. Construction work may occur on the holidays if in compliance with these standards.</p>	<p>El Dorado County Development Services Department.</p>	<p>Include as a note on all grading and improvement plans.</p>	
<p>4.12 Traffic and Circulation</p>			
<p>MM 4.12.1a Prior to issuance of building permits, the project applicant shall pay its fair share (43.7 percent) (based on the project traffic divided by the difference between the short term future plus project and the existing traffic) for second left-through-right lane on westbound North Shingle Road at Ponderosa Road.</p> <p>This improvement is part of the programmed US Highway 50 / Ponderosa / North Shingle Roads Realignment CIP Project No. 71339. Consistent with the revised General Plan Policy</p>	<p>El Dorado County Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	

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Proposed Mitigation	Monitoring Responsibility	Timing	Verification (Date and Initials)
<p>TC-Xa (based on the passage of Measure Y in November 2008), payment of TIM fees is sufficient. A condition of approval had been added requiring TIM Fee payment prior to issuance of a building permit.</p>			
<p>MM 4.12.1b Prior to issuance of building permits, the project applicant shall pay its fair share (51.2 percent) (based on the project traffic divided by the difference between the short term future plus project and the existing traffic) to add a 500 foot eastbound left turn lane and a 300 foot right turn lane along Durock Road at South Shingle Road and a right turn lane for southbound South Shingle Road between Mother Lode Drive and Durock Road.</p> <p>These improvements are part of the programmed US Highway 50 / Ponderosa / North Shingle Roads Realignment CIP Project Nos. 71333 and 71338. Consistent with the revised General Plan Policy TC-Xa, payment of TIM fees is sufficient. A condition of approval had been added requiring TIM Fee payment prior to issuance of a building permit.</p>	<p>El Dorado County Department of Transportation.</p>	<p>Prior to issuance of building permits.</p>	
<p>MM 4.12.1c Construction of:</p> <ol style="list-style-type: none"> 1) A 120-foot left turn lane on southbound South Shingle Road at Durock Road to provide access to the project site; 2) A 120-foot left turn lane on southbound Ponderosa Road at the Mother Lode Drive intersection; 3) Split phasing of Ponderosa Road / South Shingle Road / US Highway 50 eastbound on-off ramps intersection; and 4) Extend second northbound through lane along South Shingle road for 500 feet south of Durock Road. <p>These improvements are part of the programmed US Highway 50 / Ponderosa / South Shingle Roads Interchange Improvement CIP Project Nos. 71333 and 71338. Consistent with the revised General Plan Policy TC-Xa, payment of TIM fees is sufficient. A condition of approval had been added requiring TIM Fee payment prior to issuance of a building permit.</p>	<p>El Dorado County Department of Transportation.</p>	<p>Prior to issuance of building permits</p>	

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<p>MM 4.12.3 Prior to the issuance of building permits, the applicant will provide to the County a cross-sectional view of the South Shingle Road driveway identifying the roadway/driveway intersection as well as the adjacent slope and provide analysis as to this slope's potential to obstruct the view of a site-exiting driver. Any landscaping, signage or any other objects that could obstruct the sight distance shall be prohibited to the satisfaction of the County.</p>	<p>El Dorado County Department of Transportation</p>	<p>Prior to issuance of building permits</p>	
<p>MM 4.12.6 Prior to issuance of certificate of occupancy, the project applicant shall modify the right only lane along the US 50 Eastbound off-ramp at Mother Lode Drive to a through lane as well as provide a deceleration lane for turning into the project site from Mother Lode Drive. This will require addition of a through lane on the departure leg of Mother Lode Drive (eastbound) and a right-turn deceleration lane into the project site; this these improvements can be dropped after the project driveway. The project should complete this improvement. .</p> <p>Note: Under a coordinated signal system, improvement to one intersection can affect the other intersections in the system as the improvement at one intersection can alter the timing at another intersection; this can result in an improvement in the level of service at the second intersection. This is the case at this intersection.</p>	<p>El Dorado County Department of Transportation.</p>	<p>Prior to issuance of certificate of occupancy.</p>	