

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION CERTIFYING THE FINAL
SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE “MITSUBISHI CEMENT
CORPORATION AT WAREHOUSE C: BULK
CEMENT WAREHOUSE AND LOADING FACILITY
PROJECT,” ADOPTING FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS,
ADOPTING MITIGATION MONITORING AND
REPORTING PROGRAM, AND DIRECTING FILING
OF THE NOTICE OF DETERMINATION**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(a)(1) of the Port Act specifically provides that the tide and submerged lands of the District may be used for the construction, reconstruction, repair, maintenance and operation of wharves, docks, piers and all other works, buildings, facilities, utilities and structures necessary or convenient for the promotion and accommodation of commerce and navigation; and

WHEREAS, Mitsubishi Cement Corporation (Mitsubishi), as the project applicant and project proponent, has proposed to construct and operate a bulk cement warehouse and loading facility at Warehouse C (Proposed Project or Project) at Tenth Avenue Marine Terminal (TAMT) and on June 15, 2015, Mitsubishi and the District entered into a Conditional Agreement related to the Project; and

WHEREAS, the Proposed Project would include two separate phases of improvements to Bays C-7 through C-10 of Warehouse C for the receipt, storage, and distribution of up to a maximum 600,000 metric tons per year (MT/yr) of cement and cementitious materials; and

WHEREAS, Phase I improvements would include installation of the underground unloading pipeline (approximately 150 feet), electrical conduit to support ship-to-shore power and two 400 MT mobile vacuum unloaders; and

WHEREAS, Phase I includes improvements to Bays C-7 and C-9, such as sealing the storage bays to prevent cementitious material loss through joints and seams, installing piping to each bay to pneumatically transfer cementitious material and upgrading the structural elements of the roof of Warehouse C to accommodate the roof-mounted piping and equipment; the excavation, compacting, filling and

20xx-xxx

capping of the warehouse floor; electrical tie-ins and upgrades; the installation of a reclaim hopper, air slide, screw conveyor, and bucket elevator to mechanically transfer cementitious material from the warehouse bays to the truck loading silos; and, the installation of two 26,000 cubic feet per minute dust collectors to control dust emissions from the storage bays and truck loading racks; and

WHEREAS, Phase II improvements to Bays C-8 and C-10 would begin three years after Phase I is operational and would be identical to those undertaken for Bays C-7 and C-9, including an additional truck loading rack; and

WHEREAS, the Proposed Project's phased improvements will require the stockpile of construction materials within different bays in Warehouse C and the installation of temporary construction modular buildings and utilities within Warehouse C, and their removal upon completion of construction of Phase II; and

WHEREAS, in January 2017, the District initiated the environmental review process in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines) and the District's CEQA Guidelines; and

WHEREAS, as lead agency under CEQA, the District determined that the Proposed Project falls under the broader scope of the Tenth Avenue Marine Terminal Redevelopment Plan (TAMT Plan) and its associated Final Program Environmental Impact Report (Final PEIR) that was certified by the Board of Port Commissioners (BPC) in December 2016 by Resolution No. 2016-199 (*Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component Final PEIR* (UPD #EIR-2015-39; Clerk Document Number 65901)); and

WHEREAS, since certification of the Final PEIR, the BPC approved the first Addendum to the Final PEIR in July 2017 to address minor modifications based on the final engineering design of the Demolition and Initial Rail Component (adopted by the BPC by Resolution No. 2017-100, SCH #2015031046; Clerk Document No. 67004); and

WHEREAS, in April 2018 the BPC approved the second Addendum to the Final PEIR to implement and install a renewable energy microgrid (adopted by the Board by Resolution No. 2018-061, SCH # 2015031046; Clerk Document No. 68288) to satisfy a portion of PEIR Mitigation Measure GHG-6; and

WHEREAS, in accordance with CEQA and the CEQA Guidelines, the District prepared a Draft Subsequent Environmental Impact Report, entitled, *Mitsubishi Cement Corporation at Warehouse C Subsequent EIR* (UPD #EIR-2016-178; SCH #2017091051) (SEIR) that tiers from the Final PEIR to evaluate environmental impacts associated with the implementation of the Proposed Project

20xx-xxx

and to determine if any new or more severe environmental impacts could result from the implementation of the Project than what was evaluated in the PEIR; and

WHEREAS, the Draft SEIR was circulated for a 57-day public review period, which began on December 19, 2019 and ended on February 14, 2020; and

WHEREAS, comment letters were received from 4 public agencies including the State Clearinghouse, California Department of Transportation (District 11), the San Diego Association of Governments (SANDAG), and the City of San Diego Planning Department; and

WHEREAS, additional comment letters were received from 17 private organizations including the San Diego Regional Chamber of Commerce, San Diego County Hispanic Chamber of Commerce, San Diego Port Tenants Association, San Diego Fleet Week Foundation, Working Waterfront Group, Barrio Logan College Institute, Classroom of the Future, San Diego Military Advisory Council, Family Health Centers of San Diego, Junior Achievement of San Diego County, South County Economic Development Council, R.E. Staite Engineering, Inc., Environmental Health Coalition, Industrial Environmental Association, Mitsubishi Cement Corporation, SAY San Diego and HomeAid San Diego; and

WHEREAS, in response to comments received on the Draft SEIR, changes were made to Section 4.1, *Air Quality and Health Risk*; Section 4.5, *Transportation, Circulation, and Parking*, and Chapter 5, *Cumulative Impacts*, to refine text and mitigation measures for clarity, and to include the potential changes in U.S. Navy activity within the Bay as a cumulative project, which was brought up in the public comment letters; and

WHEREAS, the District has determined that the comments received on the Draft SEIR do not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore recirculation of the Draft EIR is not required; and

WHEREAS, the District has prepared a Final Subsequent Environmental Impact Report (Final SEIR), which contains the information required by CEQA Guidelines section 15132, including the Draft SEIR and the revisions and additions thereto, technical appendices, public comments and the District's responses to public comments on the Draft SEIR, and which is available on the District's website at <https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents> and provided to the BPC; and

WHEREAS, pursuant to CEQA Guidelines sections 15091, 15093 and 15097, the District has prepared Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, which are available at <https://www.portofsandiego.org/public-records/port-updates/notices-disclosures/ceqa-documents>; and

20xx-xxx

WHEREAS, the Final SEIR concluded that the Project, with the incorporation of applicable mitigation measures would not result in new or more severe impacts than identified in the Final PEIR; and

WHEREAS, all materials with regard to the Proposed Project were made available to the BPC for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Draft SEIR dated December 2019;
2. The Final SEIR dated June 2020;
3. The Staff Report and Agenda Sheet, dated June 23, 2020;
4. The proposed Findings of Fact and Statement of Overriding Considerations, dated June 2020;
5. The proposed Mitigation Monitoring and Reporting Program, dated June 2020; and
6. All documents and records filed in this proceeding by the District and other interested parties; and

WHEREAS, on June 23, 2020, the Project and Final SEIR were presented to the BPC and the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the Proposed Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the BPC, including but not limited to the Final SEIR, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Proposed Project, the BPC took the actions hereinafter set forth.

NOW THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The BPC finds and determines that the applicable provisions of CEQA, its implementing State Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

20xx-xxx

3. The BPC finds and determines that (a) the Final SEIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and District Guidelines for implementation thereof, (b) the Final SEIR was presented to the BPC, and the BPC has fully reviewed and considered the information in the Final SEIR prior to approving the Proposed Project, (c) the Final SEIR reflects the District's independent judgment and analysis, and, therefore, the Final SEIR is hereby declared to be certified in relation to the subject of this Resolution.

4. The BPC finds and determines that the Proposed Project is approved despite the existence of certain significant environmental effects identified in the Final SEIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the BPC hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. The BPC further finds and determines that the Proposed Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final SEIR, and, pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the BPC hereby makes and adopts the Statement of Overriding Considerations appended hereto as Chapter 7.0 of Exhibit "A" and made part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Proposed Project outweigh the unavoidable environmental effects.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the BPC hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final SEIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Proposed Project.

7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the BPC shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the Proposed Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the Proposed Project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this

20xx-xxx

Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

9. As a condition of this approval, Mitsubishi Cement Corporation shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of the Proposed Project and certification of the Final SEIR, and adoption of the Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. Said indemnity and hold harmless condition is independent of any agreements by and between Mitsubishi Cement Corporation and the District.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 23rd day of June, 2020, by the following vote:

20xx-xxx

EXHIBIT "A"

Findings of Fact and Statement of Overriding Considerations

**THE BOARD OF PORT COMMISSIONERS
OF THE
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR**

**MITSUBISHI CEMENT CORPORATION
AT WAREHOUSE C PROJECT**

**FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2016-178; SCH #201709105)**

June 2020

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
1.0 PROJECT DESCRIPTION	2
1.1 Project Overview.....	2
1.2 Project Location	2
1.3 Project Components	2
1.4 Project Objectives	3
2.0 ENVIRONMENTAL PROCEDURES	5
2.1 Lead Agency	5
2.2 Subsequent Environmental Impact Report	5
2.3 Public Participation	5
2.4 Record of Proceedings	6
3.0 FINDINGS UNDER CEQA.....	8
3.1 Purpose	8
3.2 Terminology	8
3.3 Legal Effect.....	9
3.4 Mitigation Monitoring and Reporting Program.....	9
4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS.....	11
4.1 Air Quality and Health Risk.....	11
4.2 Greenhouse Gas Emissions and Climate Change.....	27
4.3 Hazards and Hazardous Materials.....	39
4.4 Noise and Vibration	40
4.5 Transportation, Circulation, and Parking.....	42

5.0	FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS.....	48
5.1	Air Quality and Health Risk	49
5.2	Greenhouse Gas Emissions and Climate Change.....	50
5.3	Noise and Vibration	52
5.4	Transportation, Circulation, and Parking.....	53
6.0	FINDINGS REGARDING PROJECT ALTERNATIVES	59
6.1	Alternative 1 – No Project/No Build Alternative	60
6.2	Alternative 2 – Reduced Throughput Alternative	61
6.3	Environmentally Superior Alternative	64
7.0	STATEMENT OF OVERRIDING CONSIDERATIONS	65

Attachment 1: Mitigation Monitoring and Reporting Program

**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
MITSUBISHI CEMENT CORPORATION AT WAREHOUSE C PROJECT
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
(UPD #EIR-2016-178; SCH #2017091051)**

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District (“District”) hereby makes the following Findings and Statement of Overriding Considerations concerning the Final Subsequent Environmental Impact Report (“Final SEIR”) (UPD #EIR-2016-178 and SCH #2017091051) for the Mitsubishi Cement Corporation at Warehouse ‘C’ Project (“Proposed Project”) within the Tenth Avenue Marine Terminal Redevelopment Plan (“TAMT Plan”), pursuant to the California Environmental Quality Act, Public Resources Code §21000, *et seq.* (“CEQA”), and its implementing regulations, California Code of Regulations, title 14, §15000, *et seq.* (“State CEQA Guidelines”).

The Final SEIR prepared for the Proposed Project is intended to serve as a Subsequent EIR that tiers from the Final Environmental Impact Report: Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component (TAMT Final PEIR) certified by the Board of Port Commissioners (“Board”) in December 2016 by Resolution No. 2016200 (UPD #EIR201539; State Clearinghouse # 2015031046; Clerk Document Number 65901). The Final SEIR consists of the following:

- Volume 1 contains the Final SEIR, which is composed of the following:
 - Chapter 1 is an introduction to the Final SEIR;
 - Chapter 2 contains the final Executive Summary and Summary of Impacts and Mitigation Measure(s) for the Proposed Project;
 - Chapter 3 lists the Proposed Project’s central objectives and underlying purpose and provides a detailed description of the Proposed Project’s characteristics;
 - Chapter 4 contains the errata and revisions to the Draft SEIR;
 - Chapter 5 contains comments received on the Draft SEIR and the District’s responses to those comments; and
 - Attachment 1 contains the Mitigation Monitoring and Reporting Program.
- Volume 2 contains the Draft SEIR (Volume I, dated December 2019) and the appendices to the Draft SEIR (Volume II, dated December 2019).

1.0 PROJECT DESCRIPTION

1.1 Project Overview

The Proposed Project described in the Draft SEIR entails the construction and operation of a cement and cementitious material import, storage, and distribution facility within the TAMT. This facility would include the potential for two separate phases of improvements to Bays C-7 through C-10 of Warehouse C for the receipt, storage, and distribution of up to 600,000 metric tons per year (MT/yr) of cement and cementitious materials including, but not limited to, cement, slag, fly ash, and pozzolans. The cementitious material would be pneumatically unloaded into Warehouse C from dry bulk cargo ships using mobile vacuum unloaders.

The SEIR tiers from the TAMT Final PEIR, which included an alternative referred to as the Sustainable Terminal Capacity (STC) Alternative. Under the STC Alternative, the maximum annual cargo throughput would be reduced by approximately 25 percent for each of the three cargo nodes that are proposed for changes under the TAMT Plan (i.e., Dry Bulk, Refrigerated Containers, and Multipurpose General Cargo). The Board of Port Commissioners ("Board") adopted the STC Alternative when it certified the TAMT Final PEIR in December 2016. Because the Proposed Project falls within the scope of the TAMT Plan's STC Alternative by proposing a throughput of up to 600,000 MT from a total STC Alternative-allotted amount of 1,987,500 MT, the throughput associated with Proposed Project operations has already been environmentally analyzed in the certified TAMT Final PEIR.

1.2 Project Location

The Proposed Project site is located at 645 Switzer Street on the District's TAMT. The TAMT is located along San Diego Bay, south of downtown San Diego, east of the San Diego Convention Center and the Hilton San Diego Bayfront Hotel, and adjacent to the San Diego community of Barrio Logan. Harbor Drive is located near the northern boundary of the TAMT. Site access from Harbor Drive is provided primarily from Cesar E. Chavez Parkway, which becomes Crosby Road as it approaches the TAMT.

Major circulation facilities in the area include State Route 75 (SR-75), also known as the Coronado Bridge, approximately 0.25 mile to the south, and Interstate 5 (I-5), approximately 0.5 mile to the north.

1.3 Project Components

The Proposed Project involves phased modifications to Bays C-7 through C-10 of TAMT Warehouse C to import, store, and distribute up to 600,000 MT/yr of cement and cementitious material. The cementitious material would be pneumatically unloaded into Warehouse C from dry bulk cargo ships using up to two 400 MT mobile vacuum unloaders at maximum operation.

Notably, the Proposed Project's potential dry bulk cargo throughput of up to 600,000 MT/yr is within the scope of the 1,987,500 MT/yr of dry bulk throughput analyzed in the TAMT Final PEIR. As the Proposed Project is the first large-scale project proposed by a third-party applicant at TAMT since certification of the TAMT Final PEIR in December 2016, and is the first to tier from the TAMT Final PEIR, none of the capacity of the 1,987,500 MT/yr has been drawn down, with the exception of the existing dry bulk cargo throughput already taking place at TAMT (i.e., 289,864 MT/yr). As such, after the 600,000 MT/yr associated with the Proposed Project is removed, the capacity analyzed in the TAMT Final PEIR that would remain for future dry bulk projects would be 1,097,636 MT/yr.

The Proposed Project differs from the dry bulk project component analyzed in the TAMT Final PEIR in that it includes dry bulk operations for a maximum of 15 years at Warehouse C, which was proposed to be demolished to make way for a multipurpose general cargo area under the TAMT Final PEIR. The TAMT Final PEIR identified a consolidated dry bulk operating node that will be located on approximately 15 acres in the southeastern portion of the TAMT (known as the terminal "backlands"). However, like the Proposed Project, the TAMT Final PEIR assumed the dry bulk node would be served primarily by Berths 10-7/10-8. The TAMT Final PEIR analyzed dry bulk node improvements including construction of a consolidated multipurpose dry bulk facility with two cement terminals and a new semi-permanent storage facility (up to a 100,000-square-foot horizontal structure and/or an equivalent vertical storage facility) to store dry bulk products; the Proposed Project's upgrades to Warehouse C would serve this same purpose at a slightly different location and would require less new infrastructure and leave the possibility of demolishing Warehouse C to a later time, possibly after the lease's expiration or termination. However, over the long-term, the dry bulk operating node is still planned to be located in a consolidated facility on "backlands" of the TAMT.

The operational lifetime of the Proposed Project is anticipated to be 15 years following District approval of a lease or similarly binding agreement. The proposed term of that agreement would be 5 years with two 5-year options to extend, for a maximum total of 15 years. Approval of the Proposed Project would also require concept approval and issuance of a non-appealable Coastal Development Permit (CDP) by the District prior to development and operation. A detailed description of the components and features of the Proposed Project is provided in the Final SEIR, Chapter 3.0, Project Description.

1.4 Project Objectives

The majority of cementitious material used within San Diego County is trucked in from outside its jurisdictional boundaries. This includes cementitious material shipped primarily from foreign sources to other U.S. ports. To reduce the amount of cementitious material trucked in from outside the local area, Mitsubishi Cement Corporation (Mitsubishi) is proposing to use the west end of Warehouse C to import up to 600,000 MT/yr of cementitious material. The objectives for the Proposed Project are as follows:

1. Establish a terminal facility in the San Diego region to receive delivery and provide for the storage and distribution of up to 600,000 MT/yr of cementitious materials to meet current and future cement demand in the greater San Diego region.
2. Eliminate or substantially reduce truck trips and distances from other more distant ports which presently deliver cementitious material necessary to serve the San Diego region.
3. Establish a facility with onsite storage capacity sufficient to provide for the efficient offloading of bulk ships delivering cementitious materials and loading of bulk cement trucks.
4. Establish an efficient, state-of-the-art facility that is sufficiently flexible to allow for unloading, separate storage, and distribution of a diverse range of cementitious products, including, but not limited to, cement, slag, fly ash, and pozzolans, which, in turn, facilitates the use of more environmentally sustainable concrete.
5. Establish a cementitious import operation facility at TAMT that is consistent with anticipated dry bulk throughput and operational capacities in the TAMT Redevelopment Plan under the Sustainable Terminal Capacity Alternative, adopted by the District while maintaining environmental sustainability.
6. Utilize existing berths and Port infrastructure and, in doing so, optimize the use of land and identify improvements and upgrade infrastructure necessary for the Proposed Project, consistent with the objectives of the TAMT Plan.

2.0 ENVIRONMENTAL PROCEDURES

2.1 Lead Agency

Pursuant to State CEQA Guidelines §15367, the District is the “lead agency” for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the District will be used by the Board in connection with its decisions to certify the Final SEIR, approve the Proposed Project, grant concept approval and issue a non-appealable CDP; District staff will use the environmental review to approve a lease or other binding agreement with Mitsubishi.

The California State Lands Commission (CSLC) is a trustee agency, as defined in State CEQA Guidelines §15386. The CSLC may have an interest in the Proposed Project but would not issue approvals or permits that would be required to implement the Proposed Project.

2.2 Subsequent Environmental Impact Report

Pursuant to State CEQA Guidelines §15080, *et seq.*, the District prepared a Subsequent Environmental Impact Report (“SEIR”) to analyze the potential impacts of the Proposed Project on the environment. The Final SEIR contains all of the information required by State CEQA Guidelines §15132, including the Draft SEIR and the appendices to the Draft SEIR.

Moreover, §15168 of the State CEQA Guidelines provides additional guidance on tiering from a program EIR (PEIR) such as the TAMT Final PEIR. Later activities, such as the Proposed Project, must be examined in light of the PEIR to determine whether an additional environmental document must be prepared. When an SEIR is determined appropriate, the PEIR is used to help focus the analysis of the SEIR on only the new effects that had not been considered before (State CEQA Guidelines §15168 [d][3]).

In accordance with CEQA, this SEIR tiers from the TAMT Final PEIR, focusing on effects that were not examined in the TAMT Final PEIR; analyzes whether there are any new or more severe significant effects as compared to those identified in the TAMT Final PEIR; and identifies new mitigation measure(s) or alternatives that could potentially lessen significant effects of the Proposed Project.

2.3 Public Participation

Environmental review of the Proposed Project began on September 18, 2017, with the publication of a Notice of Preparation (NOP) of the SEIR and a 30-day public review period. The District held a Public Scoping meeting on September 27, 2017. The Draft SEIR was completed and a Notice of Availability for public review was posted on December 19, 2019. A 57-day public review period began on December 19, 2019 and ended on February 14, 2020. Four public agencies and 16 private organizations submitted written comments on the Draft SEIR during the public

comment period. One private organization submitted a letter well after the comment period ended.

These comments and the District's responses to them are included in Chapter 5, Comments Received and District Responses, of the Final SEIR as required by State CEQA Guidelines §§15088 and 15132. The Final SEIR was completed and the District's responses to comments were made available for review on June 11, 2020. A public hearing concerning certification of the Final SEIR was held by the Board of Port Commissioners of the District on June 23, 2020, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final SEIR and the Proposed Project.

2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final SEIR for the Proposed Project shall include the following:

- The TAMT Final PEIR, appendices to the TAMT Final PEIR, and associated Findings, Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program (December 2016);
- The adopted Sustainable Terminal Capacity (STC) Alternative for the TAMT Plan (December 2016);
- The Draft SEIR (December 2019);
- The Final SEIR (May 2020);
- The appendices to the Draft SEIR and the Final SEIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft SEIR and Final SEIR, including but not limited to the materials identified in the Draft SEIR, Chapter 9, References;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the Proposed Project which are before the Board of Port Commissioners as determined by the Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft SEIR and the Final SEIR;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearing held on June 23, 2020, concerning the Final SEIR and the Proposed Project; and
- Matters of common knowledge to the Board and the District, including but not limited to the Port Master Plan and the TAMT Plan.

The custodian of the documents and other materials comprising the administrative record of the District's decision concerning certification of the Final SEIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

3.0 FINDINGS UNDER CEQA

3.1 Purpose

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final SEIR (State CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the Proposed Project on the environment and to determine the feasibility of mitigation measure(s) and alternatives identified in the Final SEIR that would avoid or substantially lessen the significant effects. Once it has adopted sufficient measure(s) to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final SEIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measure(s), the District must review the alternatives identified in the Final SEIR and determine if they are feasible. These findings set forth the reasons for, and the evidence in support of, the District's determinations.

3.2 Terminology

A “finding” is a written statement made by the District that explains how it dealt with each significant impact and alternative identified in the Final SEIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final SEIR, the District is required by State CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (State CEQA Guidelines §15364.) The concept of “feasibility” also encompasses the question whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological

factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measure(s) or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (State CEQA Guidelines §§15093, 15043 (b); see also Pub. Resources Code §21081 (b).) The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

A statement of overriding considerations is required for the approved Project because, while the Proposed Project would not have any new or more severe impacts than previously identified in the TAMT Final PEIR, it would contribute to the overall significant impacts identified in the TAMT Final PEIR and therefore, would have significant impacts despite implementation of all feasible mitigation measure(s). The Proposed Project as approved will have significant impacts on greenhouse gas emissions and climate change, and transportation, circulation, and parking that cannot be avoided or reduced to a level less than significant.

3.3 Legal Effect

To the extent these findings conclude mitigation measure(s) identified in the Final SEIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including future project applicants and their successors in interest, to implement those mitigation measure(s). These findings are not merely informational but constitute a binding set of obligations upon the District and responsible parties, including Mitsubishi, which will take effect if and when the District adopts a resolution certifying the Final SEIR and the District adopts resolution(s) approving the Proposed Project.

3.4 Mitigation Monitoring and Reporting Program

In adopting these findings, the District also adopts a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code §21081.6 and State CEQA Guidelines §15097. This program is designed to ensure the Proposed Project complies with the feasible mitigation measure(s) identified below during implementation of the approved Project. Mitigation measure(s) from the TAMT Final PEIR have been revised to address the Proposed Project’s significant impacts. Mitigation measure(s) that have been revised from the TAMT Final PEIR are indicated by “**R**”. For example, if **MM-GHG-1** was revised from the TAMT Final

EIR, it would be revised to **“MM-GHG-1R”**. The program is set forth in the “Mitsubishi Cement Corporation at Warehouse C Mitigation Monitoring and Reporting Program,” which is adopted by the District concurrently with these findings and is attached as Attachment 1, as well as incorporated herein by this reference.

4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The Proposed Project will result in direct significant environmental effects with respect to air quality and health risk; greenhouse gas emissions; hazards and hazardous materials; noise and vibration; and transportation, circulation, and parking. These significant environmental effects, and the mitigation measure(s) identified to avoid or substantially lessen them, are discussed in detail in Volume 1 (Final SEIR), Chapter 3, Errata and Revisions; and Volume 2 (Draft SEIR and Technical Appendices), Sections 4.1, Air Quality and Health Risk, 4.2, Greenhouse Gas Emissions and Climate Change, 4.3, Hazards and Hazardous Materials, 4.4, Noise and Vibration, and 4.5, Transportation, Circulation, and Parking. A summary of significant impacts and mitigation measure(s) for the Proposed Project is set forth in the Final SEIR, Chapter 2, Executive Summary, Table 2-1.

Set forth below are the findings regarding the potential direct significant effects of the approved project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measure(s) contained in the Final SEIR. The Final SEIR, which includes the Draft SEIR and appendices, is referred to in the findings below as the “SEIR.”

4.1 Air Quality and Health Risk

4.1.1 Violate Air Quality Standards

Potentially Significant Impact: The SEIR identifies a potential significant impact on Air Quality and Health Risk related to air quality standards that may occur during construction and operation of the Proposed Project (Section 4.1.2 of the SEIR). These discussions correspond to Impact-AQ-1 (Emissions in Excess of Criteria Pollutant Thresholds During TAMT Plan Buildout Construction and Impact-AQ-2 (Emissions in Excess of Criteria Pollutant Thresholds During TAMT Plan Buildout Operations) in the TAMT Final PEIR.

The TAMT Final PEIR concluded that given the life of the TAMT Plan (approximately 20 years), and considering future projects or improvements under the STC scenario would only be initiated once market demand suggests support for them, it would be speculative to analyze the construction of these elements in any specific detail until such time that project-specific details, including duration, specific equipment used, and the location of activities, are available. The TAMT Final PEIR identified best management practices during construction of future TAMT Plan projects. However, because the timeframe and specific information regarding future projects were unknown, construction air quality impacts associated with the TAMT Plan’s potential to exceed or violate any air quality standard or contribute substantially to an existing or projected air quality violation were deemed significant and unavoidable.

The SEIR concluded that air quality emissions related to construction activities would be well within the scope of the TAMT Final PEIR and there would be no new or more severe impacts than what has been previously disclosed in the certified

TAMT Final PEIR. However, the TAMT Final PEIR found impacts to be potentially significant and included various mitigation measure(s) for construction of future TAMT projects. Accordingly, the SEIR concluded that construction-related air quality impacts of the Proposed Project would be potentially significant, and implementation of mitigation measure(s) consistent with the TAMT Final PEIR would be required.

With respect to operations-related impacts, the SEIR concluded that operation of the Proposed Project would result in emissions below the full dry bulk buildout emission levels assumed in the TAMT Final PEIR. However, although the Proposed Project would result in emissions below those identified for the unmitigated dry bulk buildout in the TAMT Final PEIR, this is a potentially significant impact, similar to the TAMT Final PEIR, and mitigation measure(s) are required. These conclusions, prior to mitigation, are consistent with the findings of the TAMT Final PEIR, and the Proposed Project would not result in a new or more severe significant impact than what was previously disclosed in the TAMT Final PEIR.

Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires changes or alterations in the approved Project that avoid or substantially lessen the significant environmental effect on Air Quality and Health Risk identified as Impact-AQ-1 and Impact-AQ-2 in the TAMT Final PEIR. After implementation of the changes or alterations in the approved Project, these Air Quality and Health Risk impacts are reduced to less than significant.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Air Quality and Health Risk are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), and Chapter 4, Errata and Revisions.

The SEIR analyzed the peak daily emissions associated with the worst-case construction scenario for the Proposed Project and found that they would be well below thresholds of significance. However, the TAMT Final PEIR found impacts to be potentially significant and included various mitigation measure(s) for construction of future TAMT projects. Therefore, while the SEIR found that the Proposed Project would individually result in emissions below the thresholds of significance, and also found that there would not be any new or more severe impacts, it concluded that there would be a potentially significant construction-related impact, similar to the TAMT Final PEIR. The potential significant construction-related impact on Air Quality and Health Risk can be reduced to less than significant by implementation of the mitigation measure(s) set forth in the TAMT Final PEIR, as revised to address the Proposed Projects significant impacts. Mitigation Measure(s) **MM-AQ-1R**, Implement Best Management Practices during Construction of Future TAMT Plan Components, and **MM-AQ-2R**, Implement

Diesel Emission-Reduction Measures During Construction and Operations of Future TAMT Plan Components. **MM-AQ-1R**, which requires implementation Best Management Practices to limit construction equipment exhaust and control fugitive dust, and **MM-AQ-2R**, which requires diesel emission reduction mitigation measure(s) for construction vehicles and equipment, are set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions of the Final SEIR, and provided below. Implementation of the revised Mitigation Measure(s) **MM-AQ-1R** and **MM-AQ-2R** would ensure that construction-related impacts are reduced to less than significant.

With respect to operational emissions, the Proposed Project would result in emissions below full mitigated STC buildout emissions shown in the TAMT Final PEIR, with the implementation of mitigation measure(s). The mitigation measure(s) are **MM-AQ-2R**, **MM-AQ-3R**, **MM-AQ-4R**, **MM-AQ-5R**, **MM-AQ-6**, **MM-AQ-7R**, **MM-AQ-8**, **MM-AQ-9R**, **MM-AQ-10**. Mitigation measure **MM-AQ-10** would reduce criteria pollutant emissions associated with the delivery trucks beyond the requirements in the TAMT Final PEIR. Therefore, implementation of these mitigation measure(s) would ensure that impacts from the Proposed Project would be reduced to less than significant, and no new or more severe impacts than what has been disclosed in the certified TAMT Final PEIR would occur. These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions, of the Final SEIR, and areas follows:

MM-AQ-1R: Implement Best Management Practices During Construction of Future TAMT Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement Best Management Practices (BMPs) to reduce air emissions from all construction activities implemented as part of the Proposed Project. The following measure(s) are required to limit construction equipment exhaust from on-road trucks and heavy-duty equipment used during construction.

- Ensure that all off-road diesel-powered equipment used during construction between 2020 and 2025 is equipped with the U.S. Environmental Protection Agency (EPA) Tier 3 or cleaner engines, except for specialized construction equipment for which an EPA Tier 3 engine is not available.
- Ensure that all off-road diesel-powered equipment used during construction beyond 2025 is equipped with EPA Tier 4 Final or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 Final engine is not available.
- Maintain all construction vehicles and equipment according to manufacturers' specifications.
- Restrict idling of construction vehicles and equipment to a maximum of 3 minutes when not in use (see MM-AQ-2 for definition of "not in use").

In addition, the Mitsubishi Cement Corporation Project Proponent shall implement the relevant BMPs, consistent with the Project-specific industrial

Storm Water Pollution Prevention Plan (SWPPP). In no case would any BMP be implemented if it conflicts with the SWPPP or other applicable water quality permit requirements. BMP dust control measure(s) may include, but are not limited to, the following:

- Water the grading areas at least twice daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.
- Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
- Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
- Cover/water onsite stockpiles of excavated material.
- Enforce a 15 mph speed limit on unpaved surfaces.
- On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
- Develop as quickly as possible all disturbed areas as directed by the San Diego Unified Port District's Planning and Green Port Department and/or SDAPCD to reduce dust generation.
- Limit the daily grading volumes/area.

Prior to the commencement of construction activities, the Mitsubishi Cement Corporation Project Proponent shall submit evidence to the San Diego Unified Port District's Planning and Green Port Department of compliance with the BMPs and that construction equipment is maintained and properly tuned in accordance with manufacturers' specifications, which shall be subject to confirmation by the San Diego Unified Port District's Planning and Green Port Department during construction.

MM-AQ-2R: Implement Diesel Emission-Reduction Measures During Construction and Operations of Future TAMT Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement the following measure(s) during construction and project operations, subject to verification by the San Diego Unified Port District's Planning and Green Port Department.

- i. The Mitsubishi Cement Corporation Project Proponent shall limit all construction and operations equipment, drayage, and delivery truck idling times by shutting down equipment when not in use and reducing the maximum idling time to less than 3 minutes. Clear signage regarding the limitation on idling time at the delivery driveway and loading areas has been installed on terminal to provide actual notice of this requirement to all drivers. This measure shall be enforced by the terminal supervisors or by a Port designated functional-equivalent, who will submit quarterly reports of violators to San Diego Unified Port District's Planning and Green Port Department and repeat violators shall be subject to penalties pursuant to California airborne toxics control measure 13 California Code of Regulations Section 2485. The Project Proponent shall submit evidence of the use of diesel emission reduction measures to the San Diego Unified Port District's Planning and Green Port Department through annual reporting, with the first report due 1 year from the date of project completion and each report due exactly 1 year after, noting all violations with relevant identifying information of the vehicles and drivers in violation of these measures.
- ii. The Mitsubishi Cement Corporation Project Proponent shall verify that all construction and operations equipment is maintained and properly tuned in accordance with manufacturers' specifications. Prior to the commencement of construction and operations activities using diesel-powered vehicles or equipment, the Mitsubishi Cement Corporation Project Proponent shall verify that all vehicles and equipment have been checked by a certified mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into any terminal leasehold. The Mitsubishi Cement Corporation Project Proponent shall submit a report by the certified mechanic of the condition of the construction and operations vehicles and equipment to the San Diego Unified Port District's Engineering Department during the construction phase and the Planning and Green Port Department during the operation phase prior to commencement of their use.

MM-AQ-3R: Comply with San Diego Unified Port District Climate Action Plan Measures. Prior to approval of all discretionary actions and/or Coastal Development Permits, the Mitsubishi Cement Corporation Project Proponent shall be required to implement the following measures to be consistent with the Climate Action Plan.

- Vessels shall comply with the District's voluntary vessel speed reduction program, which targets 80 percent compliance.

- Vessels that are subject to CARB's at-berth regulation (dry bulk vessels are not subject to the at-berth regulation) shall comply with ARB's at berth regulation that requires shore power or alternative control technology regulation for certain vessel fleets for 80 percent of eligible calls by 2020, minus idle time to clear customs consistent with California Air Resources Board regulations. The TAMT Final PEIR assumed 1.5 hours of idle time for vessels to embark/disembark, which applies to all shore power and/or alternative control technologies employed at the terminal. This is a Project feature made into a mitigation measure to ensure compliance (see MM-AQ-9 for an explanation of the Proposed Project's shore power features).
- Designated truck haul routes shall be used, and the Project Proponent shall decrease onsite movements where practicable.
- No commercial drive-through shall be implemented.
- Compliance with Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be mandatory and shall include recycling at least 50 percent of solid waste; compliance with the City of San Diego's Construction and Demolition Debris Deposit Ordinance shall be mandatory and shall include recycling at least 65 percent of all construction debris. This measure shall be applied during construction and operation of the Proposed Project.
- Light fixtures shall be replaced with lower-energy bulbs such as fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), or the most energy-efficient lighting that meets required lighting standards and is commercially available.
- Implementation of Climate Action Plan measures will be included as part of any discretionary actions and/or Coastal Development Permit(s) associated with this project. Evidence of implementation and compliance with this mitigation measure shall be provided to the San Diego Unified Port District's Planning and Green Port Department by the Project Proponent on an annual basis through the end of the lease or 2035 (buildout of the TAMT plan), whichever occurs first.

MM-AQ-4R: Implement Best Available Control Technologies for Conveyor System and Bulk Discharge Unloader for Future Dry Bulk Operations associated with the TAMT Plan. As a condition of approval of any new or amended real estate agreement or Coastal Development Permit for the Mitsubishi Cement Corporation Project that would result in an increase in daily or annual throughput over baseline conditions identified in the TAMT Final PEIR, the San Diego Unified Port District shall require the Mitsubishi Cement Corporation Project Proponent to install and use the best available control technologies to achieve a minimum 95% control efficiency for particulate matter by bypassing the existing Conveyor System and Bulk Discharge Unloader and installing a new Conveyor System and Bulk Discharge Unloader that meets the minimum 95% control efficiency.

Under no circumstance shall the Project Proponent seeking discretionary approval for dry bulk operations be allowed to increase daily or annual throughput of dry bulk operations without first completing the upgrade or replacement of the existing system, or installation of a new system required above.

The recipient of a discretionary approval by the San Diego Unified Port District subject to this mitigation measure shall provide written evidence of implementation and compliance with this mitigation measure to the San Diego Unified Port District on an annual basis through the end of the lease.

MM-AQ-5R: Implement Vessel Speed Reduction Program Beyond Climate Action Plan Compliance for Future Operations Associated with the TAMT Plan. The Mitsubishi Cement Corporation shall be required to comply with the Enhanced VSR Program.

The Mitsubishi Cement Corporation shall, beginning with the first vessel call to the Port, comply with 80% of its OGVs reducing their speeds to 12 knots or less starting at 20 nautical miles from Point Loma.

The Mitsubishi Cement Corporation shall comply with 90% of its OGVs calling to the Port, reduce their speeds to 12 knots starting at 40 nautical miles from Point Loma upon the occurrence of the earlier of either of the following two scenarios:

- Prior to the annual number of dry bulk vessel calls reach 91 calls annually (e.g., 76 new calls over the TAMT Final PEIR's baseline condition); or
- Beginning January 1, 2030, irrespective of the number of calls on an annual basis.

To help the District implement the Beyond 2013 CAP VSR Program before reaching 91 dry bulk vessel calls annually, Mitsubishi Cement Corporation shall provide the District with a rolling estimate of anticipated vessels calls every 6 months.

The San Diego Unified Port District will verify compliance through analysis of Automatic Identification System data or by requesting a vessel's Electronic Chart Display Identification System log from the captain.

MM-AQ-6: Electric Cargo Handling Equipment Upgrades. This measure has multiple steps for compliance, as specified below.

- A. Prior to January 1, 2020, the San Diego Unified Port District shall ensure that at least three pieces of existing non-electric cargo handling equipment at the terminal are replaced by electric cargo handling equipment, none of which were previously operating at the terminal during the 2013/2014 baseline year of the EIR analysis. Possible ways the electric cargo handling equipment may be obtained include, but are not limited to, the following:

1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric cargo handling equipment and the equipment it will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric cargo handling equipment is in use at each of the three nodes throughout the expected operating life. This will be accomplished by requiring each tenant that employs electric cargo handling equipment pursuant to this measure to report the equipment's annual number of hours of operation to the San Diego Unified Port District and by requiring the San Diego Unified Port District to monitor use of the electric cargo handling equipment as part of the San Diego Unified Port District's TAMT equipment inventory.

- B. Prior to January 1, 2025, the San Diego Unified Port District also shall ensure that no fewer than 20 non-electric yard trucks in operation are replaced at the TAMT by 20 electric yard trucks. Possible ways the electric yard trucks may be obtained include, but are not limited to, the following:
1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
 2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric yard trucks, and the non-electric yard trucks they will replace and remove from further operation at the terminal, must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric yard trucks are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric trucks pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric trucks as part of the San Diego Unified Port District's TAMT equipment inventory.

- C. Prior to January 1, 2030, the San Diego Unified Port District also shall ensure that no fewer than three existing non-electric reach stackers and ten

non-electric forklifts in operation are replaced at the TAMT by three fully electric reach stackers and ten fully electric forklifts. Possible ways the electric reach stackers and forklifts may be obtained include, but are not limited to:

1. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by the San Diego Unified Port District;
2. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by other sources; or
3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the three electric reach stackers and ten electric forklifts and the conventional equipment they will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric reach stackers and forklifts are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric reach stackers or electric forklifts pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric reach stackers and forklifts as part of the San Diego Unified Port District's TAMT equipment inventory.

- D. The electric equipment employed pursuant to paragraphs A, B, and C of this mitigation measure may be replaced by other technologies or other types of cargo handling equipment as long as the replacement equipment achieves the same or greater criteria pollutant, toxic air contaminant, and greenhouse gas emission reductions as compared to the equipment required by paragraphs A, B, and C of this mitigation measure.

MM-AQ-7R: Annual Inventory Submittal and Periodic Technology Review.

The Mitsubishi Cement Corporation shall comply with the District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants, and greenhouse gases on an annual basis to be submitted by January 30 of each year of operations, and (2) working collaboratively with District staff and/or the local air pollution control district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.

The Mitsubishi Cement Corporation shall complete the District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, VIN/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of

equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to assist in technological reviews, as described in the TAMT Plan MM-AQ-7, the San Diego Unified Port District's Periodic Technology Review will coincide with monitoring and reporting pursuant to the San Diego Unified Port District's Climate Action Plan and will include the actions specified in TAMT Plan MM-AQ-7.

MM-AQ-8: Implement Exhaust Emissions Reduction Program at the Tenth Avenue Marine Terminal. The San Diego Unified Port District is tasked with developing an incentive program, based on an emission reduction schedule, that incentivizes tenants and/or terminal operators to reduce mobile source emissions above and beyond the requirements identified in the TAMT Final PEIR. District staff is currently developing the Exhaust Emission Reduction Program as part of the District's Clean Air Plan update, per the direction of the Board of Port Commissioners in June 2019. Following completion of the Clean Air Plan update, the Project Proponent will be eligible to participate in the updated plan's Exhaust Emission Reduction Program.

MM-AQ-9R: Use of At-Berth Emission Capture and/or Control System to Reduce Vessel Hoteling Emissions. In lieu of the At-Berth Emission Capture and Control System, the Mitsubishi Cement Corporation shall use electric power through connection with the ship's dry-dock breaker system to reduce Vessel Hoteling Emissions. To attain emission reductions equivalent to or greater than the At-Berth Emission Capture and Control System specified in TAMT Plan MM-AQ-8, ocean going vessels (OGVs) that call at the Mitsubishi Corporation Project facility shall use the shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Compliance with the 50 percent shore-to-ship power system requirement shall be calculated based on an annual average. Mitsubishi Cement Corporation shall submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department on or before January 31 of each year, demonstrating compliance with this environmental control measure for the previous calendar year. If an emergency event [as defined in California Air Resources Board's (CARB's) At-Berth Regulation, Title 17, CCR Section 93118.3, subsection (c)(14)], prevents Mitsubishi Cement Corporation from achieving the required annual average shore-to-ship power rate (equal to or greater than 50 percent), Mitsubishi Cement Corporation may demonstrate compliance over a 2-year period, so long as Mitsubishi Cement Corporation submits documentation to the San Diego Unified Port District's Planning and Green Port Department which describes the emergency event(s) and explains the basis for Mitsubishi Cement Corporation's inability to demonstrate compliance using an annual average.

The San Diego Unified Port District's Planning and Green Port Department shall review the documentation submitted by the Mitsubishi Cement Corporation and, if the San Diego Unified Port District's Planning and Green Port Department determines that Mitsubishi Cement Corporation made sufficient effort to comply with the environmental control, it would notify Mitsubishi Cement Corporation in writing that use of the two-year average is acceptable.

*Please note that Mitsubishi' Cement Corporation's annual dry bulk throughput will not be counted towards the 691,418 metric ton dry bulk trigger that requires use of an At-Berth Emission Capture and Control System because Mitsubishi will be relying on a shore-to-ship power system. However, the 691,418 metric ton dry bulk trigger would apply to other dry bulk tenants that do not have shore-power capabilities.

MM-AQ-10: Modernization of Delivery Truck Fleet. No less than 90 percent of the trucks loading cement or cementitious material at the Mitsubishi Cement Corporation facility shall be equipped with an engine that meets one of the following requirements:

- 1) Is no more than 5 years old, based on engine model year ("5-Year Engine") for each operational year;
- 2) Has been designed or retrofitted to comply with Federal and State on-road heavy-duty engine emissions standards (e.g., EPA 2010 engine emission standards or successor rules or regulations for on-road heavy duty diesel engines) for a 5-Year Engine ("Emission equivalent Engine"); or
- 3) Uses alternative engine technology or fuels demonstrated to produce emissions no greater than a 5-Year Engine ("Alternative Equivalent Engine").

The remaining 10 percent of the trucks shall comply with all applicable federal and state heavy-duty on-road truck regulations. In addition, all trucks loading cement or cementitious materials at the Mitsubishi Cement Corporation facility shall be registered and be in compliance with the CARB Truck and Bus Regulation. In order to confirm that Mitsubishi Cement Corporation's 90 percent requirement for a Modernized Truck Fleet shall be determined on a calendar year basis. Mitsubishi Cement Corporation shall submit documentation of compliance, showing the following information, to the San Diego Unified Port District's Planning and Green Port Department on an annual basis by January 31 following each year of operation:

- 1) Truck vehicle identification number (VIN),
- 2) Engine model year,
- 3) Annual truck trips, and
- 4) If nondiesel technology, manufacturer engine standards.

4.1.2 Cumulatively Considerable Criteria Pollutant Contribution under an Ambient Air Quality Standard

Potentially Significant Impact: The SEIR identifies a potential significant impact on Air Quality and Health Risk related to cumulatively considerable criteria pollutant emissions that may occur during construction and operation of the Proposed Project (Section 4.1.2 of the SEIR). These discussions correspond to Impact-AQ-3 (Cumulative Emissions in Excess of Criteria Pollutant Thresholds during TAMT Plan Buildout Operations) in the TAMT Final PEIR.

The TAMT Final PEIR concluded that operation of the TAMT Plan at buildout under the STC scenario, when combined with cumulative projects, was anticipated to exceed the thresholds of significance for nonattainment pollutants including volatile organic compounds (VOC), nitrogen oxides (NO_x), and particulate matter (PM₁₀, PM_{2.5}). As such, buildout of the TAMT Plan under the STC scenario was concluded to result in a cumulatively considerable net increase in a nonattainment pollutant. However, the TAMT Final PEIR also concluded that after implementation of TAMT Final PEIR Mitigation Measure(s) **MM-AQ-2** through **MM-AQ-9**, operational air quality impacts associated with the STC alternative would be reduced to less-than significant.

The SEIR states that construction of one or more cumulative projects would potentially overlap with the construction of the Proposed Project. Construction of the Demolition and Rail Component Project of TAMT – specifically, demolition of Transit Shed #2 – may overlap with Phase I construction. Even if construction emissions were combined with Proposed Project emissions on the worst-case day, construction emissions during combined construction activities would still remain below significance thresholds. However, the TAMT Final PEIR includes various mitigation measure(s) for future construction projects to implement. Therefore, while the Proposed Project would result in emissions below significance thresholds, this is a potentially significant impact, and mitigation measure(s) are required.

The SEIR also states that the Proposed Project's criteria pollutant emissions during operations would not exceed the emissions associated with the full dry bulk buildout in the TAMT Final PEIR, would conform to the Regional Air Quality Standards (RAQS) and the State Implementation Plan (SIP), and would not create a carbon monoxide (CO) hot spot. However, the TAMT Final PEIR includes various mitigation measure(s) for future projects to implement. Therefore, while the Proposed Project would result in emissions below full dry bulk buildout in the TAMT Final PEIR, this is a potentially significant impact, and mitigation measure(s) are required.

Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires changes or alterations be incorporated in the approved Project that avoid or substantially lessen the significant environmental effect on Air Quality and Health Risk identified as Impact-AQ-3 in the TAMT Final PEIR. After implementation of the changes or alterations in the approved Project, these Air Quality and Health Risk impacts would be reduced to less than significant.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Air Quality and Health Risk are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

As discussed in the SEIR, construction of one or more cumulative projects would potentially overlap with the construction of the Proposed Project, but emissions during combined construction activities would still remain below significance thresholds.

In terms of operations, the Proposed Project would not result in emissions that exceed the emissions associated with the full dry bulk buildout in the TAMT Final PEIR, would conform to the RAQS and SIP, and would not create a CO hot spot. However, because the TAMT Final PEIR includes various mitigation measure(s) for future projects to implement, a potential impact could result unless mitigation measures are implemented. Upon implementation of Mitigation Measure(s) **MM-AQ-1R, MM-AQ-2R, MM-AQ-3R, MM-AQ-4R, MM-AQ-5R, MM-AQ-6, MM-AQ-7R, MM-AQ-8, MM-AQ-9R, MM-AQ-10** the Proposed Project's incremental contribution of a nonattainment pollutant, when combined with contributions of nonattainment pollutant emissions of past, present, and probable future projects, would be reduced to less than significant. These mitigation measures are set forth in full in Table 2-1 of Chapter 2, Executive Summary, of the Final SEIR and described above in Section 4.1.1 of these Findings. No new or more severe impacts than what has already been previously disclosed in the TAMT Final PEIR would occur.

4.1.3 Sensitive Receptors

Potentially Significant Impact: The SEIR identifies a potential significant impact on Air Quality and Health Risk related to sensitive receptors that may occur during construction and operation of the Proposed Project (Section 4.1.2 of the SEIR) . These discussions correspond to Impact-AQ-4 (Health Risk in Excess of NO_x Thresholds During Full TAMT Plan Buildout Operations) in the TAMT Final PEIR.

The TAMT Final PEIR determined that the increased activity (i.e. vessel activity, truck traffic, locomotive switching activity, and cargo handling equipment) at full buildout of the TAMT Plan would increase Toxic Air Contaminants (TAC) emissions both at and near the TAMT boundary. The TAMT Final PEIR also identified that demolition of existing structures containing asbestos-containing materials (ACM) could result in fugitive dust and other particulates that may disperse to adjacent sensitive receptor locations.

The SEIR included a Health Risk Assessment (HRA) prepared for the Proposed Project that included all project-related emission sources, including those that were included in the TAMT Final PEIR (i.e., ocean going vessels, tugs, and trucks), in addition to new TAC sources (i.e., cementitious materials) and relocated facilities. The incremental change in health risk associated with the Proposed Project was concluded to be below the risk determined for residential and school receptors under both existing and full TAMT Plan buildout conditions once Mitigation Measure(s) **MM-AQ-1R, MM-AQ-2R, MM-AQ-3R, MM-AQ-4R, MM-AQ-5R, MM-AQ-6, MM-AQ-7R, MM-AQ-8, MM-AQ-9R, MM-AQ-10, and MM-HAZ-1 and MM-HAZ-2** are implemented. While the incremental change in health risk would increase for park receptors, the net change from Proposed Project implementation would remain below the 10 per million threshold of significance. As such, no new or more severe impact from TACs would occur from implementation of the Proposed Project. However, because the Proposed Project would result in emissions that contribute to background health risk associated with the TAMT Plan, this is a potentially significant impact, consistent with the findings of the TAMT Final PEIR.

Additionally, the SEIR notes that the renovation of existing structures results in fugitive dust and other particulates that may disperse to adjacent sensitive receptor locations. Several Warehouse C building components constructed prior to 1977 that would be modified by the Proposed Project do contain ACMs and could expose receptors to asbestos, which may become airborne with other particulates during renovation activities. The SEIR concluded that this is a potentially significant impact and mitigation measures are required, but no new or more severe impacts from ACM would occur when compared to what has been previously disclosed in the certified TAMT Final PEIR.

Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires changes or alterations in the approved Project that avoid or substantially lessen the significant environmental effect on Air Quality and Health Risk identified as Impact-AQ-4 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Air Quality and Health Risk are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.1, Air Quality and Health Risk, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

As noted in the SEIR, the TAC emissions associated with the Proposed Project during construction and operations would not expose sensitive receptors to an incremental change in cancer risk or hazard index greater than the thresholds of significance. However, because the Proposed Project would result in emissions that contribute to background health risk associated with the TAMT Plan, this is a

potentially significant impact and mitigation measure(s) are required, consistent with the findings of the TAMT Final PEIR.

In addition, construction of the Proposed Project will comply with all applicable regulations for the handling and disposal of ACM and lead-based paint in the event that ACMs are found during Proposed Project construction, but this is a potentially significant impact given the prevalence of ACM. Therefore, no new or more severe impacts would occur when compared to what has been previously disclosed in the certified TAMT Final PEIR; but the Proposed Project would be required to implement air quality and hazards and hazardous materials mitigation measure(s) from the TAMT Final PEIR. Impacts would be reduced to less than significant with implementation of Mitigation Measure(s) **MM-AQ-1R, MM-AQ-2R, MM-AQ-3R, MM-AQ-4R, MM-AQ-5R, MM-AQ-6, MM-AQ-7R, MM-AQ-8, MM-AQ-9R, MM-AQ-10, and MM-HAZ-1R and MM-HAZ-2**. These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions, of the Final SEIR. Mitigation measure(s) **MM-AQ-1R, MM-AQ-2R, MM-AQ-3R, MM-AQ-4R, MM-AQ-5R, MM-AQ-6, MM-AQ-7R, MM-AQ-8, MM-AQ-9R, MM-AQ-10** are described above in Section 4.1.1 of these Findings. Mitigation Measure(s) **MM-HAZ-1R and MM-HAZ-2** are as follows:

MM-HAZ-1R: Compliance with Burn Ash Soil Management Plan. Prior to approval of the Project grading plans and the commencement of any construction activities that would disturb the soil, the Mitsubishi Cement Corporation Project Proponent and the contractor (collectively “Contractor”) shall demonstrate compliance with the Burn Ash Management Plan – Tenth Avenue Marine Terminal, San Diego, California, prepared by Tetra Tech, Inc., June 30, 2017. Specifically, the Contractor shall demonstrate compliance with the following specific requirements of the Burn Ash Management Plan including, but not limited to, the following.

- Conduct Soil Testing. The Contractor shall comply with the excavated soil management techniques specified in the Burn Ash Management Plan. The Contractor shall follow the soil sampling protocol and soil sampling objectives, and shall comply with the soil characterization methodology identified within the Burn Ash Management Plan.
- Prepare and Implement a Community Health and Safety Plan. The Contractor shall develop and implement a Project specific Community Health and Safety Plan that addresses the chemical constituents of concern for the Project site. The guidelines of the Health and Safety Plan shall be in accordance with the County of San Diego’s Department of Environmental Health’s Site Assessment and Mitigation Manual (2017) and Environmental Protection Agency. The Health and Safety Plan shall include detailed plans on air monitoring and other appropriate construction means and methods to minimize the public’s and site workers’ exposure to the chemical constituents. The contractor shall utilize a Certified Industrial Hygienist with significant experience with chemicals of concern on the Project site to

approve the Health and Safety Plan and actively monitor compliance with the Health and Safety Plan during construction activities.

- Complete Soil Disposal. Any soil disturbed by construction activities shall be profiled and disposed of in accordance with California Code of Regulations, Title 22, Division 4.5 requirements. If soils are determined to be appropriate for reuse, they may be exported or used as fill material.

If soils are determined to be hazardous and not suitable for reuse, they shall be disposed of at a regulated Class I landfill. Soils shall be transported in accordance with the Burn Ash Management Plan. Soils to be loaded into trucks for offsite disposal at a Class I landfill shall be moistened with a water spray or mist for dust control in accordance with Section 5.6, Dust Control, of the Burn Ash Management Plan. If dust is visible, positive means shall be applied immediately to prevent airborne dust. Care shall be used to minimize the amount of water applied to soils that may contain elevated concentrations of contaminants.

Loaded truck beds shall be covered with a tarp or similar covering device during transportation to the disposal facility. The truck shall be decontaminated after the soil has been removed. The Contractor shall minimize excess water generated during truck decontamination to the extent possible and shall be responsible for proper disposal of any contaminated water generated during truck cleanout.

MM-HAZ-2: Implement Engineering Controls and Best Management Practices during Construction. Prior to construction, a site-specific Health and Safety Plan shall be prepared by the contractor and approved by a licensed California Certified Industrial Hygienist. The Health and Safety Plan shall be prepared per the requirements of 29 Code of Federal Regulations 1910.120 and California Code of Regulations, Title 8, along with applicable federal, state, and local regulations and statutes. During construction, the contractor shall employ engineering controls and BMPs to minimize human exposure to potential contaminants, if encountered. Engineering controls and construction BMPs shall include but not be limited to the following.

- Where required by the Health and Safety Plan, the contractor employees working on site shall be certified in the Occupational Health and Safety Administration's 40-hour Hazardous Waste Operations and Emergency Response training.
- Contractor shall monitor the area around the construction site for fugitive vapor emissions with appropriate field screening instrumentation.
- Contractor shall monitor excavation through visual observation by a qualified hazardous materials specialist to look for readily noticeable evidence of contamination, such as staining or odor.
- Contractor shall water/mist soil as it is being excavated and loaded onto transportation trucks.

- Contractor shall place any stockpiled soil in areas shielded from prevailing winds and shall cover all stockpiles to prevent soil from eroding.
- Contractor shall thoroughly decontaminate all construction equipment that has encountered and/or handled lead-impacted soil prior to leaving the work site.

4.2 Greenhouse Gas Emissions and Climate Change

4.2.1 Directly or Indirectly Generate Greenhouse Gas Emissions

Potentially Significant Impact: The SEIR identifies a potential significant impact on Greenhouse Gas Emissions and Climate Change associated with the construction and operation of the Proposed Project related to the direct and indirect generation of greenhouse gas (GHG) emissions (Section 4.2.2 of the SEIR). These discussions correspond to Impact-GHG-1 (GHG Emissions in Excess of 2020 Target During Demolition and Initial Rail Component) and Impact-GHG-2 (GHG Emissions in excess of post-2020 Target During TAMT Plan Buildout) in the TAMT Final PEIR.

Analysis in the TAMT Final PEIR determined that the TAMT Plan would have a significant impact from the generation of GHG emissions because, prior to mitigation, the TAMT Plan buildout would not be entirely consistent with the District's post-2020 Climate Action Plan (CAP) measures; statewide reduction targets; or plans, policies, and regulatory programs adopted by the California Air Resources Board (CARB), other State agencies, and the District for the purpose of reducing the emissions of GHGs.

The SEIR identifies a potential significant impact associated with the construction and operation of the Proposed Project due to GHG emissions that would be inconsistent with the State's overall reduction targets identified in Executive Order (EO) S-03-05 and EO B-30-15 and which would not be in compliance with all plans, policies, and regulatory programs adopted by CARB or other California agencies for post-2020 for the purpose of reducing the emissions of GHGs. The SEIR concludes that this is a potentially significant impact, and mitigation measure(s) are required. The conclusion of a potentially significant impact is consistent with the findings of the TAMT Final PEIR, and the Proposed Project would not result in a new or more severe significant impact than what was previously disclosed in the TAMT Final PEIR.

Detailed information and analysis regarding this potential significant impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.2, Greenhouse Gas Emissions and Climate Change.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant environmental effects on Greenhouse Gas Emissions and Climate Change identified as Impact-GHG-1 and Impact-GHG-2 in the TAMT Final PEIR, but not below a level of significance. Pursuant to State

CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measure(s) or project alternatives identified in the SEIR.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Greenhouse Gas Emissions and Climate Change are analyzed in Volume 2 (Draft SEIR and Technical Appendices) Section 4.2, Greenhouse Gas Emissions and Climate Change.

As discussed in Section 4.2 of the SEIR, GHG emissions generated by the Proposed Project prior to implementation of mitigation measure(s) would fall short of the State's overall reduction targets for 2025 and 2035, but GHG emissions would fit within and be below full dry bulk buildout in the TAMT Final PEIR. However, the TAMT Final PEIR includes mitigation measure(s) that were intended for future projects to implement, thereby contributing to that project's fair share of the TAMT mitigation measure(s) burden. Therefore, while the Proposed Project would result in GHG emissions below full dry bulk buildout in the TAMT Final PEIR, the Proposed Project's GHG emissions would fall short of the GHG emission reduction targets and would not contribute to their fair share of the mitigation measure(s) burden. Thus, this is a potentially significant impact, and mitigation measure(s) are required.

Several mitigation measure(s) were revised from the TAMT Final PEIR to clearly address the Proposed Project significant impacts. The mitigation measure(s) are **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10**. Mitigation measure (**MM-GHG-10**) would reduce GHG emissions associated with the delivery trucks beyond the requirements in the TAMT Final PEIR. These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, of the Final SEIR and are as follows:

MM-GHG-1R: Implement Best Management Practices During Construction of Future TAMT Redevelopment Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement Best Management Practices (BMPs) to reduce air emissions from all construction activities implemented as part of the Proposed Project. The following measures are required to limit construction equipment exhaust from on-road trucks and heavy-duty equipment used during construction.

- Ensure that all off-road diesel-powered equipment used during construction between 2020 and 2025 is equipped with the U.S. Environmental Protection Agency (EPA) Tier 3 or cleaner engines, except for specialized construction equipment for which an EPA Tier 3 engine is not available.
- Ensure that all off-road diesel-powered equipment used during construction beyond 2025 is equipped with the EPA Tier 4 Final or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 Final engine is not available.

- Maintain all construction vehicles and equipment according to manufacturers' specifications.
- Restrict idling of construction vehicles and equipment to a maximum of 3 minutes when not in use (see MM-GHG-2 for definition of "not in use").

In addition, the Mitsubishi Cement Corporation Project Proponent shall implement the relevant BMPs, consistent with the Project-specific industrial Storm Water Pollution Prevention Plan (SWPPP). In no case would any BMP be implemented if it conflicts with the SWPPP or other applicable water quality permit requirements. BMP dust control measures may include, but are not limited to, the following:

- Water the grading areas at least twice daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.
- Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
- Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
- Cover/water onsite stockpiles of excavated material.
- Enforce a 15 mph speed limit on unpaved surfaces.
- On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
- Develop as quickly as possible all disturbed areas as directed by the San Diego Unified Port District's Planning and Green Port Department and/or SDAPCD to reduce dust generation.
- Limit the daily grading volumes/area.

Prior to the commencement of construction activities, the Mitsubishi Cement Corporation Project Proponent shall submit evidence to the San Diego Unified Port District's Planning and Green Port Department of the project proponent's compliance with the BMPs and that construction equipment is maintained and properly tuned in accordance with manufacturers' specifications, which shall be subject to confirmation by the San Diego Unified Port District's Planning and Green Port Department during construction.

MM-GHG-2R: Comply with San Diego Unified Port District Climate Action Plan Measures. Prior to approval of all discretionary actions and/or Coastal Development Permits, the Mitsubishi Cement Corporation Project Proponent shall be required to implement the following measures to be consistent with the Climate Action Plan.

- Vessels shall comply with the San Diego Unified Port District's voluntary vessel speed reduction program, which targets 80 percent compliance.
- Vessels that are subject to the ARB's at berth regulation (dry bulk vessels are not subject to the at-berth regulation) shall comply with ARB's at berth regulation that requires shore power or alternative control technology regulation for certain vessel fleets for 80 percent of eligible calls by 2020, minus idle time to clear customs consistent with California Air Resources Board regulations. The TAMT Final PEIR assumed 1.5 hours of idle time for vessels to embark/disembark, which applies to all shore power and/or alternative control technologies employed at the terminal. This is a Project feature made into a mitigation measure to ensure compliance (see MM-GHG-9 for an explanation of the Proposed Project's shore power features).
- Designated truck haul routes shall be used, and the project proponent shall decrease onsite movements where practicable.
- No commercial drive-through shall be implemented.
- Compliance with Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be mandatory and shall include recycling at least 50 percent of solid waste; compliance with the City of San Diego's Construction and Demolition Debris Deposit Ordinance shall be mandatory and shall include recycling at least 65 percent of all construction debris. This measure shall be applied during construction and operation of the Proposed Project.
- Light fixtures shall be replaced with lower-energy bulbs such as fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), or the most energy-efficient lighting that meets required lighting standards and is commercially available.

Implementation of Climate Action Plan measures will be included as part of any discretionary actions and/or Coastal Development Permit(s) associated with this Project. Evidence of implementation and compliance with this mitigation measure shall be provided to the San Diego Unified Port District's Planning and Green Port Department by the Project Proponent on an annual basis through

the end of the lease or 2035 (buildout of the TAMT Redevelopment Plan), whichever occurs first.

MM-GHG-3: Electric Cargo Handling Equipment Upgrades.

- A. Prior to January 1, 2020, the San Diego Unified Port District shall ensure that at least three pieces of existing non-electric cargo handling equipment at the terminal are replaced by electric cargo handling equipment, none of which were previously operating at the terminal during the 2013/2014 baseline year of the EIR analysis. Possible ways the electric cargo handling equipment may be obtained include, but are not limited to, the following:
1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
 2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric cargo handling equipment and the equipment it will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric cargo handling equipment is in use at each of the three nodes throughout the expected operating life. This will be accomplished by requiring each tenant that employs electric cargo handling equipment pursuant to this measure to report the equipment's annual number of hours of operation to the San Diego Unified Port District and by requiring the San Diego Unified Port District to monitor use of the electric cargo handling equipment as part of the San Diego Unified Port District's TAMT equipment inventory.

MM-GHG-4: Electric Cargo Handling Equipment Upgrades. This measure has multiple steps for compliance, as specified below.

- A. Prior to January 1, 2025, the San Diego Unified Port District also shall ensure that no fewer than 20 non-electric yard trucks in operation are replaced at the TAMT by 20 electric yard trucks. Possible ways the electric yard trucks may be obtained include, but are not limited to, the following:
1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
 2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric yard trucks, and the non-electric yard trucks they will replace and remove from further operation at the terminal, must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric yard trucks are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric trucks pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric trucks as part of the San Diego Unified Port District's TAMT equipment inventory.

- B. Prior to January 1, 2030, the San Diego Unified Port District also shall ensure that no fewer than three existing non-electric reach stackers and ten non-electric forklifts in operation are replaced at the TAMT by three fully electric reach stackers and ten fully electric forklifts. Possible ways the electric reach stackers and forklifts may be obtained include, but are not limited to:
1. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by the San Diego Unified Port District;
 2. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by other sources; or
 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the three electric reach stackers and ten electric forklifts and the conventional equipment they will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric reach stackers and forklifts are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric reach stackers or electric forklifts pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric reach stackers and forklifts as part of the San Diego Unified Port District's TAMT equipment inventory.

- D. The electric equipment employed pursuant to paragraphs A, B, and C of this mitigation measure may be replaced by other technologies or other types of cargo handling equipment as long as the replacement equipment achieves the same or greater criteria pollutant, toxic air contaminant, and greenhouse gas emission reductions as compared to the equipment required by paragraphs A, B, and C of this mitigation measure.

MM-GHG-5R: Implement Vessel Speed Reduction Program Beyond Climate Action Plan Compliance for Future Operations Associated with

the TAMT Plan. The Mitsubishi Cement Corporation shall be required to comply with the Enhanced VSR Program.

Mitsubishi Cement Corporation shall, beginning with the first vessel call to the Port, comply with 80% of its OGVs reducing their speeds to 12 knots or less starting at 20 nautical miles from Point Loma.

The Mitsubishi Cement Corporation shall comply with 90% of its OGVs calling to the Port reducing their speeds to 12 knots starting at 40 nautical miles from Point Loma upon the occurrence of the earlier of either of the following two scenarios:

- Prior to the annual number of dry bulk vessel calls reaching 91 calls annually (e.g., 76 new calls over the TAMT Final PEIR's baseline condition); or
- Beginning January 1, 2030, irrespective of the number of calls on an annual basis.

To help the District implement the Beyond 2013 CAP VSR Program before reaching 91 dry bulk vessel calls annually, Mitsubishi Cement Corporation shall provide the District with a rolling estimate of anticipated vessels calls every 6 months.

The San Diego Unified Port District will verify compliance through analysis of Automatic Identification System data or by requesting a vessel's Electronic Chart Display Identification System log from the captain.

MM-GHG-6R: Implement a Renewable Energy Project or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program for Future Operations Associated with the TAMT Plan. The Mitsubishi Cement Corporation shall do one or more of the following to achieve requisite reductions to meet the 2025, 2030, and 2035 greenhouse gas (GHG) reduction targets, in order of priority:

- (1) Incorporate a renewable energy project:
 - within the Tenth Avenue Marine Terminal;
 - within the San Diego Unified Port District's jurisdiction; or
 - adjacent to the San Diego Unified Port District's jurisdiction; or
- (2) Other verifiable actions or activities on Tidelands such as electrification of equipment including vehicles and trucks, financial contribution to a future local or District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or actions that reduce operational GHG emissions; or
- (3) Purchase California Air Resource Board (CARB) verified GHG emission offsets.

The option(s) implemented shall achieve requisite GHG reductions for the activities of the Project for years 2025, 2030, and 2035. As specified below, the 2025, 2030, and 2035 GHG reduction targets are based on the maximum throughput of 600,000 metric tons (MT) per year.

The maximum metric tons of carbon dioxide equivalent (MTCO₂e) or megawatt-hours per year (MWh/year) reduction requirement for each time period is as follows (calculated assuming 600,000 MT of throughput via 24 calls to port annually) but the maximum requirement may be reduced at the discretion of the District, depending on the hours at berth and the amount of throughput in a given year and based on the other reduction requirements specified below:

- A. 2025 reduction target: 568 MTCO₂e per year or 2,345 MWh/year.
- B. 2030 reduction target: 1,622 MTCO₂e per year or 7,675 MWh/year.
- C. 2035 reduction target: 1,693 MTCO₂e per year or 8,013 MWh/year.

Prior to the first call of the first year of operation, the Mitsubishi Cement Corporation shall either:

- I. Develop a renewable energy project(s) or take other verifiable actions or activities to meet or partially meet the amount of MTCO₂e or MWh reductions specified above.
 - a. If the Mitsubishi Cement Corporation develops a renewable energy project(s), or takes actions or conducts activities to reduce GHG emissions, the Mitsubishi Cement Corporation shall submit a report specifying the annual amount of MTCO₂e or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, actions, or activities are not being used to offset GHG emissions for any other project or entity; and any other information needed to verify that amount to the Districts Energy Department for its review and approval (collectively, "GHG Emission Reduction Report").
 - b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District's Energy Department, and the reduction of offsets shall be transmitted to the Mitsubishi Cement Corporation in writing and the amount of GHG reduction shall count towards the required GHG reduction for the Proposed Project ("GHG Reduction").
- II. Purchase the requisite GHG emission offsets to reduce the amount of MTCO₂e or MWh specified above, which may be decreased by the amount of annual MTCO₂e or MWh reduction that is achieved by the renewable energy project(s), action, or activities if developed and/or implemented. The offsets shall be purchased by a CARB verified entity and shall not have been previously used for a different GHG reduction project. The purchased

offsets shall be linked to a GHG reduction project or activity that has already occurred. All certificates of purchased offsets shall be submitted to the District for its review that the criteria, above, has been met. The purchase of requisite offsets to reduce the amount of MTCO₂e or MWh, shall occur as follows:

- a. Purchase offsets for the first 2 years of operation; and
- b. Purchase offsets at least annually thereafter, prior to any calls to port for the corresponding timeframe, beginning with the third year of operation, for the life of the operation or termination of the lease agreement between the District and the Mitsubishi Cement Corporation. The Mitsubishi Cement Corporation may purchase more than 1 year of operational emissions offsets, consistent with the amount of MTCO₂e or MWh reduction specified above for the corresponding timeframe of 2025, 2030, or 2035.

At this time, within the TAMT, there are no solar ready rooftops without renewable energy projects already being implemented. But such projects may be identified in the future, and the Mitsubishi Cement Corporation may choose at that time to participate or develop the future identified renewable energy project(s).

If the Mitsubishi Cement Corporation complies with (1) or (2) above, in an amount that meets the total amount of MTCO₂e or MWh reductions specified above for 15 years of operation (to meet the 2035 reduction target) or complies with (3) above and purchases the requisite offsets for 15 years, or does a combination of (1), (2), and (3) to meet the 2035 reduction target, then nothing further shall be required under this mitigation measure.

Subsequent to fulfilling the requirement of 3, annual purchase of offsets as specified in 3A, 3B, and 3C may be adjusted if the preceding years throughput is less than 600,000 metric tons (the maximum allowed annual throughput), and/or the annual calls to port are less than 24 (the maximum allowed number of calls; 24 calls at 168 hours per call, or 4,032 annual hours at berth). The District or a District-retained consultant (at the Mitsubishi Cement Corporation cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets based on the actual throughput and/or time at berth. Any unused offsets shall be used for the next year of operation of the Proposed Project and the Mitsubishi Cement Corporation shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. At the Mitsubishi Cement Corporation's written request to the District, Mitsubishi Cement Corporation may waive the annual adjustment described above and purchase the required MTCO₂e or MWh offsets on at least an annual basis.

Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the Mitsubishi Cement Corporation may develop a renewable energy project at any time during the life

of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the Mitsubishi Cement Corporation because of the development of a renewable energy project(s), the Mitsubishi Cement Corporation shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in (1) and required offsets shall be reduced.

Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the Mitsubishi Cement Corporation may take actions or implement activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the Mitsubishi Cement Corporation because of the verified actions or activities on tidelands, the Mitsubishi Cement Corporation shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in (1), and required offsets shall be reduced.

The Mitsubishi Cement Corporation shall comply with the San Diego Unified Port District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants and greenhouse gases on an annual basis to be submitted by January 30th of each year of operations, and (2) working collaboratively with the San Diego Unified Port District staff and/or the local air pollution control district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.

The Mitsubishi Cement Corporation shall complete the San Diego Unified Port District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, vin/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to assist in technological reviews, as described in the TAMT Redevelopment Plan MM-GHG-7.

MM-GHG-7R: Annual Inventory Submittal and Periodic Technology Review. The Mitsubishi Cement Corporation shall comply with the San Diego Unified Port District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants and greenhouse gases on an annual basis to be submitted by January 30th of each year of operations, and (2) working collaboratively with the San Diego Unified Port District staff and/or the local air pollution control

district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.

The Mitsubishi Cement Corporation shall complete the San Diego Unified Port District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, vin/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to assist in technological reviews, as described in the TAMT Redevelopment Plan MM-GHG-7.

MM-GHG-8R: Exhaust Emissions Reduction Program at the Tenth Avenue Marine Terminal. The San Diego Unified Port District is tasked with developing an incentive program, based on an emission reduction schedule, that incentivizes tenants and/or terminal operators to reduce mobile source emissions above and beyond the requirements identified in the TAMT Final PEIR. San Diego Unified Port District staff is currently developing the Exhaust Emission Reduction Program as part of their Clean Air Plan update, per the direction of the Board of Port Commissioner's in June 2019. Following completion of the Clean Air Plan update, the Project Proponent will be eligible to participate in the updated plan's Exhaust Emission Reduction Program.

MM-GHG-9R: Use of At-Berth Emission Capture and/or Control System to Reduce Vessel Hoteling Emissions. In lieu of the At-Berth Emission Capture and Control System, the Mitsubishi Cement Corporation shall use electric power through connection with the ship's dry-dock breaker system to reduce Vessel Hoteling Emissions. To attain emission reductions equivalent to or greater than the At-Berth Emission Capture and Control System specified in TAMT Redevelopment Plan MM-GHG-8, OGVs that call at the Mitsubishi Corporation Project facility shall use the shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Compliance with the 50 percent shore-to-ship power system requirement shall be calculated based on an annual average. Mitsubishi Cement Corporation shall submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department on or before January 31 of each year, demonstrating compliance with this environmental control measure for the previous calendar year. If an emergency event (as defined in CARB's At-Berth Regulation, Title 17, CCR Section 93118.3, subsection (c)(14)), prevents Mitsubishi Cement Corporation from achieving the required annual average shore-to-ship power rate (equal to or greater than 50 percent), Mitsubishi Cement Corporation may demonstrate compliance over a 2-year period, so long as Mitsubishi Cement Corporation submits documentation to the San Diego Unified Port District's Planning and Green Port Department which

describes the emergency event(s) and explains the basis for Mitsubishi Cement Corporation's inability to demonstrate compliance using an annual average.

The San Diego Unified Port District's Planning and Green Port Department shall review the documentation submitted by the Mitsubishi Cement Corporation and, if the San Diego Unified Port District's Planning and Green Port Department determines that Mitsubishi Cement Corporation made sufficient effort to comply with the environmental control, it will notify Mitsubishi Cement Corporation in writing that use of the 2-year average is acceptable.

*Please note that Mitsubishi Cement Corporation's annual dry bulk throughput will not be counted towards the 691,418 metric ton dry bulk trigger that requires use of an At-Berth Emission Capture and Control System because Mitsubishi will be relying on a shore-to-ship power system. However, the 691,418 metric ton dry bulk trigger would apply to other dry bulk tenants that do not have shore-power capabilities.

MM-GHG-10: Modernization of Delivery Truck Fleet. No less than 90 percent of the trucks loading cement or cementitious material at the Mitsubishi Cement Corporation facility shall be equipped with an engine that meets one of the following requirements:

- 1) Is no more than 5 years old, based on engine model year ("5-Year Engine") for each operational year;
- 2) Has been designed or retrofitted to comply with Federal and State on-road heavy-duty engine emissions standards (e.g., EPA 2010 engine emission standards or successor rules or regulations for on-road heavy duty diesel engines) for a 5-Year Engine ("Emission equivalent Engine"); or
- 3) Uses alternative engine technology or fuels demonstrated to produce emissions no greater than a 5-Year Engine ("Alternative Equivalent Engine").

The remaining 10 percent of the trucks shall comply with all applicable Federal and State heavy-duty on-road truck regulations. In addition, all trucks loading cement or cementitious materials at the Mitsubishi Cement Corporation facility shall be registered and be in compliance with the CARB Truck and Bus Regulation. Confirming that Mitsubishi Cement Corporation's 90 percent requirement for a Modernized Truck Fleet shall be determined on a calendar year basis. Mitsubishi Cement Corporation shall submit documentation of compliance, showing the following information, to the San Diego Unified Port District's Planning and Green Port Department on an annual basis by January 31 following each year of operation:

- 1) Truck vehicle identification number (VIN),
- 2) Engine model year,
- 3) Annual truck trips, and

- 4) If nondiesel technology, manufacturer engine standards.

Implementation of Mitigation Measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10** would reduce GHG emissions from the Proposed Project. As described in Section 4.2 of the SEIR, GHG emissions would be reduced with the implementation of Mitigation Measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10** and would be on a downward trajectory through the life of the Proposed Project, but not below a level of significance because there is no certainty that the Proposed Project's reduced GHG emissions, after implementation of mitigation measure(s), would represent its fair share of the requisite reductions to achieve statewide post-2020 targets in 2025, 2030, and 2035. Consequently, the Proposed Project may not result in sufficient progress toward long-term local, regional, and statewide reduction targets, and its contribution of GHG emissions to global climate change in the post-2020 period would still be considered cumulatively considerable after mitigation is incorporated. No other feasible mitigation measure(s) exist. Thus, emissions and related GHG impacts would remain significant and unavoidable. Therefore, while the Proposed Project would not have any new or more severe impacts than were analyzed in the TAMT Final PEIR, the impact is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.3 Hazards and Hazardous Materials

4.3.1 Potential Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions

Potentially Significant Impact: The SEIR identifies a potential significant impact on Hazards and Hazardous Materials due to the potential for construction of the Proposed Project to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Section 4.3.2 of the SEIR). These discussions correspond to Impact-HAZ-1 (Possible Onsite Soil Contamination) in the TAMT Final PEIR.

The TAMT PEIR identified (Impact-HAZ-1) the presence of contaminated soils within the TAMT that could expose construction workers to such soils during excavation, grading, and demolition activities, and required mitigation measure(s) in order to reduce the impact to a less-than-significant level. Consistent with the TAMT Final PEIR, the SEIR identifies a potential significant impact due to the presence of contaminated soils that could create a hazard to the public or the environment from soil disturbance activities during construction of the Proposed Project. The conclusion that the impact is potentially significant is consistent with the findings of the TAMT Final PEIR, and the Proposed Project would not result in a new or more severe significant impact than what was previously disclosed in the TAMT Final PEIR.

Detailed information and analysis regarding this significant potential impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.3, Hazards and Hazardous Materials.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Hazards and Hazardous Materials identified as Impact-HAZ-1 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant impact of the Proposed Project on Hazards and Hazardous Materials are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.3, Hazards and Hazardous Materials.

As described in the SEIR, previous assessments of the TAMT found total petroleum hydrocarbons (TPHs), semi-volatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs) and metals (copper, zinc, and lead) as a result of hydraulic fill material used for the reclaimed tidelands, historical uses (creosote wood treatment facility, former burn dump, metal scrap yard), and from unauthorized petroleum hydrocarbon releases in the vicinity of the Proposed Project site. These substances may be encountered during ground-disturbing construction activities on the Proposed Project site. The SEIR concludes that construction and grading activities within the Proposed Project site would potentially result in a release of hazardous materials and create a potentially significant hazard to workers, the public, and environment.

The potential significant impact on Hazards and Hazardous Materials will be reduced to a level below significant through mandatory compliance with Federal, State, and local laws and regulations, and implementation of Mitigation Measure **MM-HAZ-1R** and TAMT Final PEIR Mitigation Measure **MM-HAZ-2** because all necessary protocols would be established and followed for the proper management of potentially contaminated soils, community health and safety monitoring, and construction worker training/monitoring. Mitigation Measure(s) **MM-HAZ-1R** and **MM-HAZ-2** are set forth in full in Table 2-1 of Chapter 2, Executive Summary, of the Final SEIR, and described in Section 4.1.3 of these Findings.

4.4 Noise and Vibration

4.4.1 Exceed an Adopted Noise Standard

Potentially Significant Impact: The SEIR identifies a potential significant impact on Noise and Vibration related to noise standards that may occur during operation of the Proposed Project (Section 4.4.3 of the SEIR). These discussions correspond to Impact-NOI-1 (Exceedance of an Adopted Noise Standard During Plan Operation) in the TAMT Final PEIR.

The TAMT PEIR identified a potential significant impact on Noise and Vibration (Impact-NOI-1) in that noise levels from operation of the TAMT Plan at buildout would exceed the City of San Diego noise ordinance standard at two parks in the

vicinity of the Proposed Project site. The TAMT Final PEIR identified mitigation measure(s) to reduce the significant impact. However, without specific details, the TAMT Final PEIR concluded that it cannot be determined with certainty that the noise impacts at nearby noise-sensitive land uses would be reduced to less-than-significant levels for future projects, and impacts were deemed significant and unavoidable.

The SEIR for the Proposed Project found that construction-related impacts are reduced to less than significant. The SEIR further found the Proposed Project would not generate operational noise levels in exceedance of established standards. However, as a component of the TAMT Plan, the Proposed Project would generate noise levels that would contribute to the overall significant noise impacts identified as Impact-NOI-1 in the TAMT Final PEIR. These conclusions are consistent with the findings in TAMT Final PEIR, and the Proposed Project would not result in a new or more severe impact than what was already disclosed within the TAMT Final PEIR.

Detailed information and analysis regarding this potential significant impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.4, Noise and Vibration.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved Project that avoid or substantially lessen the significant environmental effect on Noise and Vibration identified as Impact-NOI-1 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant impact of the Proposed Project on Noise and Vibration are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.4, Noise and Vibration.

The SEIR determined that operation of the Proposed Project would not exceed applicable noise thresholds of significance, and therefore would not expose persons to, or generate, noise levels in excess of established standards. However, the TAMT Final PEIR found impacts to be potentially significant because noise levels from operation of the TAMT Plan at buildout would exceed the City of San Diego noise ordinance standard at two parks in the vicinity of the Proposed Project site. Therefore, while the SEIR found that the Proposed Project would not exceed applicable noise thresholds of significance and that there would not be any new or more severe impacts, the Proposed Project would generate noise levels that would contribute to the overall noise levels identified from TAMT Plan buildout, resulting in a potentially significant impact requiring mitigation, consistent with the findings of the TAMT Final PEIR.

The potential significant impact on Noise and Vibration would be reduced to less than significant with the implementation of TAMT Final PEIR Mitigation Measure(s) **MM-NOI-2**. The District is implementing **MM-NOI-2** from the TAMT Final PEIR, which requires a designated noise disturbance coordinator to receive complaints regarding noise on the terminal via the existing TAMT Truck Hotline. In addition, the District has signage at the TAMT main entrance containing contact information

to facilitate and aid in public concerns related to noise complaints. This mitigation measure(s) is set forth in full in Table 2-1 of Chapter 2, Executive Summary, and is as follows:

MM-NOI-2: Initiate and Maintain a Complaint and Response Tracking Program. Prior to the commencement of operations of the TAMT plan, the District shall designate a noise disturbance coordinator. The coordinator will be responsible for responding to complaints regarding noise from project operations, will investigate the cause of the complaint, and will ensure that reasonable measures are implemented to correct the problem, where feasible. A contact telephone number for the noise disturbance coordinator will be conspicuously posted at the main entrance to the project site and in other reasonable locations, as appropriate, to ensure the contact information is easily obtained. This measure shall be implemented in combination with MM-NOI-1, which provides several examples of what type of noise attenuation measures may be feasible. The goal of this measure is to provide additional information regarding the sources of loud noises and to assist in the design and implementation of measures to reduce the noise to a level that would be at or below the applicable noise standards for the land use experiencing the excessive noise.

4.5 Transportation, Circulation, and Parking

4.5.1 Conflict with an Applicable Plan, Ordinance or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System

Potentially Significant Impact: The SEIR identifies a potentially significant impact on Transportation, Circulation, and Parking due to conflicts with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system (Section 4.5.3 of the SEIR). These discussions correspond to Impact-TRA-3 (Operation-Related Impact on a Roadway Segment: 28th Street between Boston Avenue and National Avenue from TAMT Plan Operations) and Impact-TRA-4 (Operation-Related Impact on an Intersection: Norman Scott Road/32nd Street/Wabash Boulevard from TAMT Plan Operations) in the TAMT Final PEIR.

The TAMT Final PEIR identified a potential significant impact (Impact-TRA-3) on the roadway segment of 28th Street between Boston Avenue and National Avenue (Impact-TRA-3) and the intersection of Norman Scott Road/32nd Street/Wabash Boulevard (Impact-TRA-4) from TAMT Plan operations. As detailed in the TAMT Final PEIR, the roadway segment impact will occur when traffic generated during future operations of the TAMT Plan exceeds 1,135 new daily trips and results in a decrease in the level of service (LOS) of the segment of 28th Street between Boston Avenue and National Avenue from LOS E to LOS F. In addition, the TAMT Final PEIR determined that the intersection impact will occur when traffic generated during future operations of the TAMT Plan exceeds 331 new daily trips and will result in additional delay in excess of thresholds of significance during the

AM and PM peak hour periods at the intersection of Norman Scott Road/32nd Street/Wabash Boulevard.

The SEIR noted that the Proposed Project would generate up to 176 trucks per day during peak operation with a corresponding peak increase of 48 daily dock workers during periods of maximum operation. As described in the TAMT Final PEIR, operation of the STC Alternative is anticipated to generate 296 truck trips each day. As such, the 176 peak daily truck trips generated by operation of the Proposed Project would be within the truck trip volumes analyzed in the TAMT Final PEIR. Therefore, because the Proposed Project's operational truck trip volumes are within the scope of what was previously analyzed for the STC Alternative, no new or more severe roadway segment or intersection impacts would occur with operation of the Proposed Project compared to what was disclosed in the TAMT Final PEIR. However, the Proposed Project would generate vehicle trips that would contribute to the overall significant impact from TAMT Plan buildout on the roadway segment of 28th Street between Boston Avenue and the National Avenue Norman Scott Road/32nd Street/Wabash Boulevard intersection identified in the TAMT Final PEIR.

Detailed information and analysis regarding these potential significant impacts are provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.5, Transportation, Circulation, and Parking, with revisions and clarifications in Volume 1 (Final SEIR) Chapter 4, Errata and Revisions.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Transportation, Circulation, and Parking identified as Impact-TRA-3 and Impact-TRA-4 in the TAMT Final PEIR; and pursuant to State CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of another public agency and in particular, the City of San Diego and the California Department of Transportation.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Transportation, Circulation, and Parking are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Section 4.5, Transportation, Circulation, and Parking, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

As discussed in Section 4.5 of the SEIR, the 176 peak daily truck trips generated by operation of the Proposed Project would be within the truck trip volumes analyzed in the TAMT Final PEIR. As a result, operation of the Proposed Project would not result in any new or more severe significant impacts on study area roadway segments or intersections compared to what was previously disclosed in the TAMT Final PEIR. However, the Proposed Project would generate vehicular trips that would contribute to the overall significant impact from TAMT Plan buildout on the roadway segment of 28th Street between Boston Avenue and National Avenue and the National Avenue Norman Scott Road/32nd Street/Wabash Boulevard intersection identified in the TAMT Final PEIR.

Implementation of **MM-TRA-3R** would reduce the Proposed Project's contribution to the overall significant impact from TAMT Plan buildout on the segment of 28th Street between Boston Avenue and National Avenue. As identified in the TAMT Final PEIR, to mitigate for significant impacts from buildout of the TAMT Plan (which includes future projects such as the Proposed Project) on the roadway segment of 28th Street between Boston Avenue and National Avenue, the segment would need to be expanded to its ultimate classification as a Four Lane Major Arterial. Implementation of this improvement would improve the traffic operations at this affected roadway segment to LOS C level, which would reduce this impact to less than significant.

Similarly, implementation of **MM-TRA-4** would reduce the Proposed Project's contribution to the overall significant impact from TAMT Plan buildout on the Norman Scott Road/32nd Street/Wabash Boulevard intersection. To mitigate for significant impacts on the Norman Scott Road/32nd Street/Wabash Boulevard intersection, the TAMT Final PEIR identified the improvement of the intersection by adding a westbound right-turn overlap phase. Implementation of this improvement would improve the traffic operations at this affected intersection by reducing the delay to a less-than-significant level.

These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions, of the Final SEIR, and are as follows:

MM-TRA-3R: Widen the Segment of 28th Street between Boston Avenue and National Avenue to a Four-Lane Major Arterial Classification Consistent with the Barrio Logan Public Facilities Financing Plan. The District currently has an established program to track the number of trucks that enter and exit the terminal each year associated with TAMT operations. Prior to generating an additional 161 new daily truck trips, the District shall pay a fair-share contribution (STC would be responsible for 2.8%) of the cost to widen the roadway segment of 28th Street between Boston Avenue and National Avenue to a Four-Lane Major Arterial classification. The improvement is identified within the Barrio Logan Public Facilities Financing Plan, and therefore would be paid to the City of San Diego in accordance with Section 142.0640 of the San Diego Municipal Code.

Payment of the District's fair share shall be completed prior to reaching 161 new daily truck trips. In order to ensure the significant impact does not occur before the District has paid its fair share to the City, the District shall initiate payment once approximately 150 new daily truck trips are reached under the proposed project. The trigger will be determined by the District by examining the ADT over a 1-month timeframe and comparing the ADT to the baseline of 93 daily trucks generating 186 trips per day (33,349 trucks per year divided by 360 days multiplied by 2 trips for each truck) and 935 daily employee trips (315 existing employees multiplied by 3 trips per day). At the District's discretion, the District may seek reimbursement from tenants that would contribute new daily trips in proportion to their contribution.

MM-TRA-4: Westbound Right-Turn Overlap Phase at Norman Scott Road/32nd Street/ Wabash Boulevard Intersection. The San Diego Unified Port District currently has an established program to track the number of trucks that enter and exit the terminal each year associated with TAMT operations. Prior to generating an additional 195 new daily trips, the San Diego Unified Port District shall coordinate with the California Department of Transportation to determine the San Diego Unified Port District's fair share payment to fund the addition of a westbound right-turn overlap phase to the intersection of Norman Scott Road/32nd Street/Wabash Boulevard, a California Department of Transportation-controlled intersection, to improve the delay caused by the proposed project. This would reduce the delay associated with the project by 20.8 seconds during the AM peak hour and by 19.9 seconds during the PM peak hour compared to unmitigated conditions, and would effectively reduce delay at this intersection to below current levels. (Note, for the STC Alternative, this mitigation measure would reduce the unmitigated delay associated with this alternative by 19.4 seconds during the AM peak hour and by 19.3 seconds during the PM peak hour.) In order to ensure the significant impact does not occur before the San Diego Unified Port District has paid its fair share to the California Department of Transportation, the San Diego Unified Port District shall initiate payment once approximately 150 new daily trips are reached under the proposed project. The trigger will be determined by the San Diego Unified Port District by examining the average daily trips over a 1-month timeframe and comparing the average daily trips to the baseline of 93 daily trucks generating 186 trips per day (33,349 trucks per year divided by 360 days multiplied by 2 trips for each truck) and 935 daily employee trips (315 existing employees multiplied by 3 trips per day). At the San Diego Unified Port District's discretion, the San Diego Unified Port District may seek reimbursement from tenants that would contribute new daily trips in proportion to their contribution.

However, similar to what was identified in the TAMT Final PEIR, the timing and implementation of the necessary improvement to the roadway segment of 28th Street between Boston Avenue and National Avenue (**MM-TRA-3R**) is within the exclusive jurisdiction of the City of San Diego and not the District. As such, because the design and implementation of the physical improvements needed to reduce the significant impact on the affected roadway segment are within the jurisdiction and control of the City of San Diego and not the District, the District cannot guarantee that the necessary improvements will be constructed as needed.

Similarly, the design and implementation of the necessary improvement to the Norman Scott Road/32nd Street/Wabash Boulevard intersection is within the exclusive jurisdiction of the California Department of Transportation, not the District. As such, because the design and implementation of the physical improvements needed to reduce the significant cumulative impact on the affected intersection are within the jurisdiction and control of the California Department of Transportation and not the District, the District cannot guarantee that the necessary improvements will be constructed as needed. Mitigation Measure(s) **MM-TRA-3R** and **MM-TRA-4**, would reduce the impacts on Transportation,

Circulation, and Parking, but not below a level of significance and is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.5.2 Insufficient Parking Supply

Potentially Significant Impact: The SEIR identifies a potentially significant impact on Transportation, Circulation, and Parking due to an insufficient parking supply during operation of the Proposed Project (Section 4.5.3 of the SEIR). These discussions correspond to Impact-TRA-5 (Insufficient Parking at Full TAMT Plan Buildout) in the TAMT Final PEIR.

The TAMT Final PEIR identified a potential significant impact (Impact-TRA-5) on parking supply because of the fluid nature of cargo terminal operations and the flexibility generally needed for onsite parking, which could result in a long-term parking shortage if future components of the TAMT Plan are implemented in areas that presently are used for parking.

The SEIR noted that workers associated with operational activities are anticipated to have available parking within the Proposed Project's leasehold or adjacent to Warehouse C. In addition, dock workers responsible for loading and unloading shipments typically park closest to where they have been assigned for a particular shift, provided the parked cars do not obstruct terminal operations. Onsite workers associated with vessel unloading for the Proposed Project would park adjacent to Berths 7 and 8, consistent with assumptions made for dock worker parking in the TAMT Final PEIR. Further, the Proposed Project would not result in the demolition of Warehouse C or the removal of any additional parking on TAMT that would result in a reduction of available parking on TAMT. Based on the information presented, adequate parking to accommodate all anticipated Proposed Project workers during Proposed Project operation is available on TAMT. The Proposed Project would not result in new or more severe parking impacts compared to those disclosed in the TAMT Final PEIR. Although no new or more severe parking impacts would occur with implementation of the Proposed Project, the Proposed Project would still contribute to the overall significant parking impact from TAMT Plan buildout identified in the TAMT Final PEIR. Therefore, mitigation measure(s) are required.

Detailed information and analysis regarding this significant potential impact is provided in Volume 2 (Draft SEIR and Technical Appendices), Section 4.5, Transportation, Circulation, and Parking, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant environmental effect on Transportation, Circulation, and Parking identified as Impact-TRA-5 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant impacts of the Proposed Project on Transportation, Circulation, and Parking are analyzed in Volume 2 (Draft

SEIR and Technical Appendices), Section 4.5, Transportation, Circulation, and Parking, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions.

As discussed in Section 4.5 of the SEIR, it is anticipated that the workers associated with operational activities would have available parking within the Proposed Project's leasehold or adjacent to Warehouse C. In addition, onsite workers associated with vessel unloading for the Proposed Project would park adjacent to Berths 7 and 8, consistent with assumptions made for dock worker parking in the TAMT Final PEIR. Although no new or more severe parking impacts would occur with implementation of the Proposed Project, the Proposed Project would still contribute to the overall significant parking impact from TAMT Plan buildout identified in the TAMT Final PEIR. Therefore, TAMT Final PEIR Mitigation Measure **MM-TRA-5** is still required to ensure consistency between the TAMT Final PEIR and the SEIR for the Proposed Project. TAMT Final PEIR Mitigation Measure **MM-TRA-5** would ensure that all TAMT workers, employees, and contractors would park onsite. At no point would TAMT employees be permitted to park outside of authorized locations—on-terminal or off. Specifically, parking would always be provided on TAMT or authorized parking locations (such as nearby parking garages and surface parking lots), which would be identified and formalized through signed agreements with tenants. Implementation of Mitigation Measure **MM-TRA-5** would reduce this impact to a less-than-significant level.

This mitigation measure is set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions, of the Final SEIR, and is as follows:

MM-TRA-5: District Shall Inform All TAMT Workers to Park at the TAMT Facility or at an Authorized Offsite Parking Lot or Parking Garage. All TAMT workers, employees, and contractors are prohibited from using on-street parking or from parking at the neighboring Cesar Chavez Park. If no parking is available on the project site, the District's marine terminal supervisors shall inform all dock workers that they shall park within a parking garage or surface parking lot.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project. (State CEQA Guidelines §15130(a).) Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present and reasonably foreseeable future projects. (State CEQA Guidelines §15355.) Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The SEIR analyzes cumulative impacts by compiling a list of past, present and probable future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction. (State CEQA Guidelines §15130(b)(1)(A).) The list of "past, present and probable future projects" should include related projects that already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared. (State CEQA Guidelines §15130 [Discussion].) The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The SEIR considered 32 past, present and reasonably foreseeable projects within the vicinity of the Proposed Project in evaluating potential cumulative impacts. These projects were identified and compiled by District staff in coordination with the City of San Diego. The projects listed in the Proposed Project's cumulative study area have had applications submitted or have been approved by the City of San Diego and/or the District, are under construction, or have recently been completed. A detailed description of these projects is provided in Table 5-1 and a map depicting the location of these projects in relation to the Proposed Project site is provided on Figure 5-1 in Chapter 5, Cumulative Impacts, of Volume 2 (Draft SEIR and Technical Appendices).

The Proposed Project would contribute to cumulative impacts related to Air Quality and Health Risk; Greenhouse Gas Emissions and Climate Change; Noise and Vibration; and Transportation, Circulation, and Parking. The findings below identify each of the significant cumulative environmental impacts, the mitigation measure(s) adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measure(s) are infeasible due to specific economic, social or other considerations. The findings incorporate by reference the analysis of significant cumulative impacts contained in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

The significant cumulative impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking identified in the SEIR cannot be avoided or reduced to a level below significance, despite the incorporation of all feasible mitigation measure(s). As described in the Statement of Overriding Considerations below, the District has determined these unavoidable significant cumulative impacts are acceptable because of specific overriding considerations.

5.1 Air Quality and Health Risk

5.1.1 Emissions in Excess of Cumulative Criteria Pollutant Thresholds

Potentially Significant Impact: The SEIR identifies a potential significant cumulative impact on Air Quality and Health Risk related to cumulatively considerable criteria pollutant emissions that may occur during operation of the Proposed Project (Section 5.3.1 of the SEIR). These discussions correspond to Impact-C-AQ-2 (Emissions in Excess of Cumulative Thresholds During Full TAMT Plan Buildout Operations), and Impact-C-AQ-3 (Cumulative Health Risk Emissions During Full TAMT Plan Buildout Operations) in the TAMT Final PEIR.

The TAMT Final PEIR disclosed that construction-related emissions associated with the full TAMT plan buildout would result in a cumulatively considerable contribution to air quality impacts Impact-C-AQ-1 (Emissions in Excess of Cumulative Thresholds During Construction) that would remain significant and unavoidable after application of mitigation measure **MM-AQ-1** due to the unknowns regarding construction activities. In addition, the TAMT Final PEIR disclosed that operational emissions associated with buildout of the TAMT Plan would result in a cumulatively considerable contribution to air quality impacts (Impact-C-AQ-2), but cumulative impacts would not be cumulatively considerable after mitigation measure(s) (Mitigation Measure(s) **MM-AQ-2** through **MM-AQ-9**) were incorporated. Further, the TAMT Plan's incremental contribution to cumulative air emissions would not conflict with progress toward attainment of the air quality standards described in the RAQS and SIP; nor would the TAMT Plan's incremental contribution to cumulative health impacts (Impact-C-AQ-3) be cumulatively considerable after mitigation (Mitigation Measure(s) **MM-AQ-1R**, **MM-AQ-2R**, **MM-AQ-3R**, **MM-AQ-4R**, **MM-AQ-5R**, **MM-AQ-7R**, **MM-AQ-8**, **MM-AQ-9R**, and **MM-AQ-10**).

Proposed Project specific analysis provided in Section 5.3.1.4, Chapter 5, Cumulative Impacts, of Volume 2 (Draft SEIR and Technical Appendices) states that the Proposed Project's incremental contribution to growth and cumulative air pollutant emissions would not conflict with progress toward attainment of the air quality standards described in the RAQS and SIP; similarly the Proposed Project's incremental contribution to a cumulative air quality impact during construction would not be cumulatively considerable. With respect to operational emissions, the SEIR states that the Proposed Project would contribute emissions to the cumulative condition. As a result, the Proposed Project's incremental contribution to cumulative impacts associated with operational air quality and health risk would be cumulatively considerable prior to mitigation, consistent with the conclusions in the TAMT Final PEIR.

Detailed information and analysis regarding this potential significant cumulative impact is provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant cumulative environmental effect on Air Quality and Health Risk identified as Impact-C-AQ-2 and Impact-C-AQ-3 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant cumulative impacts of the Proposed Project on Air Quality and Health Risk are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Operations-related emissions associated with the Proposed Project would be below emissions associated with full buildout of the dry bulk cargo node identified in the TAMT Final PEIR. In addition, while construction of Phase II would overlap with operations, this maximum concurrent emission scenario would result in emissions below levels determined in the TAMT Final PEIR. Similarly, while the Proposed Project would result in emissions that can result in health risk in neighboring communities, the Proposed Project would not result in incremental risk above the levels determined in the TAMT Final PEIR. Implementation of Mitigation Measure(s) **MM-AQ-1R, MM-AQ-2R, MM-AQ-3R, MM-AQ-4R, MM-AQ-5R, MM-AQ-7R, MM-AQ-8, MM-AQ-9R, and MM-AQ-10** would apply to the Proposed Project. These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, and Chapter 4, Errata and Revisions, of the Final SEIR, as applicable, and are described above in Section 4.1.1. With the implementation of these mitigation measure(s), the Proposed Project's incremental contribution to cumulative air quality and health risk impacts would not be cumulatively considerable, and the Proposed Project would not result in new or more severe cumulatively considerable impacts than what was disclosed in the TAMT Final PEIR.

5.2 Greenhouse Gas Emissions and Climate Change

5.2.1 Cumulative Contribution of GHG Emissions Beyond 2020

Potentially Significant Impact: The SEIR identifies a potential significant cumulative impact on Greenhouse Gas Emissions and Climate Change related to cumulatively considerable contribution of GHG emissions that may occur during operation of the Proposed Project (Section 5.3.2 of the SEIR). These discussions correspond to Impact-C-GHG-2 (Full TAMT Plan Buildout GHG Emissions Beyond 2020) in the TAMT Final PEIR.

The TAMT PEIR stated that TAMT Plan buildout would not fully demonstrate substantial progress along a downward trajectory beyond 2020 toward 2030 and 2050 reduction targets, given the uncertainty of statewide plans to achieve these targets and the amount of reduced GHG emissions the Proposed Project needs to achieve to contribute its fair share of reduction. With mitigation measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10** combined with further implementation of the SIP measure(s), TAMT Plan GHG emissions

demonstrate a downward trajectory and would be generally consistent with known statewide strategies to date but remain cumulatively considerable given the lack of definitive state targets and framework to achieve those targets.

The SEIR finds that the Proposed Project would contribute GHG emissions to the cumulative condition. The SEIR further discusses the fact that operations-related GHG emissions would be below GHG emissions associated with full buildout of the dry bulk cargo node identified in the TAMT Final PEIR. However, similar to the analysis in the TAMT Final PEIR, the Proposed Project would result in emissions that would not parallel the State's overall reduction targets identified in EO S-03-05 and EO B-30-15 and would not be in compliance with all plans, policies, and regulatory programs adopted by CARB or other California agencies for post-2020 for the purpose of reducing the emissions of GHGs prior to implementation of mitigation measure(s).

Detailed information and analysis regarding this potential significant cumulative impact is provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant cumulative environmental effect on Greenhouse Gas Emissions and Climate Change identified as Impact C-GHG-2 in the TAMT Final PEIR but not below a level of significance. Pursuant to State CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measure(s) or project alternatives identified in the SEIR.

Facts in Support of Finding: The potential significant cumulative impacts of the Proposed Project on Greenhouse Gas Emissions and Climate Change are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

As discussed in the SEIR, the Proposed Project would not result in new or more severe cumulatively considerable GHG and climate change impacts than what was disclosed in the TAMT Final PEIR. Operations-related GHG emissions associated with the Proposed Project would be below emissions associated with full buildout of the dry bulk cargo node identified in the TAMT Final PEIR. However, similar to the analysis in the TAMT Final PEIR, the Proposed Project would result in emissions that would not parallel the State's overall reduction targets identified in EO S-03-05 and EO B-30-15 and would not be in compliance with all plans, policies, and regulatory programs adopted by CARB or other California agencies for post-2020 for the purpose of reducing the emissions of GHGs prior to mitigation.

Implementation of Mitigation Measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10** ensure emissions remain below levels identified in the TAMT Final PEIR. These mitigation measure(s) are set forth in full in Table 2-1 of

Chapter 2 Executive Summary, of the Final SEIR, and are described above in Section 4.2.1 of these Findings. Further, emissions would be on a downward trajectory through the life of the Proposed Project. Nevertheless, the impact would remain significant because there is no certainty that the Proposed Project's reduced emissions, after mitigation, would represent its fair share of the requisite reductions to achieve statewide post-2020 targets. Consequently, the Proposed Project may not result in sufficient progress toward long-term local, regional, and statewide reduction targets and its contribution of GHG emissions to global climate change in the post-2020 period would still be considered cumulatively considerable after mitigation is incorporated. Therefore, despite the incorporation of Mitigation Measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10**, the cumulative impact on Greenhouse Gas Emissions and Climate Change is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

5.3 Noise and Vibration

5.3.1 Cumulative Contribution to Operational Noise Impacts

Potentially Significant Impact: The SEIR identifies a potential significant cumulative impact on Noise and Vibration related to cumulatively considerable noise levels that may occur during operation of the Proposed Project (Section 5.3.4 of the SEIR). These discussions correspond to Impact-C-NOI-1 (Cumulative Contribution to Cumulative Operational Noise) in the TAMT Final PEIR.

The TAMT Final PEIR identifies a potential significant cumulative impact on Noise and Vibration (Impact C-NOI-1) in that the incremental contribution of noise levels from operation of the TAMT Plan, when combined with the noise from other past, present and reasonably foreseeable future projects, would exceed City of San Diego noise standards.

The SEIR states that predicted operational noise levels associated with the Proposed Project at the nearest sensitive receptors were determined to be less than the established noise standards for the sensitive receptors. In addition, the operational noise levels for the Proposed Project are all predicted to be less than, or within the range of, measured existing ambient noise levels at the surrounding noise-sensitive receptors. However, consistent with the conclusions in the TAMT Final PEIR, the Proposed Project's incremental contribution to cumulative impacts associated with construction and operational noise and vibration would be cumulatively considerable prior to mitigation.

Detailed information and analysis regarding this potential significant cumulative impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved Project that avoid or

substantially lessen the significant cumulative environmental effect on Noise and Vibration identified as Impact-C-NOI-1 in the TAMT Final PEIR.

Facts in Support of Finding: The potential significant cumulative impacts of the Proposed Project on Noise and Vibration are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

In assessing the Proposed Project's incremental contribution, predicted operational noise levels at the nearest sensitive receptors (which includes Cesar Chavez Park) were determined to be less than the established noise standards for the sensitive receptors. In addition, the operational noise levels for the Proposed Project are all predicted to be less than, or with the range of, measured existing ambient noise levels at the surrounding noise-sensitive receptors. The SEIR concluded that Proposed Project would not result in new or more severe cumulatively considerable noise and vibration impacts than what was disclosed in the TAMT Final PEIR. Consistent with the conclusions in the TAMT Final PEIR, the Proposed Project's incremental contribution to cumulative impacts associated with construction and operational noise and vibration would not be cumulatively considerable with implementation of Mitigation Measure **MM-NOI-2**. This mitigation measure is set forth in full in Table 2-1 of Chapter 2, Executive Summary and are described above in Section 4.4.1 of these Findings. With the implementation of this mitigation measure, the Proposed Project's incremental contribution to cumulative noise and vibration impacts would not be cumulatively considerable, and the Proposed Project would not result in new or more severe cumulatively considerable impacts than what was disclosed in the TAMT Final PEIR.

5.4 Transportation, Circulation, and Parking

5.4.1 Contribute to Unacceptable Operations on Study Area Roadway Segments and Intersections

Potentially Significant Impact: The SEIR identifies a potentially significant cumulative impact on Transportation, Circulation, and Parking associated with the contribution to unacceptable operations on study area roadways and intersections from the Proposed Project (Section 5.3.5 of the SEIR). These discussions correspond to Impact-C-TRA-3 (Contribute to an Unacceptable Level of Operation at a Roadway Segment: 28th Street between Boston Avenue and National Avenue from Full TAMT Plan Buildout) and Impact-C-TRA-4 (Contribute to an Unacceptable Level of Operation at an Intersection: Norman Scott Road/32nd Street/Wabash Boulevard from Full TAMT Plan Buildout) in the TAMT Final PEIR.

The TAMT Final PEIR identified a potential significant cumulative impact on the roadway segment of 28th Street between Boston Avenue and National Avenue (Impact-C-TRA-3) and the intersection of Norman Scott Road/32nd Street/Wabash Boulevard (Impact-C-TRA-4) from TAMT Plan operations. The volume to capacity (V/C) ratio along the roadway segment of 28th Street between Boston Avenue and National Avenue would increase by 0.029, which exceeds the City of San Diego's

Traffic Significance Thresholds for allowable increases in V/C ratio for roadways operating at LOS F. In addition, the operational related increase in delay during the AM and PM peak hours at the 32nd Street/Norman Scott Road/ Wabash Boulevard intersection is 16.1 seconds and 7.4 seconds, respectively, which exceeds the City of San Diego's thresholds of significance. Therefore, the TAMT Final PEIR concluded that cumulatively considerable roadway segment and intersection impacts would occur with the addition of TAMT Plan traffic to future year conditions.

The SEIR identifies potential significant cumulative impacts on Transportation, Circulation, and Parking that will occur because traffic generated during future operations of the Proposed Project would contribute to the overall cumulatively considerable impact from TAMT Plan buildout on the roadway segment of 28th Street between Boston Avenue and National Avenue and the Norman Scott Road/32nd Street/Wabash Boulevard intersection identified in the TAMT Final PEIR. However, the SEIR notes that no new or more severe roadway segment or intersection impacts would occur with operation of the Proposed Project compared to what was disclosed in the TAMT Final PEIR.

Detailed information and analysis regarding these potential significant cumulative impacts are provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant cumulative environmental effect on Transportation, Circulation, and Parking identified as Impact-C-TRA-3 and Impact-C-TRA-4 in the TAMT Final PEIR; and pursuant to State CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of another public agency (the City of San Diego and the California Department of Transportation).

Facts in Support of Finding: The potential significant cumulative impacts of the Proposed Project on Transportation, Circulation, and Parking are analyzed in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

As discussed in the SEIR, the 176 peak daily truck trips generated by operation of the Proposed Project would be within the truck trip volumes analyzed in the TAMT Final PEIR. As a result, operation of the Proposed Project would not result in any new or more severe significant cumulative impacts on study area roadway segments or intersections compared to what was previously disclosed in the TAMT Final PEIR. However, the Proposed Project would generate vehicle trips that would contribute to the overall cumulatively considerable impact from TAMT Plan buildout on the roadway segment of 28th Street between Boston Avenue and National Avenue and the National Avenue Norman Scott Road/32nd Street/Wabash Boulevard intersection identified in the TAMT Final PEIR.

Implementation of **MM-TRA-3R** would reduce the Proposed Project's contribution to the overall cumulatively considerable impact from TAMT Plan buildout on the

segment of 28th Street between Boston Avenue and National Avenue. To mitigate the cumulatively considerable impacts from buildout of the TAMT Plan (which includes future projects such as the Proposed Project) on the roadway segment of 28th Street between Boston Avenue and National Avenue, the segment would need to be expanded to its ultimate classification as a Four Lane Major Arterial. Implementation of this improvement would improve the traffic operations at this affected roadway segment to LOS C, reducing the impact to a less-than-significant level. The roadway segment widening improvement has been identified as part of the overall improvement to the roadway segment of 28th Street between National Avenue to Main Street in the Barrio Logan Public Facilities Financing Plan. However, the Barrio Logan Public Facilities Financing Plan indicates that the design and construction of the improvement will be scheduled when funding becomes available.

Similarly, implementation of **MM-TRA-4** would reduce the Proposed Project's contribution to the overall cumulatively considerable impact from TAMT Plan buildout on the Norman Scott Road/32nd Street/Wabash Boulevard intersection. To mitigate for significant impacts on the Norman Scott Road/32nd Street/Wabash Boulevard intersection, the TAMT Final PEIR identified the improvement of the intersection by adding a westbound right-turn overlap phase. Implementation of this improvement would improve the traffic operations at this affected intersection by reducing the delay to a less-than-significant level. These mitigation measure(s) are set forth in full in Table 2-1 of Chapter 2, Executive Summary, of the Final SEIR, and are described above in Section 4.5.1 of these Findings.

For the Proposed Project, implementation of mitigation measure(s) **MM-TRA-3R** and **MM-TRA-4** would reduce the cumulative traffic impacts during operation of future components of the TAMT Plan to less than cumulative considerable. However, similar to what was identified in the TAMT Final PEIR, the timing and implementation of the necessary improvement to the roadway segment of 28th Street between Boston Avenue and National Avenue (**MM-TRA-3R**) is within the exclusive jurisdiction of the City of San Diego and not the District. As such, because the design and implementation of the physical improvements needed to reduce the significant impact on the affected roadway segment are within the jurisdiction and control of the City of San Diego and not the District, the District cannot guarantee that the necessary improvements will be constructed as needed.

Similarly, the design and implementation of the necessary improvement to the Norman Scott Road/32nd Street/Wabash Boulevard intersection is within the exclusive jurisdiction of the California Department of Transportation, not the District. As such, because the design and implementation of the physical improvements needed to reduce the significant cumulative impact on the affected intersection are within the jurisdiction and control of the California Department of Transportation and not the District, the District cannot guarantee that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure(s) **MM-TRA-3R** and **MM-TRA-4**, the cumulatively considerable impact of the Proposed Project on Transportation, Circulation, and Parking is considered significant and unavoidable and a

Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

5.4.2 Contribute to Unacceptable Operations at Study Area Freeway Segments

Potentially Significant Impact: The SEIR identifies a potentially significant cumulative impact on Transportation, Circulation, and Parking associated with the contribution to unacceptable operations on study area freeway segments from operation of the Proposed Project (Section 5.3.5 of the SEIR). These discussions correspond to Impact-C-TRA-5 (Contribute to an Unacceptable Level of Operation at Four Freeway Segments from Full TAMT Plan Buildout) in the TAMT Final PEIR.

The TAMT Final PEIR identified a potential significant cumulative impact on Transportation, Circulation, and Parking (Impact-C-TRA-5) from the addition of TAMT Plan buildout traffic to future year traffic conditions on three mainline freeway segments that are projected to operate at LOS F:

- I-5 northbound between SR-94 and Imperial Avenue,
- I-5 northbound between SR-15 and Main Street, and
- SR-15 southbound between Market Street and Ocean View Boulevard.

The SEIR states that future traffic associated with the operation of the Proposed Project would be within the traffic volumes contemplated in the TAMT Final PEIR. As such, traffic associated with the operation of the Proposed Project would not result in new or more severe cumulatively considerable freeway mainline impacts compared to what was previously disclosed in the TAMT Final PEIR. However, the Proposed Project would generate vehicle trips that would contribute to the overall cumulative impact from TAMT Plan buildout on these three mainline freeway segments

Detailed information and analysis regarding these potential significant cumulative impacts are provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

Finding: Pursuant to State CEQA Guidelines §15091(a)(1), the SEIR requires that changes or alterations be incorporated into the approved Project that avoid or substantially lessen the significant cumulative environmental effect on Transportation, Circulation, and Parking identified as Impact-C-TRA-5 in the TAMT Final PEIR; and pursuant to State CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of another public agency – the California Department of Transportation (Caltrans).

Facts in Support of Finding: Detailed information and analysis regarding this potential significant cumulative impact are provided in Volume 2 (Draft SEIR and Technical Appendices), Chapter 5, Cumulative Impacts.

As discussed in the SEIR, future traffic associated with operation of the Proposed Project would be within the traffic volumes contemplated in the TAMT Final. As such, traffic associated with the operation of the Proposed Project would not result in new or more severe cumulatively considerable freeway mainline impacts compared to what was previously disclosed in the TAMT Final PEIR. However, the Proposed Project would generate vehicle trips that would contribute to the overall cumulative impact from TAMT Plan buildout on the following three mainline freeway segments.

- I-5 northbound between SR-94 and Imperial Avenue (LOS F)
- I-5 northbound between SR 15 and Main Street (LOS F)
- SR-15 southbound between Market Street and Ocean View Boulevard (LOS F)

The potential significant cumulative impact on these three freeway mainline segments would be reduced by implementation of Mitigation Measure **MM-C-TRA-1**. As noted in TAMT Final PEIR Mitigation Measure **MM-C-TRA-1**, freeway mainline segment improvements have been identified as part of SANDAG's Regional Transportation Plan (RTP). However, the design and construction of the improvements is not currently known due to funding constraints. To ensure consistency with TAMT Final PEIR Mitigation Measure **MM-C-TRA-1**, the Proposed Project would contribute a fair share contribution of the total cost for these improvements when a funding mechanism becomes available to the District. As such, TAMT Final PEIR Mitigation Measure **MM-C-TRA-1** has been revised to reflect the Proposed Project's contribution to the improvement as Mitigation Measure **MM-C-TRA-1R**. This mitigation measure is set forth in full in Table 2-1 of Chapter 2, Executive Summary of the Final SEIR, and is as follows:

MM-C-TRA-1R: Construct Managed Lanes on I-5 and I-15. SANDAG currently has plans to construct two managed lanes (one in each direction) on I-5 between I-15 and Palomar Street by the year 2030 as well as two additional multi-purpose lanes and two managed lanes on SR-15 between I-5 and SR-94 by the year 2050. The District shall coordinate with SANDAG and Caltrans to determine the TAMT Plan's fair share contribution. Because this mitigation measure is far into the future, the exact amount will need to be determined at a future date and prior to the TAMT Plan's contribution to the affected freeway mainline sections reaching 0.005 change in V/C ratio.

The following fair-share percentages under the STC Alternative scenario per affected freeway facility, should serve as guidance to the amount the District should pay toward a program or plan for the aforementioned freeway facility improvements to be constructed.

- I-5 northbound between SR-94 & Imperial Avenue: 5 percent of the total cost for improvements to this segment.
- I-5 northbound between SR-15 & Main Street: 6 percent of the total cost for improvements at this segment.

- SR-15 southbound between Market Street & Ocean View Boulevard: 11 percent of the total cost for improvements to this segment.

If a fair share funding program has been identified, the District shall determine if the Mitsubishi Cement Corporation Project Proponent shall provide a fair share contribution.

Information released by SANDAG in 2016 indicated that funding to analyze and construct improvements identified for highways, carpool/managed lanes, and connectors along the I-5, I-8, SR-78, SR-67, SR-56, SR-52, and SR-94 could come from a proposed ballot measure (also known as Measure A or the San Diego County Road Repair, Transit, Traffic Relief, Safety and Water Quality Measure). However, Measure A was not approved by San Diego County voters in the November 2016 election. Given that Measure A was not approved, it is currently unknown when funding for the full construction of improvements for the identified managed lanes would be available and a funding mechanism for fair share contributions made available to agencies such as the District.

A review of Caltrans' System Plan for Managed Lanes on California State Highways indicates that managed lanes contemplated by Caltrans have been identified in SANDAG's 2016 Regional Plan. The District has also inquired about future improvements or phased improvements along I-5 and SR-15 with Caltrans. At the time of this SEIR's preparation, Caltrans did not have specific details or programming identified for the above-mentioned mainline freeway segments.

Although the TAMT Final PEIR identified fair share improvements for these affected freeway facilities through **MM-C-TRA-1**, the TAMT Final PEIR also noted that there is no program in place, either by SANDAG or Caltrans, into which the District could pay its fair share contribution toward the cost of such improvements. The TAMT Final PEIR concluded that the cumulative impacts along I-5 and SR-15 would remain significant and unavoidable. Similarly, implementation of **MM-C-TRA-1R** for the Proposed Project would not guarantee that improvements to the freeway mainline segments would be made at the time potential impacts could occur because implementation of the necessary improvements are within the exclusive jurisdiction of the California Department of Transportation, not the District. As such, because the design and implementation of the physical improvements needed to reduce the significant cumulative impact on the affected freeway facilities are within the jurisdiction and control of the California Department of Transportation and not the District, the District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure **MM-C-TRA-1R**, the cumulatively considerable impact of the Proposed Project on Transportation, Circulation, and Parking is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measure(s) and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measure(s), the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the Proposed Project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through implementation of mitigation measure(s).

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measure(s) identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project that could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors. (State CEQA Guidelines §15364.)

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to State CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives that could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives. (State CEQA Guidelines §15126.6(f).)

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the Proposed Project as the approved Project has substantial environmental, planning, fiscal and other benefits. In rejecting certain alternatives, the District has examined the Proposed Project objectives and weighed the ability of the various alternatives to meet the objectives. The District believes the Proposed Project best meets these objectives with the least environmental impact. The objectives considered by the District are set forth in Section 1.3 above and in Volume 2 (Draft SEIR and Technical Appendices), Section 3.3 (Project Objectives) of the SEIR.

The SEIR examined a range of reasonable alternatives to determine whether they could meet the Proposed Project objectives while avoiding or substantially lessening one or more of the Proposed Project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining

the feasibility of alternatives, the District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social and technological factors. (State CEQA Guidelines §§15126(d)(5)(A), 15364.)

The SEIR concluded that the Proposed Project will result in unavoidable significant direct impacts on Greenhouse Gas Emissions and Climate Change and Transportation Circulation, and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking, because even though these impacts could be reduced by the mitigation measure(s) recommended in the SEIR, the District cannot state with certainty that the impacts will be reduced below significance.

Accordingly, the SEIR analyzed two alternatives to the Proposed Project: (1) the No Project Alternative, and (2) the Reduced Throughput Alternative. Detailed information and analysis concerning these alternatives, are set forth in Volume 2 (Draft SEIR and Technical Appendices), Chapter 7, Alternatives to the Proposed Project.

This section of the findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the unavoidable significant impacts associated with the Proposed Project.

6.1 Alternative 1 – No Project/No Build Alternative

The No Project Alternative is an alternative that is required to be evaluated by CEQA. (State CEQA Guidelines §15126(d)(2).) The No Project Alternative (Alternative 1) assumes that no Project-related development would occur and none of the Proposed Project's other components would be implemented. Under the No Project Alternative, the District would maintain existing conditions at the Proposed Project site, which is currently used for dry bulk handling and consists of dry bulk and equipment storage and two clerk shacks. Bays C-7 and C-9 of Warehouse C are currently vacant, while Bays C-8 and C-10 are currently occupied by a District tenant and used for the storage of bauxite. The existing Warehouse C facilities would be left intact under this alternative. No new development or upgrades to dry bulk cargo handling equipment would be implemented on this portion of TAMT, and operations would continue under the existing physical conditions at the site.

The potential impacts of the No Project Alternative are discussed in detail in Section 7.5.1, Chapter 7, Alternatives to the Proposed Project, of Volume 2 (Draft SEIR and Technical Appendices). Similar to what was described for the No Project/No Build Alternative in the TAMT Final PEIR, growth at the Proposed Project site would occur in an ad hoc manner, and due to the existing capacity constraints, the maximum annual dry bulk cargo throughput would only reach approximately 400,000 Metric Tons per year (MT/yr). Because no physical modifications would occur at the terminal, the No Project Alternative would potentially reduce one or more significant impacts that were identified for the Proposed Project, which are consistent with those disclosed in the certified TAMT

Final PEIR. However, the Proposed Project would utilize a fully enclosed vacuum system that would substantially improve air quality compared to the existing conveyor system. Therefore, impacts on air quality would likely be worse under the No Project Alternative compared to the Proposed Project. Similarly, GHG emissions under the No Project Alternative would be comparable or even greater compared to the Proposed Project because it would incorporate fewer clean technology improvements and would not implement mitigation measure(s) to reduce GHG emissions at the Proposed Project site and during project operations.

Because it would entail no physical modification of the Proposed Project site, the No Project Alternative would lessen the impacts of the Proposed Project relative to Hazards and Hazardous Materials and Noise and Vibration, but neither would result in significant and unavoidable impacts. Similarly, the No Project Alternative would lessen the Proposed Project's significant impacts on Transportation, Circulation, and Parking.

The No Project Alternative would not meet any of the Proposed Project's objectives because it would not establish a facility capable of the receipt, storage, and distribution of cementitious materials; would not eliminate or substantially reduce truck trips and distances from other more distant ports; would not establish a project that is consistent with the overall program goals and objectives of the TAMT Plan; and it would not optimize the use of existing berths and land by identifying and upgrading infrastructure consistent with the objectives of the TAMT Plan.

The District finds that all potential significant environmental impacts of the Proposed Project will be mitigated by the design of the Proposed Project and the adoption of the mitigation measure(s) set forth in the Mitigation Monitoring and Reporting Program, except the significant direct and cumulative impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking. The District further finds that, although the No Project Alternative would avoid or substantially lessen the potential significant direct and cumulative impacts on Hazards and Hazardous Materials, Noise and Vibration, and Transportation, Circulation, and Parking, the No Project is infeasible because it would not attain any of the Proposed Project objectives and would not provide the District and the region with any of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts that cannot be avoided or mitigated to a level below significance, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to State CEQA Guidelines §15093.

6.2 Alternative 2 – Reduced Throughput Alternative

The Reduced Throughput Alternative (Alternative 2) was selected to reduce the operational impacts of the Proposed Project, which are predominantly tied to throughput. Under the Reduced Throughput Alternative, the footprint and improvements to Warehouse C would be identical to the Proposed Project, but the scale of operation would be smaller. The Reduced Throughput Alternative would reduce the total amount of cementitious materials that would be imported and

distributed under the Proposed Project to an amount less than 600,000 MT, resulting in a corresponding decrease in vessel calls, cargo handling activities, and truck trips that would depend on the overall reduction of throughput proposed.

Construction activities under the Reduced Throughput Alternative would be identical to the Proposed Project, including implementation of either Option A (Interior Truck Loading) or Option B (Exterior Truck Loading), as well as either Sub-Option 1 (Subterranean Pipeline) or Sub-Option 2 (Overhead Pipeline), as described in Chapter 3, Project Description, Section 3.3, Project Construction. Construction of this alternative would be completed in two phases (Phase I and Phase II), and the construction workforce, the schedule, and earth disturbing activities for each phase would be identical to the Proposed Project.

It should be noted that the Board of Port Commissioners adopted the STC Alternative of the TAMT Plan, a Reduced Project Alternative for the TAMT's buildout and future operations, when it certified the TAMT Final PEIR in December 2016. Because the Proposed Project falls within the scope of the STC Alternative by proposing new dry bulk throughput of up to 600,000 MT/yr from a total STC Alternative-allotted amount for the dry bulk cargo node of 1,987,500 MT/yr, the throughput associated with Proposed Project operations has already been analyzed in the certified TAMT Final PEIR. As such, a Reduced Throughput Alternative (Alternative 2) would simply offset or delay realization of the dry-bulk throughput adopted with the STC Alternative of the TAMT Plan at the Proposed Project site with throughput eventually realized from other dry bulk tenants at TAMT.

The potential impacts of the Reduced Throughput Alternative are discussed in detail in Section 7.5.2 of Chapter 7, Alternatives to the Proposed Project, of Volume 2 (Draft SEIR and Technical Appendices). Construction activities under the Reduced Throughput Alternative would be identical to the Proposed Project; therefore, construction-related emissions would be the same as the Proposed Project. The Reduced Throughput Alternative would slightly reduce the production of long-term toxic air contaminant (TAC) emissions and would correspondingly slightly reduce the contribution towards cumulative health risk impacts compared to the Proposed Project. Similar to the Proposed Project, the Reduced Throughput Alternative would fall within the scope of the total STC Alternative as analyzed in the TAMT PEIR as it pertains to the allotted dry bulk cargo throughput. As such, as part of the overall TAMT Plan, a Reduced Throughput Alternative would not reduce or avoid the overall programmatic air quality impacts identified in the TAMT Final PEIR because future TAMT dry bulk projects would still be able to draw down capacity permitted under the STC Alternative. Therefore, while the Reduced Throughput Alternative would result in slightly reduced air quality impacts compared to the Proposed Project, it would not avoid or reduce the overall air quality impacts associated with the TAMT Plan.

Similarly, because construction activities under the Reduced Throughput Alternative would be identical to the Proposed Project, construction related GHG emissions would be similar. In addition, the Reduced Throughput Alternative would

result in a slight decrease in GHG emissions during operation due to the decrease in throughput and associated activities. However, the slight reduction in operational emissions under the Reduced Throughput Alternative would not change the relative GHG emissions efficiency per unit of dry bulk throughput, or change the need to implement Mitigation Measure(s) **MM-GHG-1R, MM-GHG-2R, MM-GHG-3, MM-GHG-4, MM-GHG-5R, MM-GHG-6R, MM-GHG-7R, MM-GHG-8R, MM-GHG-9R, and MM-GHG-10**. Like the Proposed Project, the Reduced Throughput Alternative would also not cause any conflicts with any GHG emissions reduction policies, plans, or measures; impacts are reduced to less than significant. No substantial impact changes would occur under the Reduced Throughput Alternative in comparison to the Proposed Project and impacts would be similar overall.

The Reduced Throughput Alternative would have the same or similar significant impacts as the Proposed Project on Hazards and Hazardous Materials, and would require all of the same mitigation measure(s) recommended for the Proposed Project to reduce the hazards-related impacts to a level below significance. The Reduced Throughput Alternative also would incrementally lessen the Proposed Project's Noise and Vibration impact as compared to the Proposed Project, but neither would result in significant and unavoidable impacts.

Under the Reduced Throughput Alternative, the scale of construction would be identical to the Proposed Project. Therefore, the construction-related peak traffic-trip generation volumes would be the same as the Proposed Project and, like the Proposed Project, would result in less-than-significant impacts from construction-related traffic. Operational peak trip generation volumes would be similar when compared to the Proposed Project because a similar number of trips would occur for each vessel being off loaded. However, a reduction would occur with the frequency of such events. Therefore, the Reduced Throughput Alternative would result in slightly reduced operational impacts on study area roadways, intersections, and freeways compared to the Proposed Project. Both the Proposed Project and the Reduced Throughput Alternative would require mitigation to reduce transportation-related impacts identified from the buildout of the TAMT Plan in the TAMT Final PEIR. However, similar to the Proposed Project, even after mitigation, Transportation, Circulation, and Parking impacts would be significant and unavoidable because the implementation of the improvements associated with the mitigation measure(s) are outside the jurisdiction of the District. As a result, the certainty of their implementation is unknown.

Importantly, similar to the Proposed Project, the Reduced Throughput Alternative, which would involve less than 600,000 MT, would fall within the scope of the total STC Alternative—allotted dry bulk cargo throughput of 1,987,500 MT analyzed in the TAMT Final PEIR. Therefore, although a Reduced Throughput Alternative would reduce the operations associated with the Proposed Project, other future dry bulk cargo projects, consistent with the TAMT Plan and the analysis provided in the TAMT Final PEIR, would simply offset the throughput reduction that would occur under the Reduced Throughput Alternative to an amount not to exceed 1,987,500 MT. Therefore, although a Reduced Throughput Alternative would have

fewer truck and commute trips associated with it than would the Proposed Project, it would do nothing to reduce the overall dry bulk-related trips expected with buildout of the TAMT Plan.

The Reduced Throughput Alternative would achieve several of the Proposed Project objectives. However, the Reduced Throughput Alternative would not achieve Objectives #1 and #5 set forth in Section 1.3 above and would only partially achieve Objectives #2, #3, and #6. In addition, this alternative would not be entirely consistent with the STC Alternative as described in the TAMT Final PEIR because it would seek to reduce throughput, which runs counter to the objectives of the approved STC Alternative.

6.3 Environmentally Superior Alternative

The Proposed Project would implement a project consistent with the approved STC Alternative identified in the TAMT Plan, the environmental effects of which were analyzed and approved in the TAMT Final PEIR. As discussed and analyzed in Chapter 4, Environmental Analysis, and Chapter 5, Cumulative Impacts, of Volume 2 (Draft SEIR and Technical Appendices), the Proposed Project would not result in any new or more severe significant environmental effects than what has been analyzed in the TAMT Final PEIR. Additionally, no new or more severe significant impacts were identified as a result of a substantial change in circumstances or as a result of new information that was not known at the time of the TAMT Final PEIR's certification (December 2016) and which could not have been known at that time. Moreover, there are no mitigation measure(s) or alternatives identified in the TAMT Final PEIR that were determined to be infeasible that are now feasible that have been declined to be adopted. However, the Reduced Throughput Alternative was carried forward for full analysis in addition to the No Project Alternative to provide a comparison of impacts to the Proposed Project. Based on the analysis in Section 7.5.1 of Chapter 7, Alternatives to the Proposed Project, of Volume 2 (Draft SEIR and Technical Appendices), the No Project Alternative would be the environmentally superior alternative. However, because the No Project Alternative cannot be the environmentally superior alternative, the closest such alternative would be the Reduced Throughput Alternative because it may temporarily reduce throughput by limiting the amount allowed by the Proposed Project, but this would be offset by other projects that propose dry bulk cargo throughput up to an amount allowed by the STC Alternative. As such, any reduction of impacts associated with the Reduced Throughput Alternative would be temporary.

Although it is environmentally superior to the Proposed Project, the District finds that the Reduced Throughput Alternative is infeasible for policy reasons because it would not attain several fundamental project objectives and would not provide the District and the region with all of the benefits described in Chapter 7.0, *Statement of Overriding Considerations*, below, and thus would be undesirable from a policy standpoint. For the unavoidable significant impacts that cannot be avoided or substantially lessened, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to State CEQA Guidelines §15093.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Proposed Project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Draft SEIR and Technical Appendices), Chapter 4, Environmental Impacts, and Chapter 5, Cumulative Impacts, with revisions and clarifications in Volume 1 (Final SEIR), Chapter 4, Errata and Revisions:

- Direct impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking; and
- Cumulative impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking.

The District has recommended that the public agencies with exclusive jurisdiction over traffic facilities and improvements adopt all feasible mitigation measure(s) with respect to the significant unavoidable environmental impacts on Transportation, Circulation, and Parking. Although implementation of the recommended mitigation measure(s) could avoid or substantially lessen these unavoidable environmental impacts, the mitigation measure(s) are within the exclusive jurisdiction of the City of San Diego and the California Department of Transportation, not the District, and the District cannot assure that they will be implemented when needed.

The District analyzed a reasonable range of alternatives to the Proposed Project, including the No Project Alternative and Reduced Throughput Alternative. Based on the evidence contained in the SEIR and presented during the administrative proceedings, the District determined that the Reduced Throughput Alternative would be the environmentally superior alternative; however, it would not meet Objectives #1 and #5 and would only partially meet Objectives #2, #3, and #6. Therefore, the Board of Port Commissioners of the District has adopted the Proposed Project as the approved project ("Approved Project").

Notwithstanding the District's approval, the Approved Project would still have unavoidable significant impacts despite the implementation of all feasible mitigation measure(s) as set forth in the SEIR. Pursuant to State CEQA Guidelines §§15043 and 15093, the District must adopt a Statement of Overriding Considerations in order to approve the Proposed Project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social or other expected benefits of a project outweigh its potential unavoidable significant environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to a level below significance, the District wishes to make clear its determination that the benefits of the Approved Project described below are of such importance to the community and the region as to outweigh all significant adverse impacts described in the SEIR or suggested by participants in the public review process.

Pursuant to State CEQA Guidelines §15093, the District hereby finds that the Proposed Project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the Proposed Project as the Approved Project:

- The Proposed Project will advance the goal articulated in the District's mission statement, which provides: "While protecting the Tidelands Trust resources, the District will balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California." The Proposed Project will provide a stimulus to the local economy through the creation of temporary and permanent jobs for the construction and operation of the several components of the Proposed Project.
- The Proposed Project will increase employment opportunities within the region by providing approximately 52 new long-term employment opportunities at buildout of the Proposed Project, most of which offer annual compensation well above the regional average.
- The Proposed Project will stimulate economic growth for the District, City of San Diego and the overall region and will develop economically feasible land uses in the Proposed Project area. The Proposed Project will be economically sustainable, generate revenue, and will encourage private sector participation.
- The Proposed Project will provide a benefit to the community by incorporating energy conservation and sustainability features into its design and construction that will provide energy and water efficiency in excess of standards required by Title 24 of the California Code of Building Regulations.
- Although it cannot mitigate the unavoidable environmental impacts to a level below significance, the Proposed Project incorporates design features and will implement mitigation measure(s) intended to minimize to the extent feasible the potential direct and cumulative impacts on Greenhouse Gas Emissions and Climate Change and Transportation, Circulation, and Parking associated with the Proposed Project, as set forth in the Mitigation Monitoring and Reporting Program.
- Enhances an Established Maritime Use Consistent with the California Coastal Act, the Port Act, and the Port Master Plan.
- Promotes sustainability by requiring either renewable energy projects, or other verifiable actions or activities on Tidelands, or purchasing of equivalent GHG offsets, development of an Exhaust Emission Reduction Program as part of the District's Clean Air Plan update, and use of electric power through connection with the ship's dry-dock breaker system to reduce Vessel Hoteling Emissions, as well as several other non-quantifiable practices to be implemented over the life of the Proposed Project.

- Increases the amount of wharfage fees paid to the District as a result of additional dry bulk cargo processed at the terminal.
- Increases the amount of rent the District will receive.
- Increases regional economic growth as the result of increased goods movement activity, as well as additional indirect and induced jobs.
- Provide a valuable resource, cementitious materials, to the region for construction activities, which in turn, will increase construction employment opportunities.
- Reduce the need to truck in cementitious materials to the San Diego region from outside of the County and in turn, reduce GHG emissions, air pollutants and traffic congestion.

The District has weighed the benefits of the Proposed Project against its potential unavoidable significant environmental risks in determining whether to adopt the Proposed Project as the Approved Project. After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the Board of Port Commissioners has determined that the specific benefits identified above outweigh the significant unavoidable environmental impacts of the Proposed Project. Each of the benefits and the fulfillment of the objectives of the approved Project, as stated herein, is determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, therefore, the District finds that the Proposed Project's potential significant unavoidable environmental impacts are outweighed by the benefits described above.

20xx-xxx

EXHIBIT “B”

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the Mitsubishi Cement Corporation at Warehouse C Project implements environmental mitigation, as required by the Final Subsequent Environmental Impact Report (SEIR) for the Proposed Project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the SEIR, and the general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieve the same or greater impact reduction. Copies of the measures will be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

Format

Mitigation measures applicable to the Project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Measures
- Timing and Methods
- Responsible Parties

Mitigation Measures

Provides the language of the mitigation measure in its entirety along with the assigned number.

Timing and Methods

The mitigation measures required for the Project will be implemented at various times before Project construction, during Project construction, prior to Project completion, or during Project operation. The

procedures for implementing all mitigation measures as well as documenting and reporting mitigation implementation efforts are also included.

Responsible Parties

For each mitigation measure, the party responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure is identified.

Table 1. Mitigation, Monitoring, and Reporting Program

Mitigation Measures	Timing and Methods	Responsible Parties
Air Quality and Health Risk		
<p>MM-AQ-1R: Implement Best Management Practices During Construction of Future TAMT Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement Best Management Practices (BMPs) to reduce air emissions from all construction activities implemented as part of the Proposed Project. The following measures are required to limit construction equipment exhaust from on-road trucks and heavy-duty equipment used during construction.</p> <ul style="list-style-type: none"> • Ensure that all off-road diesel-powered equipment used during construction between 2020 and 2025 is equipped with the U.S. Environmental Protection Agency (EPA) Tier 3 or cleaner engines, except for specialized construction equipment for which an EPA Tier 3 engine is not available. • Ensure that all off-road diesel-powered equipment used during construction beyond 2025 is equipped with EPA Tier 4 Final or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 Final engine is not available. • Maintain all construction vehicles and equipment according to manufacturers' specifications. • Restrict idling of construction vehicles and equipment to a maximum of 3 minutes when not in use (see MM-AQ-2 for definition of "not in use"). <p>In addition, the Mitsubishi Cement Corporation Project Proponent shall implement the relevant BMPs, consistent with the Project-specific industrial Storm Water Pollution Prevention Plan (SWPPP). In no case would any BMP be implemented if it conflicts with the SWPPP or other applicable water quality permit requirements. BMP dust control measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water the grading areas at least twice daily to minimize fugitive dust. • Stabilize graded areas as quickly as possible to minimize fugitive dust. • Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry. • Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads. • Remove any visible track-out into traveled public streets within 30 minutes of occurrence. • Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred. • Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. 	<p>Timing: During Project construction.</p> <p>Method: Implement specific BMPs during construction.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent (during construction), Construction Manager (during construction), and General Contractor (during construction)</p> <p>Monitoring and Reporting: Qualified agent, approved by and reporting to the District, District's marine terminal supervisors, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. • Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph. • Cover/water onsite stockpiles of excavated material. • Enforce a 15 mph speed limit on unpaved surfaces. • On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather. • Develop as quickly as possible all disturbed areas as directed by the San Diego Unified Port District's Planning and Green Port Department and/or SDAPCD to reduce dust generation. • Limit the daily grading volumes/area. 		
<p>Prior to the commencement of construction activities, the Mitsubishi Cement Corporation Project Proponent shall submit evidence to the San Diego Unified Port District's Planning and Green Port Department of compliance with the BMPs and that construction equipment is maintained and properly tuned in accordance with manufacturers' specifications, which shall be subject to confirmation by the San Diego Unified Port District's Planning and Green Port Department during construction.</p>		
<p>MM-AQ-2R: Implement Diesel Emission-Reduction Measures During Construction and Operations of Future TAMT Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement the following measures during construction and project operations, subject to verification by the San Diego Unified Port District's Planning and Green Port Department.</p> <p>i. The Mitsubishi Cement Corporation Project Proponent shall limit all construction and operations equipment, drayage, and delivery truck idling times by shutting down equipment when not in use and reducing the maximum idling time to less than 3 minutes. Clear signage regarding the limitation on idling time at the delivery driveway and loading areas has been installed on terminal to provide actual notice of this requirement to all drivers. This measure shall be enforced by the terminal supervisors or by a Port designated functional-equivalent, who will submit quarterly reports of violators to San Diego Unified Port District's Planning and Green Port Department and repeat violators shall be subject to penalties pursuant to California airborne toxics control measure 13 California Code of Regulations Section 2485. The Project Proponent shall submit evidence of the use of diesel emission</p>	<p>Timing: During Project construction and operations.</p> <p>Method: Implement specific diesel-reduction measures during construction and operations.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent (during operation and construction), Construction Manager (during construction), and General Contractor (during construction)</p> <p>Monitoring and Reporting: Qualified agent, approved by and reporting to the District, District's marine terminal supervisors, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>reduction measures to the San Diego Unified Port District's Planning and Green Port Department through annual reporting, with the first report due 1 year from the date of project completion and each report due exactly 1 year after, noting all violations with relevant identifying information of the vehicles and drivers in violation of these measures.</p> <p>ii. The Mitsubishi Cement Corporation Project Proponent shall verify that all construction and operations equipment is maintained and properly tuned in accordance with manufacturers' specifications. Prior to the commencement of construction and operations activities using diesel-powered vehicles or equipment, the Mitsubishi Cement Corporation Project Proponent shall verify that all vehicles and equipment have been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into any terminal leasehold. The Mitsubishi Cement Corporation Project Proponent shall submit a report by the mechanic of the condition of the construction and operations vehicles and equipment to the San Diego Unified Port District's Engineering Department during the construction phase and the Planning and Green Port Department during the operation phase prior to commencement of their use.</p>		
<p>MM-AQ-3R: Comply with San Diego Unified Port District Climate Action Plan Measures. Prior to approval of all discretionary actions and/or Coastal Development Permits, the Mitsubishi Cement Corporation Project Proponent shall be required to implement the following measures to be consistent with the Climate Action Plan.</p> <ul style="list-style-type: none"> • Vessels shall comply with the District's voluntary vessel speed reduction program, which targets 80 percent compliance. • Vessels that are subject to CARB's at-berth regulation (dry bulk vessels are not subject to the at-berth regulation) shall comply with ARB's at berth regulation that requires shore power or alternative control technology regulation for certain vessel fleets for 80 percent of eligible calls by 2020, minus idle time to clear customs consistent with California Air Resources Board regulations. The TAMT Final PEIR assumed 1.5 hours of idle time for vessels to embark/disembark, which applies to all shore power and/or alternative control technologies employed at the terminal. This is a Project feature made into a mitigation measure to ensure compliance (see MM-AQ-9 for an explanation of the Proposed Project's shore power features). • Designated truck haul routes shall be used, and the Project Proponent shall decrease onsite movements where practicable. • No commercial drive-through shall be implemented. 	<p>Timing: During Project implementation, through Project operation.</p> <p>Method: Implement specific measures designed to be consistent with the San Diego Unified Port District Climate Action Plan (CAP).</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none">Compliance with Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be mandatory and shall include recycling at least 50 percent of solid waste; compliance with the City of San Diego's Construction and Demolition Debris Deposit Ordinance shall be mandatory and shall include recycling at least 65 percent of all construction debris. This measure shall be applied during construction and operation of the Proposed Project.Light fixtures shall be replaced with lower-energy bulbs such as fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), or the most energy-efficient lighting that meets required lighting standards and is commercially available.Implementation of Climate Action Plan measures will be included as part of any discretionary actions and/or Coastal Development Permit(s) associated with this project. Evidence of implementation and compliance with this mitigation measure shall be provided to the San Diego Unified Port District's Planning and Green Port Department by the Project Proponent on an annual basis through the end of the lease or 2035 (buildout of the TAMT plan), whichever occurs first.		
<p>MM-AQ-4R: Implement Best Available Control Technologies for Conveyor System and Bulk Discharge Unloader for Future Dry Bulk Operations associated with the TAMT Plan. As a condition of approval of any new or amended real estate agreement or Coastal Development Permit for the Mitsubishi Cement Corporation Project that would result in an increase in daily or annual throughput over baseline conditions identified in the TAMT Final PEIR, the San Diego Unified Port District shall require the Mitsubishi Cement Corporation Project Proponent to install and use the best available control technologies to achieve a minimum 95% control efficiency for particulate matter by bypassing the existing Conveyor System and Bulk Discharge Unloader and installing a new Conveyor System and Bulk Discharge Unloader that meets the minimum 95% control efficiency.</p> <p>Under no circumstance shall the Project Proponent seeking discretionary approval for dry bulk operations be allowed to increase daily or annual throughput of dry bulk operations without first completing the upgrade or replacement of the existing system, or installation of a new system required above.</p> <p>The recipient of a discretionary approval by the San Diego Unified Port District subject to this mitigation measure shall provide written evidence of implementation and compliance with this mitigation measure to the San Diego Unified Port District on an annual basis through the end of the lease.</p>	<p>Timing: Prior to the first discretionary action approval and/or Coastal Development Permits for the Mitsubishi Cement Corporation Project.</p> <p>Method: Bypassing the existing Conveyor System and Bulk Discharge Unloader and installing a new Conveyor System and Bulk Discharge Unloader that meets the minimum 95% control efficiency. Evidence of implementation and compliance with this mitigation measure shall be provided to the District on an annual basis through the end of the Project lease.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-AQ-5R: Implement Vessel Speed Reduction Program Beyond Climate Action Plan Compliance for Future Operations Associated with the TAMT Plan. The Mitsubishi Cement Corporation shall be required to comply with the Enhanced VSR Program.</p> <p>The Mitsubishi Cement Corporation shall, beginning with the first vessel call to the Port, comply with 80% of its OGVs reducing their speeds to 12 knots or less starting at 20 nautical miles from Point Loma.</p> <p>The Mitsubishi Cement Corporation shall comply with 90% of its OGVs calling to the Port, reduce their speeds to 12 knots starting at 40 nautical miles from Point Loma upon the occurrence of the earlier of either of the following two scenarios:</p> <ul style="list-style-type: none">• Prior to the annual number of dry bulk vessel calls reach 91 calls annually (e.g., 76 new calls over the TAMT Final PEIR's baseline condition); or• Beginning January 1, 2030, irrespective of the number of calls on an annual basis. <p>To help the District implement the Beyond 2013 CAP VSR Program before reaching 91 dry bulk vessel calls annually, Mitsubishi Cement Corporation shall provide the District with a rolling estimate of anticipated vessels calls every 6 months.</p> <p>The San Diego Unified Port District will verify compliance through analysis of Automatic Identification System data or by requesting a vessel's Electronic Chart Display Identification System log from the captain.</p>	<p>Timing: Beginning with the first vessel call to the Port; and prior to the annual number of dry bulk vessel calls reaching 91 calls annually or beginning January 1, 2030, irrespective of the number of calls on an annual basis. Reporting shall occur every 6 months.</p> <p>Method: Implement vessel speed reduction measures to comply with the Enhanced VSR Program. Provide evidence of implementation and compliance with this mitigation measure.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C**ATTACHMENT 1****MITIGATION MONITORING AND REPORTING PROGRAM**

MM-AQ-6: Electric Cargo Handling Equipment Upgrades. This measure has multiple steps for compliance, as specified below.

- A. Prior to January 1, 2020, the San Diego Unified Port District shall ensure that at least three pieces of existing non-electric cargo handling equipment at the terminal are replaced by electric cargo handling equipment, none of which were previously operating at the terminal during the 2013/2014 baseline year of the EIR analysis. Possible ways the electric cargo handling equipment may be obtained include, but are not limited to, the following:

1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric cargo handling equipment and the equipment it will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric cargo handling equipment is in use at each of the three nodes throughout the expected operating life. This will be accomplished by requiring each tenant that employs electric cargo handling equipment pursuant to this measure to report the equipment's annual number of hours of operation to the San Diego Unified Port District and by requiring the San Diego Unified Port District to monitor use of the electric cargo handling equipment as part of the San Diego Unified Port District's TAMT equipment inventory.

- B. Prior to January 1, 2025, the San Diego Unified Port District also shall ensure that no fewer than 20 non-electric yard trucks in operation are replaced at the TAMT by 20 electric yard trucks. Possible ways the electric yard trucks may be obtained include, but are not limited to, the following:

1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;
2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or
3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District.

Written evidence of the acquisition of the electric yard trucks, and the non-electric yard trucks they will replace and remove from further operation at the terminal, must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric yard trucks are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric trucks pursuant to this measure shall report

Timing: Prior to January 1, 2020; prior to January 1, 2025; and prior to January 1, 2030.

Method: MM-AQ-6 will be implemented by the District on a terminal-wide basis. The District is in the process of developing an incentive program to assist with upgrades to electric cargo handling equipment at the TAMT.

Mitsubishi Cement Corporation is proposing electric vacuum loaders and only minimal diesel equipment as a feature of the Project.

Implementation: District

Monitoring and Reporting: District

Verification: District

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric trucks as part of the San Diego Unified Port District's TAMT equipment inventory.</p> <p>C. Prior to January 1, 2030, the San Diego Unified Port District also shall ensure that no fewer than three existing non-electric reach stackers and ten non-electric forklifts in operation are replaced at the TAMT by three fully electric reach stackers and ten fully electric forklifts. Possible ways the electric reach stackers and forklifts may be obtained include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by the San Diego Unified Port District; 2. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by other sources; or 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District. <p>Written evidence of the acquisition of the three electric reach stackers and ten electric forklifts and the conventional equipment they will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric reach stackers and forklifts are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric reach stackers or electric forklifts pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric reach stackers and forklifts as part of the San Diego Unified Port District's TAMT equipment inventory.</p> <p>D. The electric equipment employed pursuant to paragraphs A, B, and C of this mitigation measure may be replaced by other technologies or other types of cargo handling equipment as long as the replacement equipment achieves the same or greater criteria pollutant, toxic air contaminant, and greenhouse gas emission reductions as compared to the equipment required by paragraphs A, B, and C of this mitigation measure.</p>	<p>Timing: During Project operation, with inventories submitted annually by January 30 of each year.</p> <p>Method: Complete the District's equipment inventory spreadsheet and work with District staff and/or the local air pollution control district to identify new technologies or other practices for reducing emissions and improving air quality.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
<p>MM-AQ-7R: Annual Inventory Submittal and Periodic Technology Review.</p> <p>The Mitsubishi Cement Corporation shall comply with the District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants, and greenhouse gases on an annual basis to be submitted by January 30 of each year of operations, and (2) working collaboratively with District staff and/or the local air pollution control district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.</p>		

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>The Mitsubishi Cement Corporation shall complete the District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, VIN/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to assist in technological reviews, as described in the TAMT Plan MM-AQ-7, the San Diego Unified Port District's Periodic Technology Review will coincide with monitoring and reporting pursuant to the San Diego Unified Port District's Climate Action Plan and will include the actions specified in TAMT Plan MM-AQ-7.</p>		
<p>MM-AQ-8: Implement Exhaust Emissions Reduction Program at the Tenth Avenue Marine Terminal. The San Diego Unified Port District is tasked with developing an incentive program, based on an emission reduction schedule, that incentivizes tenants and/or terminal operators to reduce mobile source emissions above and beyond the requirements identified in the TAMT Final PEIR. District staff is currently developing the Exhaust Emission Reduction Program as part of the District's Clean Air Plan update, per the direction of the Board of Port Commissioners in June 2019. Following completion of the Clean Air Plan update, the Project Proponent will be eligible to participate in the updated plan's Exhaust Emission Reduction Program.</p>	<p>Timing: Development of the Exhaust Emission Reduction Program as part of the Clean Air Plan update is ongoing. Following completion of the Clean Air Plan update, the Mitsubishi Cement Corporation Project Proponent will be eligible to participate.</p> <p>Method: Participate in the updated plan's Exhaust Emission Reduction Program once it has been adopted by the District.</p>	<p>Implementation: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
<p>MM-AQ-9R: Use of At-Berth Emission Capture and/or Control System to Reduce Vessel Hoteling Emissions. In lieu of the At-Berth Emission Capture and Control System, the Mitsubishi Cement Corporation shall use electric power through connection with the ship's dry-dock breaker system to reduce Vessel Hoteling Emissions. To attain emission reductions equivalent to or greater than the At-Berth Emission Capture and Control System specified in TAMT Plan MM-AQ-8, ocean going vessels (OGVs) that call at the Mitsubishi Corporation Project facility shall use the shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Compliance with the 50 percent shore-to-ship power system requirement shall be calculated based on an annual average. Mitsubishi Cement Corporation shall submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department on or before January 31 of each year, demonstrating compliance with this environmental control measure for the previous calendar year. If an emergency event [as defined in California Air Resources Board's (CARB's) At-Berth Regulation, Title 17, CCR Section 93118.3, subsection (c)(14)], prevents Mitsubishi Cement Corporation from achieving the required annual average shore-to-ship power rate (equal to or greater than 50 percent), Mitsubishi Cement Corporation may demonstrate compliance over a 2-year period, so long as Mitsubishi Cement Corporation</p>	<p>Timing: During Project operation. Annual reports shall be submitted on or before January 31 each year.</p> <p>Method: Use of a shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent; District</p> <p>Monitoring and Reporting: Mitsubishi Cement Corporation Proponent; District</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>submits documentation to the San Diego Unified Port District's Planning and Green Port Department which describes the emergency event(s) and explains the basis for Mitsubishi Cement Corporation's inability to demonstrate compliance using an annual average.</p> <p>The San Diego Unified Port District's Planning and Green Port Department shall review the documentation submitted by the Mitsubishi Cement Corporation and, if the San Diego Unified Port District's Planning and Green Port Department determines that Mitsubishi Cement Corporation made sufficient effort to comply with the environmental control, it would notify Mitsubishi Cement Corporation in writing that use of the two-year average is acceptable.</p> <p><i>*Please note that Mitsubishi Cement Corporation's annual dry bulk throughput will not be counted towards the 691,418 metric ton dry bulk trigger that requires use of an At-Berth Emission Capture and Control System because Mitsubishi will be relying on a shore-to-ship power system. However, the 691,418 metric ton dry bulk trigger would apply to other dry bulk tenants that do not have shore-power capabilities.</i></p>		
<p>MM-AQ-10: Modernization of Delivery Truck Fleet.</p> <p>No less than 90 percent of the trucks loading cement or cementitious material at the Mitsubishi Cement Corporation facility shall be equipped with an engine that meets one of the following requirements:</p> <ol style="list-style-type: none">1) Is no more than 5 years old, based on engine model year ("5-Year Engine") for each operational year;2) Has been designed or retrofitted to comply with Federal and State on-road heavy-duty engine emissions standards (e.g., EPA 2010 engine emission standards or successor rules or regulations for on-road heavy duty diesel engines) for a 5-Year Engine ("Emission equivalent Engine"); or3) Uses alternative engine technology or fuels demonstrated to produce emissions no greater than a 5-Year Engine ("Alternative Equivalent Engine"). <p>The remaining 10 percent of the trucks shall comply with all applicable federal and state heavy-duty on-road truck regulations. In addition, all trucks loading cement or cementitious materials at the Mitsubishi Cement Corporation facility shall be registered and be in compliance with the CARB Truck and Bus Regulation. In order to confirm that Mitsubishi Cement Corporation's 90 percent requirement for a Modernized Truck Fleet shall be determined on a calendar year basis. Mitsubishi Cement Corporation shall submit documentation of compliance, showing the following information, to the San Diego Unified Port District's Planning and Green Port Department on an annual basis by January 31 following each year of operation:</p> <ol style="list-style-type: none">1) Truck vehicle identification number (VIN),2) Engine model year,	<p>Timing: During Project operation. Documentation of compliance shall be submitted annually by January 31 of each year.</p> <p>Method: Equip 90 percent of trucks loading cement or cementitious material with either a 5-Year Engine, an Emission equivalent Engine, or an Alternative Equivalent Engine. The remaining 10 percent of trucks shall comply with federal and state regulations. Submit documentation of compliance following each year of operation to the San Diego Unified Port District's Planning and Green Port Department.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: Mitsubishi Cement Corporation Proponent, District</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
3) Annual truck trips, and 4) If nondiesel technology, manufacturer engine standards.		
Greenhouse Gas Emissions and Climate Change		
<p>MM-GHG-1R: Implement Best Management Practices During Construction of Future TAMT Redevelopment Plan Components. The Mitsubishi Cement Corporation Project Proponent shall implement Best Management Practices (BMPs) to reduce air emissions from all construction activities implemented as part of the Proposed Project. The following measures are required to limit construction equipment exhaust from on-road trucks and heavy-duty equipment used during construction.</p> <ul style="list-style-type: none"> • Ensure that all off-road diesel-powered equipment used during construction between 2020 and 2025 is equipped with the U.S. Environmental Protection Agency (EPA) Tier 3 or cleaner engines, except for specialized construction equipment for which an EPA Tier 3 engine is not available. • Ensure that all off-road diesel-powered equipment used during construction beyond 2025 is equipped with the EPA Tier 4 Final or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 Final engine is not available. • Maintain all construction vehicles and equipment according to manufacturers' specifications. • Restrict idling of construction vehicles and equipment to a maximum of 3 minutes when not in use (see MM-GHG-2 for definition of "not in use"). <p>In addition, the Mitsubishi Cement Corporation Project Proponent shall implement the relevant BMPs, consistent with the Project-specific industrial Storm Water Pollution Prevention Plan (SWPPP). In no case would any BMP be implemented if it conflicts with the SWPPP or other applicable water quality permit requirements. BMP dust control measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water the grading areas at least twice daily to minimize fugitive dust. • Stabilize graded areas as quickly as possible to minimize fugitive dust. • Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry. • Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads. • Remove any visible track-out into traveled public streets within 30 minutes of occurrence. • Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred. • Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. 	<p>Timing: During Project construction and operations.</p> <p>Method: Implement specific diesel-reduction measures during construction and operations.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent (during construction and operation), Construction Manager (during construction), and General Contractor (during construction)</p> <p>Monitoring and Reporting: Qualified agent, approved by and reporting to the District, District's marine terminal supervisors, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. • Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph. • Cover/water onsite stockpiles of excavated material. • Enforce a 15 mph speed limit on unpaved surfaces. • On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather. • Develop as quickly as possible all disturbed areas as directed by the San Diego Unified Port District's Planning and Green Port Department and/or SDAPCD to reduce dust generation. • Limit the daily grading volumes/area. <p>Prior to the commencement of construction activities, the Mitsubishi Cement Corporation Project Proponent shall submit evidence to the San Diego Unified Port District's Planning and Green Port Department of the project proponent's compliance with the BMPs and that construction equipment is maintained and properly tuned in accordance with manufacturers' specifications, which shall be subject to confirmation by the San Diego Unified Port District's Planning and Green Port Department during construction.</p>		
<p>MM-GHG-2R: Comply with San Diego Unified Port District Climate Action Plan Measures. Prior to approval of all discretionary actions and/or Coastal Development Permits, the Mitsubishi Cement Corporation Project Proponent shall be required to implement the following measures to be consistent with the Climate Action Plan.</p> <ul style="list-style-type: none"> • Vessels shall comply with the San Diego Unified Port District's voluntary vessel speed reduction program, which targets 80 percent compliance. • Vessels that are subject to the ARB's at berth regulation (dry bulk vessels are not subject to the at-berth regulation) shall comply with ARB's at berth regulation that requires shore power or alternative control technology regulation for certain vessel fleets for 80 percent of eligible calls by 2020, minus idle time to clear customs consistent with California Air Resources Board regulations. The TAMT Final PEIR assumed 1.5 hours of idle time for vessels to embark/disembark, which applies to all shore power and/or alternative control technologies employed at the terminal. This is a Project feature made into a mitigation measure to ensure compliance (see MM-GHG-9 for an explanation of the Proposed Project's shore power features). • Designated truck haul routes shall be used, and the project proponent shall decrease onsite movements where practicable. 	<p>Timing: Confirmation of intent and capability to implement prior to approval of all discretionary actions and/or Coastal Development Permits.</p> <p>Method: Implement specific measures designed to be consistent with the District's CAP. Evidence of implementation and compliance with this mitigation measure shall be provided to the San Diego Unified Port District's Planning and Green Port Department on an annual basis through the end of the Project lease or 2035 (buildout of the TAMT Redevelopment Plan), whichever occurs first.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> No commercial drive-through shall be implemented. Compliance with Assembly Bill 939 and the City of San Diego's Recycling Ordinance shall be mandatory and shall include recycling at least 50 percent of solid waste; compliance with the City of San Diego's Construction and Demolition Debris Deposit Ordinance shall be mandatory and shall include recycling at least 65 percent of all construction debris. This measure shall be applied during construction and operation of the Proposed Project. Light fixtures shall be replaced with lower-energy bulbs such as fluorescent, Light-Emitting Diodes (LEDs), Compact Fluorescent Lights (CFLs), or the most energy-efficient lighting that meets required lighting standards and is commercially available. <p>Implementation of Climate Action Plan measures will be included as part of any discretionary actions and/or Coastal Development Permit(s) associated with this Project. Evidence of implementation and compliance with this mitigation measure shall be provided to the San Diego Unified Port District's Planning and Green Port Department by the Project Proponent on an annual basis through the end of the lease or 2035 (buildout of the TAMT Redevelopment Plan), whichever occurs first.</p>		
<p>MM-GHG-3: Electric Cargo Handling Equipment Upgrades.</p> <p>A. Prior to January 1, 2020, the San Diego Unified Port District shall ensure that at least three pieces of existing non-electric cargo handling equipment at the terminal are replaced by electric cargo handling equipment, none of which were previously operating at the terminal during the 2013/2014 baseline year of the EIR analysis. Possible ways the electric cargo handling equipment may be obtained include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District; Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District. <p>Written evidence of the acquisition of the electric cargo handling equipment and the equipment it will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric cargo handling equipment is in use at each of the three nodes</p>	<p>Timing: Prior to January 1, 2020.</p> <p>Method: MM-GHG-3 will be implemented by the District on a terminal-wide basis. The District is in the process of acquiring and operating electric equipment for use at the TAMT.</p> <p>Mitsubishi Cement Corporation is proposing electric vacuum loaders and only minimal diesel equipment as a feature of the Project.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
throughout the expected operating life. This will be accomplished by requiring each tenant that employs electric cargo handling equipment pursuant to this measure to report the equipment's annual number of hours of operation to the San Diego Unified Port District and by requiring the San Diego Unified Port District to monitor use of the electric cargo handling equipment as part of the San Diego Unified Port District's TAMT equipment inventory.		
<p>MM-GHG-4: Electric Cargo Handling Equipment Upgrades. This measure has multiple steps for compliance, as specified below.</p> <p>A. Prior to January 1, 2025, the San Diego Unified Port District also shall ensure that no fewer than 20 non-electric yard trucks in operation are replaced at the TAMT by 20 electric yard trucks. Possible ways the electric yard trucks may be obtained include, but are not limited to, the following:</p> <ol style="list-style-type: none">1. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by the San Diego Unified Port District;2. Purchased, leased, or otherwise acquired, in whole or in part, through funding provided to a tenant by other sources; or3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District. <p>Written evidence of the acquisition of the electric yard trucks, and the non-electric yard trucks they will replace and remove from further operation at the terminal, must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric yard trucks are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric trucks pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric trucks as part of the San Diego Unified Port District's TAMT equipment inventory.</p> <p>B. Prior to January 1, 2030, the San Diego Unified Port District also shall ensure that no fewer than three existing non-electric reach stackers and ten non-electric forklifts in operation are replaced at the TAMT by three fully electric reach stackers and ten fully electric forklifts. Possible ways the electric reach stackers and forklifts may be obtained include, but are not limited to:</p>	<p>Timing: Prior to January 1, 2025; prior to January 1, 2030.</p> <p>Method: MM-GHG-4 will be implemented by the District on a terminal-wide basis. The District is in the process of acquiring and operating electric equipment for use at the TAMT.</p> <p>Mitsubishi Cement Corporation is proposing electric vacuum loaders and only minimal diesel equipment as a feature of the Project.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<ol style="list-style-type: none"> 1. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by the San Diego Unified Port District; 2. Purchased, leased, or acquired, in whole or in part, through funding provided to the tenant by other sources; or 3. Purchased, leased, or otherwise acquired, in whole or in part, by the tenant in compliance with a condition of a discretionary approval issued by the San Diego Unified Port District. <p>Written evidence of the acquisition of the three electric reach stackers and ten electric forklifts and the conventional equipment they will replace and remove from further operation at the terminal must be provided to the San Diego Unified Port District. The San Diego Unified Port District shall further ensure that the electric reach stackers and forklifts are in use at the TAMT throughout the expected operating life of the equipment. Each tenant that employs electric reach stackers or electric forklifts pursuant to this measure shall report the equipment's annual number of hours of operation to the San Diego Unified Port District, and the San Diego Unified Port District shall monitor use of the electric reach stackers and forklifts as part of the San Diego Unified Port District's TAMT equipment inventory.</p> <p>D. The electric equipment employed pursuant to paragraphs A, B, and C of this mitigation measure may be replaced by other technologies or other types of cargo handling equipment as long as the replacement equipment achieves the same or greater criteria pollutant, toxic air contaminant, and greenhouse gas emission reductions as compared to the equipment required by paragraphs A, B, and C of this mitigation measure.</p>	<p>Timing: Beginning with the first vessel call to the Port; and prior to the annual number of dry bulk vessel calls reaching 91 calls annually or beginning January 1, 2030, irrespective of the number of calls on an annual basis. Reporting shall occur every 6 months.</p> <p>Method: Implement vessel speed reduction measures to comply with the Enhanced VSR Program. Provide evidence of implementation and compliance with this mitigation measure.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
<p>MM-GHG-5R: Implement Vessel Speed Reduction Program Beyond Climate Action Plan Compliance for Future Operations Associated with the TAMT Plan. The Mitsubishi Cement Corporation shall be required to comply with the Enhanced VSR Program.</p> <p>Mitsubishi Cement Corporation shall, beginning with the first vessel call to the Port, comply with 80% of its OGVs reducing their speeds to 12 knots or less starting at 20 nautical miles from Point Loma.</p> <p>The Mitsubishi Cement Corporation shall comply with 90% of its OGVs calling to the Port reducing their speeds to 12 knots starting at 40 nautical miles from Point Loma upon the occurrence of the earlier of either of the following two scenarios:</p> <ul style="list-style-type: none"> • Prior to the annual number of dry bulk vessel calls reaching 91 calls annually (e.g., 76 new calls over the TAMT Final PEIR's baseline condition); or 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none">Beginning January 1, 2030, irrespective of the number of calls on an annual basis. <p>To help the District implement the Beyond 2013 CAP VSR Program before reaching 91 dry bulk vessel calls annually, Mitsubishi Cement Corporation shall provide the District with a rolling estimate of anticipated vessels calls every 6 months.</p> <p>The San Diego Unified Port District will verify compliance through analysis of Automatic Identification System data or by requesting a vessel's Electronic Chart Display Identification System log from the captain.</p>		
<p>MM-GHG-6R: Implement a Renewable Energy Project or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program for Future Operations Associated with the TAMT Plan. The Mitsubishi Cement Corporation shall do one or more of the following to achieve requisite reductions to meet the 2025, 2030, and 2035 greenhouse gas (GHG) reduction targets, in order of priority:</p> <p>(1) Incorporate a renewable energy project:</p> <ul style="list-style-type: none">within the Tenth Avenue Marine Terminal;within the San Diego Unified Port District's jurisdiction; oradjacent to the San Diego Unified Port District's jurisdiction; or <p>(2) Other verifiable actions or activities on Tidelands such as electrification of equipment including vehicles and trucks, financial contribution to a future local or District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or actions that reduce operational GHG emissions; or</p> <p>(3) Purchase California Air Resource Board (CARB) verified GHG emission offsets.</p> <p>The option(s) implemented shall achieve requisite GHG reductions for the activities of the Project for years 2025, 2030, and 2035. As specified below, the 2025, 2030, and 2035 GHG reduction targets are based on the maximum throughput of 600,000 metric tons (MT) per year.</p> <p>The maximum metric tons of carbon dioxide equivalent (MTCO_{2e}) or megawatt-hours per year (MWh/year) reduction requirement for each time period is as follows (calculated assuming 600,000 MT of throughput via 24 calls to port annually) but the maximum requirement may be reduced at the discretion of the District, depending on the hours at berth and the amount of throughput in a given year and based on the other reduction requirements specified below:</p> <p>A. 2025 reduction target: 568 MTCO_{2e} per year or 2,345 MWh/year.</p>	<p>Timing: Prior to the first call of the first year of operation.</p> <p>Method: Implement one or more of the following to achieve requisite reductions to meet the 2025, 2030, and 2035 GHG reduction targets, in order of priority:</p> <p>(1) Incorporate a renewable energy project within the TAMT, within other areas of the District's jurisdiction, or within areas adjacent to the District's jurisdiction;.</p> <p>Or</p> <p>(2) Other verifiable actions or activities on Tidelands such as electrification of equipment including vehicles and trucks, financial contribution to a future local or District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or actions that reduce operational GHG emissions;</p> <p>Or</p> <p>(3) Purchase the requisite amount of GHG emission offsets from a California Air Resources Board-verified entity and shall not have been previously used for a different GHG reduction project. The purchased offsets shall be linked to a GHG reduction project or activity that has already occurred.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
B. 2030 reduction target: 1,622 MTCO ₂ e per year or 7,675 MWh/year.		
C. 2035 reduction target: 1,693 MTCO ₂ e per year or 8,013 MWh/year.		
Prior to the first call of the first year of operation, the Mitsubishi Cement Corporation shall either:		
I. Develop a renewable energy project(s) or take other verifiable actions or activities to meet or partially meet the amount of MTCO ₂ e or MWh reductions specified above.		
a. If the Mitsubishi Cement Corporation develops a renewable energy project(s), or takes actions or conducts activities to reduce GHG emissions, the Mitsubishi Cement Corporation shall submit a report specifying the annual amount of MTCO ₂ e or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, actions, or activities are not being used to offset GHG emissions for any other project or entity; and any other information needed to verify that amount to the Districts Energy Department for its review and approval (collectively, "GHG Emission Reduction Report").		
b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District's Energy Department, and the reduction of offsets shall be transmitted to the Mitsubishi Cement Corporation in writing and the amount of GHG reduction shall count towards the required GHG reduction for the Proposed Project ("GHG Reduction").		
II. Purchase the requisite GHG emission offsets to reduce the amount of MTCO ₂ e or MWh specified above, which may be decreased by the amount of annual MTCO ₂ e or MWh reduction that is achieved by the renewable energy project(s), action, or activities if developed and/or implemented. The offsets shall be purchased by a CARB verified entity and shall not have been previously used for a different GHG reduction project. The purchased offsets shall be linked to a GHG reduction project or activity that has already occurred. All certificates of purchased offsets shall be submitted to the District for its review that the criteria, above, has been met. The purchase of requisite offsets to reduce the amount of MTCO ₂ e or MWh, shall occur as follows:		
a. Purchase offsets for the first 2 years of operation; and		
b. Purchase offsets at least annually thereafter, prior to any calls to port for the corresponding timeframe, beginning with the third year of operation, for the life of the operation or termination of the lease agreement between the District and the Mitsubishi Cement Corporation. The Mitsubishi Cement Corporation may purchase more than 1 year of operational emissions offsets, consistent with		

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the amount of MTCO₂e or MWh reduction specified above for the corresponding timeframe of 2025, 2030, or 2035.</p> <p>At this time, within the TAMT, there are no solar ready rooftops without renewable energy projects already being implemented. But such projects may be identified in the future, and the Mitsubishi Cement Corporation may choose at that time to participate or develop the future identified renewable energy project(s).</p> <p>If the Mitsubishi Cement Corporation complies with (1) or (2) above, in an amount that meets the total amount of MTCO₂e or MWh reductions specified above for 15 years of operation (to meet the 2035 reduction target) or complies with (3) above and purchases the requisite offsets for 15 years, or does a combination of (1), (2), and (3) to meet the 2035 reduction target, then nothing further shall be required under this mitigation measure.</p> <p>Subsequent to fulfilling the requirement of 3, annual purchase of offsets as specified in 3A, 3B, and 3C may be adjusted if the preceding years throughput is less than 600,000 metric tons (the maximum allowed annual throughput), and/or the annual calls to port are less than 24 (the maximum allowed number of calls; 24 calls at 168 hours per call, or 4,032 annual hours at berth). The District or a District-retained consultant (at the Mitsubishi Cement Corporation cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets based on the actual throughput and/or time at berth. Any unused offsets shall be used for the next year of operation of the Proposed Project and the Mitsubishi Cement Corporation shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. At the Mitsubishi Cement Corporation's written request to the District, Mitsubishi Cement Corporation may waive the annual adjustment described above and purchase the required MTCO₂e or MWh offsets on at least an annual basis.</p> <p>Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the Mitsubishi Cement Corporation may develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the Mitsubishi Cement Corporation because of the development of a renewable energy project(s), the Mitsubishi Cement Corporation shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in (1) and required offsets shall be reduced.</p> <p>Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the Mitsubishi Cement Corporation may take actions or implement activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the Mitsubishi Cement Corporation because of the verified actions or activities on</p>		

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>tidelands, the Mitsubishi Cement Corporation shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in (1), and required offsets shall be reduced.</p> <p>The Mitsubishi Cement Corporation shall comply with the San Diego Unified Port District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants and greenhouse gases on an annual basis to be submitted by January 30th of each year of operations, and (2) working collaboratively with the San Diego Unified Port District staff and/or the local air pollution control district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.</p> <p>The Mitsubishi Cement Corporation shall complete the San Diego Unified Port District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, vin/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to assist in technological reviews, as described in the TAMT Redevelopment Plan MM-GHG-7.</p>		
<p>MM-GHG-7R: Annual Inventory Submittal and Periodic Technology Review.</p> <p>The Mitsubishi Cement Corporation shall comply with the San Diego Unified Port District's Annual Inventory and Periodic Technology Review Program by (1) providing an inventory of all the mobile equipment associated with their TAMT site operations that generate criteria pollutants, toxic air contaminants and greenhouse gases on an annual basis to be submitted by January 30th of each year of operations, and (2) working collaboratively with the San Diego Unified Port District staff and/or the local air pollution control district to identify new technologies or other practices that can be incorporated into their operations that help reduce emissions and improve air quality.</p> <p>The Mitsubishi Cement Corporation shall complete the San Diego Unified Port District's equipment inventory spreadsheet annually, which requires tenants to identify the year, make, vin/ID number, fuel type, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, assist and ocean-going tugs, ocean-going vessels, bulk material handling equipment, and any other type of cargo handling equipment. The purpose of the inventory is to track emissions and equipment at TAMT and to</p>	<p>Timing: During Project operation, with inventories submitted annually by January 30 of each year.</p> <p>Method: Complete the District's equipment inventory spreadsheet and work with District staff and/or the local air pollution control district to identify new technologies or other practices for reducing emissions and improving air quality.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
assist in technological reviews, as described in the TAMT Redevelopment Plan MM-GHG-7.		
MM-GHG-8R: Exhaust Emissions Reduction Program at the Tenth Avenue Marine Terminal. The San Diego Unified Port District is tasked with developing an incentive program, based on an emission reduction schedule, that incentivizes tenants and/or terminal operators to reduce mobile source emissions above and beyond the requirements identified in the TAMT Final PEIR. San Diego Unified Port District staff is currently developing the Exhaust Emission Reduction Program as part of their Clean Air Plan update, per the direction of the Board of Port Commissioner's in June 2019. Following completion of the Clean Air Plan update, the Project Proponent will be eligible to participate in the updated plan's Exhaust Emission Reduction Program.	<p>Timing: Development of the Exhaust Emission Reduction Program as part of the Clean Air Plan update is ongoing. Following completion of the Clean Air Plan update, the Mitsubishi Cement Corporation Project Proponent will be eligible to participate.</p> <p>Method: Participate in the updated plan's Exhaust Emission Reduction Program once it has been adopted by the District.</p>	<p>Implementation: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Monitoring and Reporting: District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
MM-GHG-9R: Use of At-Berth Emission Capture and/or Control System to Reduce Vessel Hoteling Emissions. In lieu of the At-Berth Emission Capture and Control System, the Mitsubishi Cement Corporation shall use electric power through connection with the ship's dry-dock breaker system to reduce Vessel Hoteling Emissions. To attain emission reductions equivalent to or greater than the At-Berth Emission Capture and Control System specified in TAMT Redevelopment Plan MM-GHG-8, OGVs that call at the Mitsubishi Corporation Project facility shall use the shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Compliance with the 50 percent shore-to-ship power system requirement shall be calculated based on an annual average. Mitsubishi Cement Corporation shall submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department on or before January 31 of each year, demonstrating compliance with this environmental control measure for the previous calendar year. If an emergency event (as defined in CARB's At-Berth Regulation, Title 17, CCR Section 93118.3, subsection (c)(14)), prevents Mitsubishi Cement Corporation from achieving the required annual average shore-to-ship power rate (equal to or greater than 50 percent), Mitsubishi Cement Corporation may demonstrate compliance over a 2-year period, so long as Mitsubishi Cement Corporation submits documentation to the San Diego Unified Port District's Planning and Green Port Department which describes the emergency event(s) and explains the basis for Mitsubishi Cement Corporation's inability to demonstrate compliance using an annual average. The San Diego Unified Port District's Planning and Green Port Department shall review the documentation submitted by the Mitsubishi Cement Corporation and, if the San Diego Unified Port District's Planning and Green Port Department determines that Mitsubishi Cement Corporation made sufficient effort to comply with the environmental control, it will notify Mitsubishi Cement Corporation in writing that use of the 2-year average is acceptable.	<p>Timing: During Project operation. Annual reports shall be submitted on or before January 31 each year.</p> <p>Method: Use of a shore-to-ship power system at least 50 percent of the time while at berth, not including the necessary 1.5 hours to embark and 1.5 hours to disembark to/from the system. Submit annual reports for each year of Project operations to the San Diego Unified Port District's Planning and Green Port Department.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>

Mitsubishi Cement Corporation at Warehouse C**ATTACHMENT 1****MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Timing and Methods	Responsible Parties
<p><i>*Please note that Mitsubishi Cement Corporation's annual dry bulk throughput will not be counted towards the 691,418 metric ton dry bulk trigger that requires use of an At-Berth Emission Capture and Control System because Mitsubishi will be relying on a shore-to-ship power system. However, the 691,418 metric ton dry bulk trigger would apply to other dry bulk tenants that do not have shore-power capabilities.</i></p>		
<p>MM-GHG-10: Modernization of Delivery Truck Fleet.</p> <p>No less than 90 percent of the trucks loading cement or cementitious material at the Mitsubishi Cement Corporation facility shall be equipped with an engine that meets one of the following requirements:</p> <ol style="list-style-type: none"> 1) Is no more than 5 years old, based on engine model year ("5-Year Engine") for each operational year; 2) Has been designed or retrofitted to comply with Federal and State on-road heavy-duty engine emissions standards (e.g., EPA 2010 engine emission standards or successor rules or regulations for on-road heavy duty diesel engines) for a 5-Year Engine ("Emission equivalent Engine"); or 3) Uses alternative engine technology or fuels demonstrated to produce emissions no greater than a 5-Year Engine ("Alternative Equivalent Engine"). <p>The remaining 10 percent of the trucks shall comply with all applicable Federal and State heavy-duty on-road truck regulations. In addition, all trucks loading cement or cementitious materials at the Mitsubishi Cement Corporation facility shall be registered and be in compliance with the CARB Truck and Bus Regulation. Confirming that Mitsubishi Cement Corporation's 90 percent requirement for a Modernized Truck Fleet shall be determined on a calendar year basis. Mitsubishi Cement Corporation shall submit documentation of compliance, showing the following information, to the San Diego Unified Port District's Planning and Green Port Department on an annual basis by January 31 following each year of operation:</p> <ol style="list-style-type: none"> 1) Truck vehicle identification number (VIN), 2) Engine model year, 3) Annual truck trips, and 4) If nondiesel technology, manufacturer engine standards. 	<p>Timing: During Project operation. Documentation of compliance shall be submitted annually by January 31 of each year.</p> <p>Method: Equip 90 percent of trucks loading cement or cementitious material with either a 5-Year Engine, an Emission equivalent Engine, or an Alternative Equivalent Engine. The remaining 10 percent of trucks shall comply with federal and state regulations. Submit documentation of compliance following each year of operation to the San Diego Unified Port District's Planning and Green Port Department.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, District</p> <p>Monitoring and Reporting: Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
Hazards and Hazardous Materials		
<p>MM-HAZ-1R: Compliance with Burn Ash Soil Management Plan. Prior to approval of the Project grading plans and the commencement of any construction activities that would disturb the soil, the Mitsubishi Cement Corporation Project Proponent and the contractor (collectively "Contractor") shall demonstrate compliance with the Burn Ash Management Plan – Tenth Avenue Marine Terminal, San Diego, California, prepared by Tetra Tech, Inc., June 30, 2017.</p>	<p>Timing: Prior to approval of Project grading plans and construction and during construction.</p> <p>Method: Demonstrate compliance with the Burn Ash Management Plan – Tenth Avenue Marine Terminal,</p>	<p>Implementation: District or Mitsubishi Cement Corporation Project Proponent, Construction Manager, and General Contractor</p>

Mitsubishi Cement Corporation at Warehouse C
ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Specifically, the Contractor shall demonstrate compliance with the following specific requirements of the Burn Ash Management Plan including, but not limited to, the following.</p> <ul style="list-style-type: none"> • <i>Conduct Soil Testing.</i> The Contractor shall comply with the excavated soil management techniques specified in the Burn Ash Management Plan. The Contractor shall follow the soil sampling protocol and soil sampling objectives, and shall comply with the soil characterization methodology identified within the Burn Ash Management Plan. • <i>Prepare and Implement a Community Health and Safety Plan.</i> The Contractor shall develop and implement a Project specific Community Health and Safety Plan that addresses the chemical constituents of concern for the Project site. The guidelines of the Health and Safety Plan shall be in accordance with the County of San Diego's Department of Environmental Health's Site Assessment and Mitigation Manual (2017) and Environmental Protection Agency. The Health and Safety Plan shall include detailed plans on air monitoring and other appropriate construction means and methods to minimize the public's and site workers' exposure to the chemical constituents. The contractor shall utilize a Certified Industrial Hygienist with significant experience with chemicals of concern on the Project site to approve the Health and Safety Plan and actively monitor compliance with the Health and Safety Plan during construction activities. • <i>Complete Soil Disposal.</i> Any soil disturbed by construction activities shall be profiled and disposed of in accordance with California Code of Regulations, Title 22, Division 4.5 requirements. If soils are determined to be appropriate for reuse, they may be exported or used as fill material. 	<p>San Diego, California, prepared by Tetra Tech, Inc., June 30, 2017.</p>	<p>Monitoring and Reporting: Qualified agent, approved by the District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
<p>If soils are determined to be hazardous and not suitable for reuse, they shall be disposed of at a regulated Class I landfill. Soils shall be transported in accordance with the Burn Ash Management Plan. Soils to be loaded into trucks for offsite disposal at a Class I landfill shall be moistened with a water spray or mist for dust control in accordance with Section 5.6, Dust Control, of the Burn Ash Management Plan. If dust is visible, positive means shall be applied immediately to prevent airborne dust. Care shall be used to minimize the amount of water applied to soils that may contain elevated concentrations of contaminants.</p> <p>Loaded truck beds shall be covered with a tarp or similar covering device during transportation to the disposal facility. The truck shall be decontaminated after the soil has been removed. The Contractor shall minimize excess water generated during truck decontamination to the extent possible and shall be responsible for proper disposal of any contaminated water generated during truck cleanup.</p>	<p>Timing: Prior to the issuance of construction permits and during construction.</p> <p>Method: Implement engineering controls and BMPs.</p>	<p>Implementation: Mitsubishi Cement Corporation Project Proponent, Construction Manager, and General Contractor</p>
<p>MM-HAZ-2: Implement Engineering Controls and Best Management Practices during Construction. Prior to construction, a site-specific Health and Safety Plan shall be prepared by the contractor and approved by a licensed California Certified Industrial Hygienist. The Health and Safety Plan shall be</p>		

Mitsubishi Cement Corporation at Warehouse C**ATTACHMENT 1****MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prepared per the requirements of 29 Code of Federal Regulations 1910.120 and California Code of Regulations, Title 8, along with applicable federal, state, and local regulations and statutes. During construction, the contractor shall employ engineering controls and BMPs to minimize human exposure to potential contaminants, if encountered. Engineering controls and construction BMPs shall include but not be limited to the following.</p> <ul style="list-style-type: none"> Where required by the Health and Safety Plan, the contractor employees working on site shall be certified in the Occupational Health and Safety Administration's 40-hour Hazardous Waste Operations and Emergency Response training. Contractor shall monitor the area around the construction site for fugitive vapor emissions with appropriate field screening instrumentation. Contractor shall monitor excavation through visual observation by a qualified hazardous materials specialist to look for readily noticeable evidence of contamination, such as staining or odor. Contractor shall water/mist soil as it is being excavated and loaded onto transportation trucks. Contractor shall place any stockpiled soil in areas shielded from prevailing winds and shall cover all stockpiles to prevent soil from eroding. <p>Contractor shall thoroughly decontaminate all construction equipment that has encountered and/or handled lead-impacted soil prior to leaving the work site.</p>		<p>Monitoring and Reporting: Qualified agent, approved by the District, Mitsubishi Cement Corporation Project Proponent</p> <p>Verification: District</p>
Noise and Vibration		
<p>MM-NOI -2: Initiate and Maintain a Complaint and Response Tracking Program. Prior to the commencement of operations of the TAMT plan, the District shall designate a noise disturbance coordinator. The coordinator will be responsible for responding to complaints regarding noise from project operations, will investigate the cause of the complaint, and will ensure that reasonable measures are implemented to correct the problem, where feasible. A contact telephone number for the noise disturbance coordinator will be conspicuously posted at the main entrance to the project site and in other reasonable locations, as appropriate, to ensure the contact information is easily obtained. This measure shall be implemented in combination with MM-NOI 1, which provides several examples of what type of noise attenuation measures may be feasible. The goal of this measure is to provide additional information regarding the sources of loud noises and to assist in the design and implementation of measures to reduce the noise to a level that would be at or below the applicable noise standards for the land use experiencing the excessive noise.</p>	<p>Timing: Prior to commencement of operations of the TAMT Plan.</p> <p>Method: The District is in the process of implementing MM NOI-2. The District has designated a noise disturbance coordinator to receive complaints regarding noise on the terminal via the existing TAMT Truck Hotline.</p> <p>In addition, the District is in the process of posting signage at the TAMT main entrance containing contact information to facilitate and aid in public concerns related to noise complaints.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
Transportation, Circulation, and Parking		
<p>MM-TRA-3R: Widen the Segment of 28th Street between Boston Avenue and National Avenue to a Four-Lane Major Arterial Classification Consistent with the Barrio Logan Public Facilities Financing Plan. The District currently has an established program to track the number of trucks that enter and exit the terminal each year associated with TAMT operations. Prior to generating an additional 161 new daily truck trips, the District shall pay a fair-share contribution (STC would be responsible for 2.8%) of the cost to widen the roadway segment of 28th Street between Boston Avenue and National Avenue to a Four-Lane Major Arterial classification. The improvement is identified within the Barrio Logan Public Facilities Financing Plan, and therefore would be paid to the City of San Diego in accordance with Section 142.0640 of the San Diego Municipal Code.</p> <p>Payment of the District's fair share shall be completed prior to reaching 161 new daily truck trips. In order to ensure the significant impact does not occur before the District has paid its fair share to the City, the District shall initiate payment once approximately 150 new daily truck trips are reached under the proposed project. The trigger will be determined by the District by examining the ADT over a 1-month timeframe and comparing the ADT to the baseline of 93 daily trucks generating 186 trips per day (33,349 trucks per year divided by 360 days multiplied by 2 trips for each truck) and 935 daily employee trips (315 existing employees multiplied by 3 trips per day). At the District's discretion, the District may seek reimbursement from tenants that would contribute new daily trips in proportion to their contribution.</p>	<p>Timing: Prior to generating an additional number of new daily truck trips as indicated in the measure.</p> <p>Method: The District shall pay a fair-share contribution of the cost to widen the roadway segment as indicated in the measure.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District, City of San Diego</p>
<p>MM-TRA-4: Westbound Right-Turn Overlap Phase at Norman Scott Road/32nd Street/ Wabash Boulevard Intersection. The San Diego Unified Port District currently has an established program to track the number of trucks that enter and exit the terminal each year associated with TAMT operations. Prior to generating an additional 195 new daily trips, the San Diego Unified Port District shall coordinate with the California Department of Transportation to determine the San Diego Unified Port District's fair share payment to fund the addition of a westbound right-turn overlap phase to the intersection of Norman Scott Road/32nd Street/Wabash Boulevard, a California Department of Transportation-controlled intersection, to improve the delay caused by the proposed project. This would reduce the delay associated with the project by 20.8 seconds during the AM peak hour and by 19.9 seconds during the PM peak hour compared to unmitigated conditions, and would effectively reduce delay at this intersection to below current levels. (Note, for the STC Alternative, this mitigation measure would reduce the unmitigated delay associated with this alternative by 19.4 seconds during the AM peak hour and by 19.3 seconds during the PM peak hour.) In order to ensure the significant impact does not occur before the San Diego Unified Port District has paid its fair share to the California Department of Transportation, the San Diego Unified Port District shall initiate payment once approximately 150 new daily trips</p>	<p>Timing: Prior to generating an additional number of new daily trips as indicated in the measure.</p> <p>Method: The District shall coordinate with Caltrans to determine the District's fair share payment to fund the addition of a westbound right-turn overlap phase.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District, Caltrans</p>

Mitsubishi Cement Corporation at Warehouse C**ATTACHMENT 1****MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Timing and Methods	Responsible Parties
are reached under the proposed project. The trigger will be determined by the San Diego Unified Port District by examining the average daily trips over a 1-month timeframe and comparing the average daily trips to the baseline of 93 daily trucks generating 186 trips per day (33,349 trucks per year divided by 360 days multiplied by 2 trips for each truck) and 935 daily employee trips (315 existing employees multiplied by 3 trips per day). At the San Diego Unified Port District's discretion, the San Diego Unified Port District may seek reimbursement from tenants that would contribute new daily trips in proportion to their contribution.		
MM-TRA-5: District Shall Inform All TAMT Workers to Park at the TAMT Facility or at an Authorized Offsite Parking Lot or Parking Garage. All TAMT workers, employees, and contractors are prohibited from using on-street parking or from parking at the neighboring Cesar Chavez Park. If no parking is available on the project site, the District's marine terminal supervisors shall inform all dock workers that they shall park within a parking garage or surface parking lot.	<p>Timing: During Project operation.</p> <p>Method: Inform all dock workers to park within a parking garage or surface parking lot.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District</p> <p>Verification: District</p>
<p>MM-C-TRA-1R: Construct Managed Lanes on I-5 and I-15. SANDAG currently has plans to construct two managed lanes (one in each direction) on I-5 between I-15 and Palomar Street by the year 2030 as well as two additional multi-purpose lanes and two managed lanes on SR-15 between I-5 and SR-94 by the year 2050. The District shall coordinate with SANDAG and Caltrans to determine the TAMT Plan's fair share contribution. Because this mitigation measure is far into the future, the exact amount will need to be determined at a future date and prior to the TAMT Plan's contribution to the affected freeway mainline sections reaching 0.005 change in V/C ratio.</p> <p>The following fair-share percentages under the STC Alternative scenario per affected freeway facility, should serve as guidance to the amount the District should pay toward a program or plan for the aforementioned freeway facility improvements to be constructed.</p> <ul style="list-style-type: none"> • I-5 northbound between SR-94 & Imperial Avenue: 5 percent of the total cost for improvements to this segment. • I-5 northbound between SR-15 & Main Street: 6 percent of the total cost for improvements at this segment. • SR-15 southbound between Market Street & Ocean View Boulevard: 11 percent of the total cost for improvements to this segment. <p>If a fair share funding program has been identified, the District shall determine if the Mitsubishi Cement Corporation Project Proponent shall provide a fair share contribution.</p>	<p>Timing: Prior to the TAMT Plan's contribution to the affected freeway mainline segments reaching a change in V/C ratio as indicated in the measure.</p> <p>Method: The District shall coordinate with SANDAG and Caltrans to determine the District's fair share contribution to construct managed lanes on I-5 and SR-15. The District will determine if the Mitsubishi Cement Corporation Project Proponent will be required to provide a fair share contribution once a fair share funding program has been identified.</p>	<p>Implementation: District</p> <p>Monitoring and Reporting: District, Caltrans</p> <p>Verification: District</p>