

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Th 9a

ADDENDUM

DATE: July 6, 2010
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 9a, Application No. 4-09-011 (Goleta Sanitary District) Goleta, Santa Barbara County, Thursday, July 8, 2010

The purpose of this addendum is: (1) to correct an error in project background section and (2) to correct an error in Special Condition 6.

Note: ~~Strikethrough~~ indicates text to be deleted from the June 23, 2010 staff report and underline indicates text to be added to the June 23, 2010 staff report.

- 1.) The project background section on Page 15 of the staff report shall be revised as follows:

Background

Although originally constructed in the 1950's, the Goleta Sanitary District's treatment plant was previously upgraded in the mid 1980's and designed to accommodate a flow of 9 million gallons per day (mgd) measured in a dry weather period (June, July, and August). In 1986, the Commission approved Coastal Development Permit (CDP) No. 4-85-469 (Goleta Sanitary District) for improvement and expansion of the wastewater treatment facilities including re-configuration of two stabilization basins, construction of a solids contact channel, a MCC building, and construction of a ~~46~~ 60 ft. diameter secondary sedimentation tank...

- 2.) Special Condition 6 on Page 11 of the staff report shall be revised as follows:

6. Construction Timing and Sensitive Bird Species Surveys

For any construction activities between February 15th and September 1st, the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct sensitive bird species surveys and monitor project operations associated with all construction activities:

At least ~~two (2) weeks~~ 30 calendar days prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

...

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Item Th9a

Filed: 2/12/10
180th Day: 8/11/10
Staff: A.T.
Staff Report: 6/23/10
Hearing Date: 7/8/10

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-09-011

APPLICANT: Goleta Sanitary District

AGENT: Jennifer Welch, Penfield & Smith

PROJECT LOCATION: One William Moffett Place, Santa Barbara

PROJECT DESCRIPTION: Upgrade the existing Goleta Sanitary District Wastewater Treatment Plant to provide for full secondary treatment, including: conversion of an existing 57,400 sq. ft. solids stabilization basin to a primary effluent flow equalization basin, construction of a 250 sq. ft. secondary sedimentation splitter box, a 360 sq. ft. Reactivated Sludge (RAS) pumping station, two secondary sedimentation tanks (5,400 sq. ft. each), a 280 sq. ft. aeration splitter box, three activated sludge tanks (12,600 sq. ft. total building size), a 1,121 sq. ft. blower building, upgrade the existing 710 sq. ft. secondary effluent pumping station, installation of new piping, and 43,430 cu yds. of grading, including 32,000 cu. yds. cut and 11,430 cu. yds. fill. No increase in capacity of the Plant is proposed and the capacity will remain at 9 million gallons per day (mgd).

MOTION & RESOLUTION: Page 5

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project **with eight (8) special conditions** regarding: (1) Plans Conforming to Geotechnical Engineer's Recommendations (2) Assumption of Risk, Waiver of Liability and Indemnity, (3) Permanent Drainage and Polluted Runoff Control Plan, (4) Interim Erosion Control Plans and Construction Responsibilities, (5) Archeological Monitoring, (6) Construction Timing and Bird Surveys, and (7) Removal of Excavated Material, (8) other agency approvals.

The proposed project is for a major upgrade to the existing Goleta Sanitary District (GSD) Wastewater Treatment Plant in order to provide for secondary treatment of all effluent. The existing treatment plant was constructed prior to the effective date of the Coastal Act and has been in operation since the 1950's. The purpose of this project is

to improve the quality of effluent that is discharged from the plant and will not result in any change or increase in the service capacity of the plant.

The site is located in an unincorporated coastal area of Santa Barbara County and is southwest of the boundary of the City of Goleta. The subject site is located approximately 10 miles west of the City of Santa Barbara and 1,600 feet inland (north) of the coast at Goleta Beach County Park. An existing discharge pipe extending underground from GSD currently discharges the treated wastewater via a south-trending ocean outfall at a location more than one mile offshore (approximately 5,912 ft.) of Goleta Beach County Park at an average depth of 87 feet. (Exhibits 1 & 2) The GSD property consists of approximately 42 total acres, including 10 developed acres. All new proposed development will occur within existing developed and disturbed areas on site and will not result in the removal of any native vegetation or loss of any environmentally sensitive habitat areas.

In addition, the site is situated on the remnant of the northeast portion of Mescalitan Island, site of a historic Chumash Indian village, in the southern portion of the Goleta Slough. Thus, the potential exists that pre-historic cultural resources may be present on site. In order to ensure that any potential adverse impacts to cultural resources are avoided to the maximum extent feasible, **Special Condition Six (6)** requires that the applicant retain the services of a qualified archaeologist(s) and Native American consultant(s) with appropriate qualifications acceptable to the Executive Director. The archaeologist(s) and Native American consultant(s) shall be present on-site during all grading and earth disturbance activities on site for the purpose of locating, recording and collecting any archaeological materials.

The GSD currently processes all incoming wastewater through a primary treatment system with some wastewater being also processed through secondary treatment. Primary treatment is the practice of removing some portion of the suspended solids and organic matter in a wastewater through sedimentation. Common usage of this term also includes preliminary treatment to remove wastewater constituents including a process where the water is passed through a series of screens to remove solids, including grit removal, screening for debris, and oil and grease removal. Secondary treatment includes primary treatment followed by additional treatment of wastewater using a combination of physical and biological processes using a series of holding and aeration tanks and ponds in order to provide substantially greater filtration of wastewater. The proposed project would add multiple new components to the existing secondary treatment system, to provide full secondary treatment of 100% of inflow by November 2014. Currently, the plant is only capable of treating approximately 40% of the inflow at the secondary level and the majority of inflow receives primary treatment only. Several new buildings, structures, piping, equipment, and equipment enclosures are proposed for a total of 47,718 sq. ft. of new development for the entire plant upgrade. Multiple existing plant structures and equipment will be demolished to allow construction and installation of the proposed new components.

Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, part of this project is located within an area of Santa Barbara County where the Commission has retained jurisdiction over the issuance of coastal

development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act. The plant upgrade project area is located within the both the Commission's original permit jurisdiction and appeal jurisdiction. The County of Santa Barbara has already approved a Coastal Development Permit (CDP) for the plant upgrade located within the County's LCP jurisdiction. Thus, the current project proposal before the Commission includes only those project components within the Commission's original permit jurisdiction. (Area 1 and Area 4, Exhibit 3)

The project components within the Commission's original permit jurisdiction (and which are proposed as part of this application) include: conversion of an existing 57,400 sq. ft. solids stabilization basin to a primary effluent flow equalization basin, construction of a 250 sq. ft. secondary sedimentation splitter box, a 360 sq. ft. Reactivated Sludge (RAS) pumping station, two secondary sedimentation tanks (5,400 sq. ft. each), a 280 sq. ft. aeration splitter box, three activated sludge tanks (12,600 sq. ft. total building size), a 1,121 sq. ft. blower building, upgrade the existing 710 sq. ft. secondary effluent pumping station, installation of new piping, and 43,430 cu yds. of grading, including 32,000 cu. yds. cut and 11,430 cu. yds. fill. No increase in capacity of the Plant is proposed and the capacity will remain at 9 million gallons per day (mgd), measured as the average annual inflow during the dry season.

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EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Project Location
 - Exhibit 3. Site Plan
 - Exhibit 4. Site Plan Map- Area 1 and Area 4
 - Exhibit 5. Archeological Resources Map
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LOCAL APPROVALS RECEIVED:

County of Santa Barbara Planning and Development, Coastal Development Permit approval, No. 09CDP-00000-00099, dated April 14, 2010; California Regional Water Quality Control Board, Central Coast Region, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048160, Waste Discharge Requirements Order No. R3-2004-0129, and Monitoring and Reporting Program No. R3-2004-0129 for the Goleta Sanitary District Wastewater Treatment Facility; County of Santa Barbara-Geotechnical Review Letter, Engineering Geology and Geotechnical Engineering Review,” prepared by Geodynamics, Inc., dated March 26, 2010.

SUBSTANTIVE FILE DOCUMENTS:

Goleta Sanitary District Mitigated Negative Declaration for the Wastewater Treatment Plant Upgrade (SCH No. 2008061141) September 2009; “Facilities Planning Study,”

prepared by HDR Engineering, dated June 23, 2008; "Geohazard Assessment/Soil Engineering Report, Goleta Sanitary District Wastewater Treatment Plant Upgrade Project, prepared by Tetra Tech, Inc., dated June 18, 2009; "Fault Investigation Report, Goleta Sanitary District Wastewater Treatment Plant Upgrade," prepared by Earth Systems Pacific, dated August 3, 2009; County of Santa Barbara-Geotechnical Review Letter, Engineering Geology and Geotechnical Engineering Review," prepared by Geodynamics, Inc., dated March 26, 2010;"Extended Phase 1 Archaeological Investigation, Goleta Sanitary District Wastewater Treatment Plant Upgrading Project," prepared by Dudek, dated April 2009; "Letter Report for Archaeological Monitoring, Goleta Sanitary District," prepared by Dudek, dated August 20, 2009; Coastal Development Permit 4-85-469 (Goleta Sanitary District).

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-09-011 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Permanent Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather runoff leaving the developed site. The consulting licensed civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) The plan shall demonstrate the use of distributed small-scale controls or integrated Best Management Practices (BMPs) that serve to minimize alterations to the natural pre-development hydrologic characteristics and conditions of the site, and effectively address pollutants of concern.
- (2) Post-development peak runoff rate and average volume from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains where necessary. The consulting engineer shall provide plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The engineer shall certify that the design of the device minimizes the amount of rock and/or other hardscape necessary to meet the sizing requirements.
- (7) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms

up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

- (8) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) Final drainage plans shall be approved by the project consulting geotechnical engineer.
- (10) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting licensed civil engineer, or qualified licensed professional or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.

- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Archaeological Monitoring Responsibilities

Prior to issuance of the Coastal Development Permit, the applicant shall retain the services of a qualified archaeologist(s) and Native American consultant(s) with appropriate qualifications acceptable to the Executive Director. The archaeologist(s) and Native American consultant(s) shall be present on-site during all grading and earth disturbance activities for the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive

Director, by the applicant's archaeologist and a native American consultant consistent with CEQA guidelines.

6. Construction Timing and Sensitive Bird Species Surveys

For any construction activities between February 15th and September 1st, the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct sensitive bird species surveys and monitor project operations associated with all construction activities:

At least two (2) weeks prior to commencement of any construction activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. The applicant shall ensure that the environmental resources specialist, with experience in conducting bird surveys shall conduct bird surveys 30 calendar days prior to the listed activities to detect any active bird nests in all trees within 500 feet of the project site. A follow-up survey must be conducted 3 calendar days prior to the initiation of construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.
- B. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 500 ft. of construction activities, the applicant shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 at the nest (s) site. If construction noise exceeds a peak level of 65 dB at the nest (s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce construction noise levels to below the above referenced threshold level, construction within 500 ft. of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found, the applicant

shall notify the appropriate State and Federal Agencies within 24 hours, and shall develop an appropriate action specific to each incident. The applicant shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

7. Removal of Excavated Material

Prior to issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

8. Other Required Agency Permits

Prior to issuance of Coastal Development Permit the applicant shall submit, for the review and approval of the Executive Director, evidence of appropriate final required approvals from State or Federal Agencies, including from the Regional Water Quality Control Board (RWCQB), or evidence that no such approval is required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is for a major upgrade to the existing Goleta Sanitary District (GSD) Wastewater Treatment Plant in order to provide for secondary treatment of all effluent. The existing treatment plant was constructed prior to the effective date of the Coastal Act and has been in operation since the 1950's. The purpose of this project is to improve the quality of effluent that is discharged from the plant and will not result in any change or increase in the service capacity of the plant. The site is located in an unincorporated coastal area of Santa Barbara County and is southwest of the boundary of the City of Goleta. The subject site is located approximately 10 miles west of the City of Santa Barbara and 1,600 feet inland (north) of the coast at Goleta Beach County Park. An existing discharge pipe extending underground from GSD discharges the treated wastewater via a south-trending ocean outfall at a location more than one mile offshore (approximately 5,912 ft.) Goleta Beach County Park at an average depth of 87 feet. (Exhibits 1 & 2) The GSD property consists of approximately 42 total acres, including 10 developed acres. The site is situated on the remnant of the northeast portion of Mescalitan Island, site of a historic Chumash Indian village, in the southern portion of the Goleta Slough.

The Goleta Sanitary District Wastewater Treatment Plant is located in an area with a mix of both commercial and residential uses. Areas to the north, south, and east of the site are mostly undeveloped properties, with the exception of a small residential neighborhood, which is located immediately adjacent to the northeast of the property, adjacent to San Pedro Creek. The Santa Barbara Airport is located immediately to the west. All new proposed development will occur within existing developed and disturbed areas on site and will not result in the removal of any native vegetation or loss of any environmentally sensitive habitat areas. However, several sensitive wetland and stream areas are located within the area surrounding the project site including the nearby Goleta Slough wetland and San Pedro Creek which roughly borders the eastern property line of the proposed project site. In addition, Atascadero Creek is located approximately 500 ft. to the east of the project site and San Jose Creek is located 700 ft. east of the project site. Atascadero Creek and San Jose creeks merge with San Pedro Creek approximately 500 ft. southeast of the project site and feed into the Goleta Slough 1,000 ft. south of the site. (Exhibit 1)

The GSD currently processes all incoming wastewater through a primary treatment system, and some is also processed through secondary treatment. Primary treatment is the practice of removing some portion of the suspended solids and organic matter in a wastewater through sedimentation. Common usage of this term also includes preliminary treatment to remove wastewater constituents including a process where the water is passed through a series of screens to remove solids, including grit removal, screening for debris, and oil and grease removal. Secondary treatment includes primary treatment followed by additional treatment of wastewater using a combination of physical and biological processes using a series of holding and aeration tanks and ponds in order to provide substantially greater filtration of wastewater. The proposed project would add multiple new components to the existing secondary treatment system, to provide full secondary treatment of 100% of inflow by November 2014. Currently, the plant is only capable of treating approximately 40% of the inflow at the secondary level and the majority of inflow receives primary treatment only. Several new buildings, structures, piping, equipment, and equipment enclosures are proposed for a total of 47,718 sq. ft. of new development for the entire plant upgrade. Multiple existing plant structures and equipment will be demolished to allow construction and installation of the proposed new components.

The project is located within the both the Commission's original permit jurisdiction and appeal jurisdiction. The County of Santa Barbara has processed a Coastal Development Permit (CDP) for the entire plant upgrade. However, the current project proposal before the Commission includes only those project components within the Commission's original permit jurisdiction. The project components within the Commission's original permit jurisdiction include: conversion of an existing 57,400 sq. ft. solids stabilization basin to a primary effluent flow equalization basin, construction of a 250 sq. ft. secondary sedimentation splitter box, a 360 sq. ft. RAS pumping station, two secondary sedimentation tanks (5,400 sq. ft. each), a 280 sq. ft. aeration splitter box, three activated sludge tanks (12,600 sq. ft. total building size), a 1,121 sq. ft. blower building, upgrade the existing 710 sq. ft. secondary effluent pumping station, installation of new piping, and 43,430 cu yds. of grading, including 32,000 cu. yds. cut and 11,430 cu. yds. fill. No increase in capacity of the Plant is proposed and the capacity will remain

at 9 million gallons per day (mgd), measured as the average annual inflow during the dry season. Each of the project components are described in detail below.

Solids Stabilization Basin Conversion to Primary Effluent Flow Equalization Basin

The applicant proposes to convert Basin 1, one of three existing solids stabilization basins, into a primary effluent flow equalization basin. The three stabilization basins are located on the eastern side of the project site adjacent to San Pedro Creek. (Exhibits 1-4) Basin 1 covers an area of a 54,700 sq. ft. Solids stabilization Basin 2 covers an area of 111,600 sq. ft. and Basin 3 covers an area of 107,700 sq. ft. Conversion of stabilization Basin 1 to the flow equalization basin would not result into an increase in the size of the basin. However, the earthen embankments of Basin 1 will be graded and encased in concrete and will include 9,200 cubic yards of earthwork, including 5,100 cu. yds. of excavation and 4,100 cu yds. of backfill. The capacity of the two remaining solids stabilization basins would be reduced by 4.7 MGD. However, sufficient capacity would exist for long detention times of greater than 180 days to remain. An electric dredge will be used to remove solids from the basins for dewatering operations.

Primary effluent flow equalization is proposed in order to reduce the impacts of daily variations in flow and load, to increase the reliability of the treatment system, and to provide operational flexibility (MND, p.2-9). Approximately 3 million gallons of flow can be diverted after primary treatment to the flow equalization basin. Primary effluent stored in the flow equalization basin would be conveyed to the secondary treatment facilities during hours of low flow. Flow equalization would be controlled by using flow meters in conjunction with motorized valves located at a proposed equalization basin pump station (CDP approved by Santa Barbara County).

Activated Sludge Treatment Process

The activated sludge process will consist of three activated sludge tanks (12,600 sq. ft.), two secondary sedimentation tanks (5,400 sq. ft. each), a return activated sludge (RAS) pumping station (360 sq. ft.), an aeration splitter box (280 sq. ft.), a secondary sedimentation splitter box (250 sq. ft.), and a new blower building (1,121 sq. ft.). (Exhibits 2 & 3). The activated sludge tanks are proposed for the area adjacent to the northern boundary of the site, north of the proposed two secondary sedimentation tanks. The three activated sludge tanks will have a total volume of 1.5 million gallons and a side water depth of 18 feet. Construction of the activated sludge tanks will require approximately 13,300 cu. yds. of excavation and 2,600 cu. yds of backfill.

According to MND, the activated sludge system is sized in order to provide carbonaceous BOD removal to meet the expected regulatory requirements (MND, p.2-10) The activated sludge system would operate with less than two days of sludge retention time and a mixed liquor suspended solids of 1800 mg/L. The aeration system would be designed to meet nitrification air requirements but equipped initially for carbonaceous BOD (C-BOD) removal only. The 1,121 sq. ft. new blower building, proposed to be constructed adjacent to the new activated sludge tanks, would contain up to five 200-horsepower (HP) single-stage turbo blowers. However, only three blowers are needed for C-BOD removal. The three activated sludge tanks will be

equipped with fine bubble air diffusers and automatic air control valves to maintain a predetermined dissolved oxygen concentration in the activated sludge tanks. The diffuser system will be sized to supply maximum daily air requirements.

The secondary treatment process includes four secondary sedimentation tanks. Two of the sedimentation tanks already exist and are each 2,850 sq. ft in total size and 60 ft. in diameter. The two new sedimentation tanks will be placed adjacent to the existing tanks and will each be 5,400 sq. ft. in size and 80 ft. in diameter. The two new secondary sedimentation tanks will require approximately 13,200 cu. yds. of excavation and 4,500 cu. yds of backfill. A mixed liquor flow distribution system will be provided. The two new sedimentation tanks are proposed to operate with the new 360 sq. ft. return activated sludge (RAS) pumping station and the existing 710 sq. ft. secondary effluent pumping station proposed to be upgraded. (Exhibits 2 & 3)

Secondary Effluent Pumping

The secondary effluent pumping station, located adjacent to the proposed activated sludge tanks, currently has a 5.9 MGD capacity and a force main designed to convey secondary effluent to the chlorine contact tank. The secondary effluent pumping system will be upgraded in order to pump a total maximum daily design flow of 18.0 MGD. The upgraded secondary pumping station would have three pumps, two in operation and one on standby.

Background

Although originally constructed in the 1950's, the Goleta Sanitary District's treatment plant was previously upgraded in the mid 1980's to accommodate a flow of 9 million gallons per day (mgd) measured in a dry weather period (June, July, and August). In 1986, the Commission approved Coastal Development Permit (CDP) No. 4-85-469 (Goleta Sanitary District) for improvement and expansion of the wastewater treatment facilities including re-configuration of two stabilization basins, construction of a solids contact channel, a MCC building, and construction of a 16 ft. diameter secondary sedimentation tank. The treatment plant was designed to operate under Section 301(h) of the Clean Water Act, which allows the blending of primary and secondary treatment streams (also known as advanced primary or blended secondary treatment) before the water is disinfected and discharged into the Pacific Ocean. Under this treatment method, all wastewater entering the plant receives at least primary treatment.

Presently, about 40 percent of the flow receives full secondary treatment, where the wastewater flows through primary sedimentation basins and secondary treatment facilities, including biofiltration, solids-contact, and secondary clarification. This flow is subsequently mixed with the remaining 60 percent of the primary flow and disinfected by chlorination/dechlorination prior to discharge into the ocean. Sludge is anaerobically digested, stored in stabilization basins, air dried, and used as a soil conditioner. The solids handling facilities and the final effluent discharge outfall into the ocean presently accommodate a total of 9 mgd dry weather flow. (NPDES Permit, p.3)

The wastewater facility also provides tertiary wastewater treatment through a process of coagulation, flocculation, filtration, and additional disinfection processes. The additional treatment allows GSD to provide up to 3.3 mgd of reclaimed wastewater for landscape irrigation in the Goleta area and surrounding areas of Santa Barbara County.

The Goleta Sanitary District and the Regional Water Quality Control Board (RWQCB) Central Coast Region entered into a settlement agreement in November 2004 that allowed the GSD to continue to operate under the provision of Section 301(h) of the Clean Water Act until November 2014. In the 1980's, in order to meet discharge requirements adopted by the State of California and the Environmental Protection Agency, the GSD was required to upgrade its treatment facilities. The 1985/1986 upgrades incorporated grit removal, primary sedimentation, biofiltration and secondary sedimentation to achieve 75% removal of suspended solids. The wastewater receiving only primary treatment was mixed with water that underwent secondary treatment before discharge to the Goleta outfall. That facility upgrade was to ensure that the discharge would comply with the 1978 Water Quality Plan for Ocean Waters of California (State Ocean Plan) and with the Federal Clean Water Act. However, on August 19, 1986, the EPA issued Administrative Order No. 86-93 resulting from violations by the GSD of fecal and total coliform discharge limits. The order required the GSD to submit a long term plan and implementation schedule to ensure compliance with receiving water limitations. Presently, pursuant to the EPA and RWQCB requirements, the Goleta Sanitary District must provide secondary treatment to the full flow entering the facility and subsequently discharged to the Pacific Ocean by no later than November 2014, rather than only 40 percent of the flow as currently provided. Under the proposed project, the existing primary treatment facilities, the upgraded secondary treatment facilities, the existing solids handling system, and the final disposal system will all have the same existing overall plant capacity at 9 mgd dry weather flow.

Changes to the NPDES Permit, which now requires secondary treatment, also includes updates to the numeric effluent limits derived from Ocean Plan Table B in accordance with the December 2001 Ocean Plan, new and updated narrative requirements in accordance with the December 2001 Ocean Plan, new requirements for the wastewater collection system (described in Section D. of the NPDES Permit), and modified requirements for Biosolids pursuant to standard NPDES language provided by the EPA.

Once the plant has been converted to secondary treatment, the applicant has indicated that the RWQCB may issue a new NPDES permit imposing effluent limitations based on secondary treatment as defined in 40 C.F.R. Part 133, or any more stringent requirements the RWQCB determines are necessary to comply with State or Federal law. (2004 NPDES Permit, p.8)

B. SCOPE OF COMMISSION REVIEW

The Coastal Act imposes specific limits on the effect of Commission permits for development "that constitutes a treatment work." Although the proposed project is not the construction of a treatment work, it is a substantial upgrading of an existing treatment work, and as such, these limits should at least be considered by the

Commission. These limits are part of Coastal Act Chapter 5, which identifies the manner in which the Coastal Act is to be understood in relation to other state agencies and their programs under the law. Chapter 5 identifies the Legislature's intent that the Coastal Act not "increase, decrease, duplicate or supersede the authority of any [then] existing state agency", while requiring all state agencies to "carry out their duties and responsibilities in conformity with [the Coastal Act]".¹ Chapter 5 is premised on avoiding and addressing potential conflicts, and includes guidance in relation to implementation of the Coastal Act in relation to the programs of the State Water Resources Control Board (SWRCB) and the RWQCBs. Specifically, Coastal Act Section 30412 states:

- (a) In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.*
- (b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

- (c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*
 - (1) The siting and visual appearance of treatment works within the coastal zone.*
 - (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*
 - (3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the

¹ Coastal Act Sections 30401 and 30402.

construction of treatment works shall be final and binding upon the commission.

- (d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.*
- (e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.*

As a result, the Commission's review of a treatment work is limited to questions of siting, design, and appropriateness of service areas (including in terms of development projections that may determine the size of the treatment work). Within this framework, it is important to recognize that there is a fairly expansive definition of what constitutes a "treatment work" for purposes of Section 30412. Specifically, Section 30120 of the Coastal Act states that this term shall have the same meaning as that set forth in the Federal Water Pollution Control Act. This Act defines treatment work as follows:

A) The term treatment works means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 1281 of this title, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land used for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment. (B) In addition to the definition contained in subparagraph (A) of this paragraph, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 1311 or 1312 of this title, or the requirements of section 1281 of this title. 33 U.S.C. § 1292(2)(A-B)

Thus, a treatment work includes the treatment plant, the collection system, and the disposal system, among other things. In this case, almost the entirety of the proposed project is part of such a treatment work. As such, the Commission is within its purview to evaluate the proposed project in terms of siting, design, and service area per Section 30412. Although this is a limited list of factors, they may implicate several of the policies in Chapter 3 of the Coastal Act. The first of these factors – the siting of a facility – for example, may affect not only aesthetics (see, e.g., section 30251), but also coastal access (see, e.g., sections 30210 to 30212), the nature and extent of any impacts of the project on biological resources and water quality (see, e.g., sections 30230, 30231, and

30240), the nature and extent of geologic stability issues raised by the project (see, section 30253), and whether the project raises archaeological issues (see Section 30244).

In addition, the Commission notes that the primary objective of Section 30412 as it applies here is to ensure that the Commission's review under the Coastal Act does not frustrate the programs of the State and Regional Boards in terms of the proposed wastewater treatment project. To that end, staff has ensured that the recommendations it forwarded to this Commission are consistent with the permit granted by the California Regional Water Quality Control Board, Central Coast Region, Order No. R3-2004-0129, National Pollutant Discharge Elimination System, Permit No. CA0048160 ("NPDES Permit"), for the upgrade of the treatment facility to full secondary treatment. This approval was granted on November 19, 2004. As of the date of this report, the Commission is not aware of any way in which the Commission's review to date, nor the analysis and conclusions of this report, would conflict in any way with the SWRCB or the RWQCB.

The NPDES permit authorizes the Goleta Sanitary District to operate a wastewater collection, treatment, and disposal system to provide sewage services to Goleta Sanitary District, Goleta West Sanitary District, the University of California, Santa Barbara, Santa Barbara Municipal Airport, and facilities of Santa Barbara County. According to the NPDES permit, although NPDES permits issued to publicly owned treatment works generally require secondary treatment of wastewater, Congress authorized waivers of secondary treatment requirements under Clean Water Act Section 301(h) (33 U.S.C. §1311(h)). To qualify for a waiver, the discharges must satisfy the conditions of Section 301 (h), and other applicable regulations. The Environmental Protection Agency ("EPA") and the Regional Board jointly issued the Goleta Sanitary District a 301(h) permit in 1996. However, in 2002 the Regional Board denied a subsequent application for a 301(h) permit. The Regional Board and Goleta Sanitary District signed a Settlement Agreement in 2004, requiring the upgrade of the treatment plant to upgrade the facility to full secondary treatment standards by November 1, 2014.

C. WATER QUALITY

Under Sections 30230 and 30231 of the Coastal Act, the Commission is charged with assuring that marine resources, with particular emphasis on the productivity, health, and population levels of its biological components, are maintained, enhanced, and where feasible restored.

Section **30230** of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section **30231** of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

Although the discharges from the treatment plant's effluent pipes that affect water quality are regulated by the Water Board in this case, the Commission recognizes that virtually any type of new development has a more general potential to adversely impact coastal water quality and aquatic resources because changes such as the increase in impervious surfaces and structures, as well as temporary impacts resulting from construction operations, cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum and other pollutants. These impacts are also heavily influenced by siting decisions, as they affect how directly such runoff, erosion and sedimentation leads to receiving waters, whether there are intervening filtration systems already in existence, the sensitivity of the relevant receiving waters, and the characteristics of the relevant groundwater basins. In this case, the proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including adjacent streams, wetlands, and estuaries, including San Pedro Creek directly adjacent to the subject site and the surrounding Goleta Slough wetland area. The pollutants commonly found in runoff associated with industrial development (including petroleum hydrocarbons such as oil and grease from vehicles; heavy metals; synthetic organic chemicals; dirt and vegetation; litter; fertilizers, herbicides, and pesticides) can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health. Specifically, the discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) source control and/or treatment control measures; 2) implementing erosion sediment control measures during

construction and post construction; and 3) revegetating all graded and disturbed areas for the purpose of interim erosion control.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs). Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)** and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act. In addition, these plans must be approved by the applicant's geologic engineering consultants, consistent with their recommendations.

Furthermore, interim erosion control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. To ensure that proposed erosion control measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant prepare and implement interim erosion control plans, as required by **Special Condition Four (4)**.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act and finds that the proposed project complies with Section 30412 of the Coastal Act.

D. HAZARDS AND GEOLOGIC STABILITY

Section **30253** of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the southern part of the Goleta Valley. The Goleta Valley comprises alluvial plains on the east, north, and west that slope gently south and merge into the Goleta Slough in the south-central portion of the valley and drain to the ocean past Mescalitan Island. The Goleta Valley is bounded to the south and southeast by the nearly continuous terrace formed by More Mesa, Goleta Mesa, and Mescalitan Island. This terrace is composed of impermeable rocks, stands 50 ft. to 150 ft. above sea level, and is trenched at the outlet of Goleta Slough south of Mescalitan Island and at a smaller outlet approximately three miles westward at Devereux Slough. This terrace otherwise forms a continuous barrier across the entire

seaward side of the Goleta basin. The treatment plant site is situated on the remnant of the northeast portion of Mescalitan Island. Mescalitan Island is underlain by siltstone that is described as massive and extensively bioturbated siltstone, claystone, and silty sandstone that contains marine fossils with an exposed thickness of about 147 ft.

San Pedro Creek is located adjacent to the eastern boundary of the proposed project site. Additionally, Atascadero Creek is located approximately 500 ft. to the east of the project site and San Jose Creek is located 700 ft. east of the project site. Atascadero Creek and San Jose creeks merge with San Pedro Creek approximately 500 ft. southeast of the project site and feed into the Goleta Slough 1,000 ft. south of the project site. (Exhibits 1 & 2)

The submitted geology, geotechnical, and soils reports, referenced as a Substantive File Documents, conclude that the project site is suitable for the proposed project based on the evaluation of the site's geologic and hydrogeologic conditions in relation to the proposed development. The "Geohazard Assessment/Soil Engineering Report, Goleta Sanitary District," prepared by Tetra Tech, Inc., dated June 18, 2009 conclude that the results of the geohazard assessment and the geotechnical investigation indicate that the site is suitable for the proposed improvement project and includes recommendations for design and construction at the site. The "Fault Investigation Report" prepared by Earth Systems Pacific, dated August 3, 2009 explains that the More Ranch fault runs roughly east-west along the southern site boundary by Area 3, which is near the southeast corner of the site. (Exhibit 3) The report also explains that a southern trace of the More Ranch fault trends roughly northeast-southwest along the southern site boundary (passing through the southeast corner of the site, south of Area 3) and a northern fault trace of the More Ranch fault trends roughly northeast-southwest along the remnant of the north escarpment of Mescalitan Island, crossing the south end of Area 1. (Exhibits 3 & 4) Fault trenching was performed in Area 1 and Area 3 of the site and borings were drilled in Area 1, 2, and 3. No features were observed to indicate active faulting in the vicinity of Areas 1 and 3. The August 3, 2009 Earth Systems Pacific report concluded that there is an absence of tectonic fault-related features in Area 1 and Area 3 and did not recommend any building setbacks. Additionally, the County of Santa Barbara Geotechnical Review Letter, dated March 26, 2010 found the applicant's Geotechnical reports to be acceptable.

The applicant's geology, geotechnical, and soils reports and the Santa Barbara County Geotechnical Review Letter contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports and review letter, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these

goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to a potential for damage or destruction from natural hazards, including erosion, geologic instability and floods, those risks remain substantial here. Moreover, the proposed project site is located in an area with a moderate problem rating for potential inundation by a tsunami and is located within the "run up" area for a potential tsunami, which also includes the Goleta Slough and the nearby Santa Barbara Airport. (2009 MND, p.3-28). If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the flood and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1:** Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2:** Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3:** Drainage and Polluted Runoff Control Plans
- Special Condition 4:** Interim Erosion Control
- Special Condition 7:** Removal of Excavated Material

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

E. ARCHAEOLOGICAL RESOURCES

Coastal Act Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures. Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, any remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological

sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The vicinity of the project area is known to have several archeological and cultural resource sites. The applicant has submitted a Mitigated Negative Declaration for the Wastewater Treatment Plant Upgrade, prepared by Tetra Tech, Inc., dated September 2009 and two Archeological Investigation reports prepared by Dudek dated April 2009 and August 2009. The MND indicates that the ethnohistoric Chumash village of *Helo'* ("Mescalitan Island) occupied the landform on which the Goleta Sanitary District Wastewater Treatment Plant. The site was identified as CA-SBA-46 in the 1920's. The site has been disturbed since 1941 due to the construction of a Marine airstrip over the western portion of the Island and development of subsurface natural gas storage facilities subsequently in the 1940's. The first wastewater treatment facilities were constructed on the site between 1950 and 1954 and the plant's facilities were expanded throughout the 1960's (MND, p.3-11). Today, the original landform of CA-SBA-46 is located within a subset of the area occupied by the treatment facility. The proposed project "Area 2" (Exhibit 3) and the new pipelines proposed between Areas 1, 2, and 3 are within CA-SBA-46. Only Area 1 is within the Commission's retained permit jurisdiction. (Exhibit 4)

The applicant has submitted an Extended Phase 1 Archeological Investigation prepared by Dudek, Inc., dated April 2009, which was also circulated in January 2009 to local Chumash Native American descendants, as well as to the Santa Barbara County Planning and Development Department. The applicant has informed staff that local Chumash representatives have conducted a site visit and, according to the 2009 Mitigated Negative Declaration, have requested that archeological monitoring occur during all ground disturbing activities within CA-SBA-46, regardless of whether the archeological deposit is intact or disturbed, to ensure that any features, artifacts, or human remains are properly assessed and treated. During the investigation, cultural materials were identified in the proposed connecting pipelines running from Biofilter No. 2 north of the Existing Biofilter No. 1 (Area 2, outside of the Commission's original jurisdiction). Additionally, locations of the originally proposed Dissolved Air Flotation Thickeners (DAFTs) and connecting pipeline areas east of existing Biofilter No. 1 contained a high density of diverse cultural materials, including shellfish, animal bone fragments, and fish scales. In order to minimize potential impacts to intact CA-SBA-46 resources, the applicant has designed to avoid ground disturbances within these areas of higher densities of prehistoric artifacts. The only proposed facility components requiring new excavations within CA-SBA-46 are located in an area where very low or no cultural resources were recovered during the Phase I investigation, including: (1) Biofilter No. 2. and (2) the portion of the new pipeline running from Biofilter No. 2 to the Activated Sludge Treatment System located west of Biofilter No. 1 (which are not located in the Commission's retained jurisdiction)

The Mitigated Negative Declaration prepared by Tetra Tech, Inc., dated September 2009 concluded that all other proposed facilities would not be expected to result in significant adverse impacts to CA-SBA-46 because the development would be located on existing concrete pads, entirely above ground, in areas of the facility outside of the

original CA-SBA-46 landform and have been extensively filled, or in areas previously graded in the past 50 years such that no archaeological soils remain. The applicant's archeological consultants have indicated that new development within the proposed pipeline areas, some of which cross into the Commission's original jurisdiction, are also not expected to result in significant adverse impacts because these areas are not expected to contain high concentrations of cultural resources based on the results of the Phase 1 Study.(2009 MND, p.4-32).

However, even though the project has been designed to avoid areas which are known to contain high concentrations of cultural resources, the potential to encounter artifacts still exists. In this case, Area 1, within CA-SBA-46, will contain new treatment plant facilities and this area is within the Commission's original permit jurisdiction. The August 20, 2009 Dudek report states that archaeologists evaluated this area, which is north of the original Mescalitan Island land formation, and is located in what would have been the ancestral Goleta Slough. Archaeologists monitored geotechnical borings in Area 1 and observed extremely small shellfish fragments, which appeared to be Venus clam and oyster. Modern trash (plastic) was also observed in the tailings. This area is thought to contain fill from early development of the treatment plant facilities. Area 1 was determined by Dudek archaeologists and the State Water Resources Cultural Resources Manager, to have little or no potential for intact archaeological deposits. (MND p.4-33)

However, although the Extended Phase 1 Archeological Investigation prepared by Dudek, Inc., dated April 2009 and MND find that the potential for significant cultural resources to exist in the project area is considered relatively low, the Commission finds that potential adverse effects to those resources may still occur due to unintended disturbance during grading and ground disturbance activities. Thus, to ensure that any potential adverse impacts to archaeological resources are minimized, **Special Condition Five (5)** requires the applicant to retain the services of a qualified archaeologist(s) and Native American consultant(s) with appropriate qualifications acceptable to the Executive Director. The archaeologist(s) and Native American consultant(s) shall be present on-site during all grading and earth disturbance activities for the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, all work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and a native American consultant consistent with CEQA guidelines.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

F. ENVIRONMENTALLY SENSITIVE HABITAT

Section **30240** of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section **30240** states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section **30107.5** of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

The proposed project is a major upgrade the existing Goleta Sanitary District Wastewater Treatment Plant to provide secondary treatment of 100 percent of the treated wastewater. The project site is limited to an already developed area and will not result in the removal of any native vegetation or any disturbance to environmentally sensitive habitat area (ESHA) onsite. However, the adjacent creeks and wetland areas (located offsite) are identified as environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat. San Pedro Creek roughly borders the eastern property line of the proposed project site. Atascadero Creek is located approximately 500 ft. to the east of the project site and San Jose Creek is located 700 ft. east of the project site. Atascadero Creek and San Jose creeks merge with San Pedro Creek approximately 500 ft. southeast of the project site and feed into the Goleta Slough (one of the 19 major wetland habitats specifically identified in Chapter 3 of the Coastal Act) 1,000 ft. south of the site. (Exhibits 1 & 2).

According to the 2009 Final Mitigated Negative Declaration for the proposed project, special-status plant species and/or sensitive plant communities are highly unlikely to occur on the project site. (2009 MND, p.4-28). Tetra Tech, Inc. conducted a biological assessment of the site on March 3, 2008 and, based on the biologist's site visit, did not discover special status plant species or sensitive plant communities. Additionally, the biologist concluded that the existing stabilization basins on the site provide low quality aquatic habitat for several bird species. (Letter to Commission Staff from Penfield & Smith, dated January 11, 2010, p.4). However, although the subject site itself does not provide habitat for sensitive species, the adjacent creeks, including San Pedro Creek, San Jose Creek, and Atascadero Creek support riparian and wetland habitat and provide excellent habitat for a wide diversity of avifauna species. Common riparian breeding birds such as northern rough-winged swallow, black-headed grosbeak, Hutton's vireo, common yellowthroat and song sparrow have been found in Atascadero

creek to east and south of the site. (1994 Final Environmental Impact Report for Atascadero Creek Maintenance, Santa Barbara County Flood Control Project). According to the EIR and 2004 EIR Supplement for Santa Barbara Flood Control activities within Atascadero Creek (CDP No. 4-09-068, approved by the Commission in March 2010), several sensitive bird species occur along the reach of the creeks adjacent to the project site, including great blue heron, northern harrier, white-tailed kite, Cooper's hawk, sharp-shinned hawk, merlin, yellow-billed cuckoo, willow flycatcher, purple martin, tree swallow, loggerhead shrike, yellow warbler, least Bell's vireo, blue grosbeak, and Belding's savannah sparrow.

To avoid impacts to avian species adjacent to the project site, the applicant proposes to hire a qualified biologist to conduct preconstruction surveys 14 days prior to commencement of ground disturbance during the nesting and breeding season from February 15th to September 1st. If nesting birds are found during the survey, the applicant proposes to restrict construction within 500 feet of the nest or until the biologist determines that the nest is inactive.

The Commission notes that the proposed project may still result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment and activity, including noise. To ensure that the applicant's proposed monitoring program is adequately implemented in a manner that will ensure that impacts to wildlife are avoided or minimized to the maximum extent feasible, **Special Condition Six (6)** requires the applicant to retain the services of a qualified biologist or environmental resource specialist to conduct sensitive bird species surveys and minor project operations associated with construction activities that will take place between February 15th and September 1st. **Special Condition Six (6)** also requires bird surveys to be conducted 30 calendar days prior to the listed activities to detect any active bird nests in all trees within 500 feet of the project site and requires a follow-up survey to be conducted 3 calendar days prior to the initiation of construction. Further, nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 500 ft. of construction activities, the applicant is required to retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist is required to monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 at the nest (s) site. If construction noise exceeds a peak level of 65 dB at the nest (s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels below the above referenced threshold, construction within 500 ft. of the nesting trees/areas shall cease and may not recommence until either new sound mitigation can be employed or nesting is complete. Additionally, Special Condition Six (6) requires the applicant to notify the appropriate State and Federal Agencies within 24 hours, including the Coastal Commission, and take action to mitigate any further disturbance specific to each agencies' requirements.

Additionally, the adjacent riparian, wetland, and marine environment could also be adversely impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties. To ensure that construction material, debris, or other waste associated with project activities does not enter the water or sensitive riparian habitat, the Commission finds **Special Condition Four (4)** is necessary to define the applicant's responsibility ensure proper erosion control and implement construction best management practices, including disposal of solid debris and construction material unsuitable for placement into the marine environment. As provided under **Special Condition Four (4)**, it is the applicant's responsibility to ensure that no construction materials, debris or other waste is placed or stored where it could be subject to erosion and dispersion. Furthermore, Special Condition Four (4) assigns responsibility to the applicant that any and all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours.

Moreover, to ensure that excess excavated material is moved off site so as not to contribute to unnecessary landform alternation and wetland fill, inconsistent with Section 30240 of the Coastal Act, the Commission finds it necessary to require the applicant to dispose of all excess excavated material at an appropriate disposal site or to a site that has been approved to accept fill material, as specified in **Special Condition Seven (7)**.

In addition, the proposed project will require approval from the Regional Water Quality Control Board. Therefore, **Special Condition Eight (8)** requires the applicant obtain all other necessary State or Federal permits, including the Regional Water Quality Control Board, that may be necessary for all aspects of the proposed project.

The Commission finds that the proposed project, as conditioned, will serve to minimize effects to existing habitat and wildlife resources adjacent to the site while allowing the applicant to meet the Regional Water Board's requirements. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

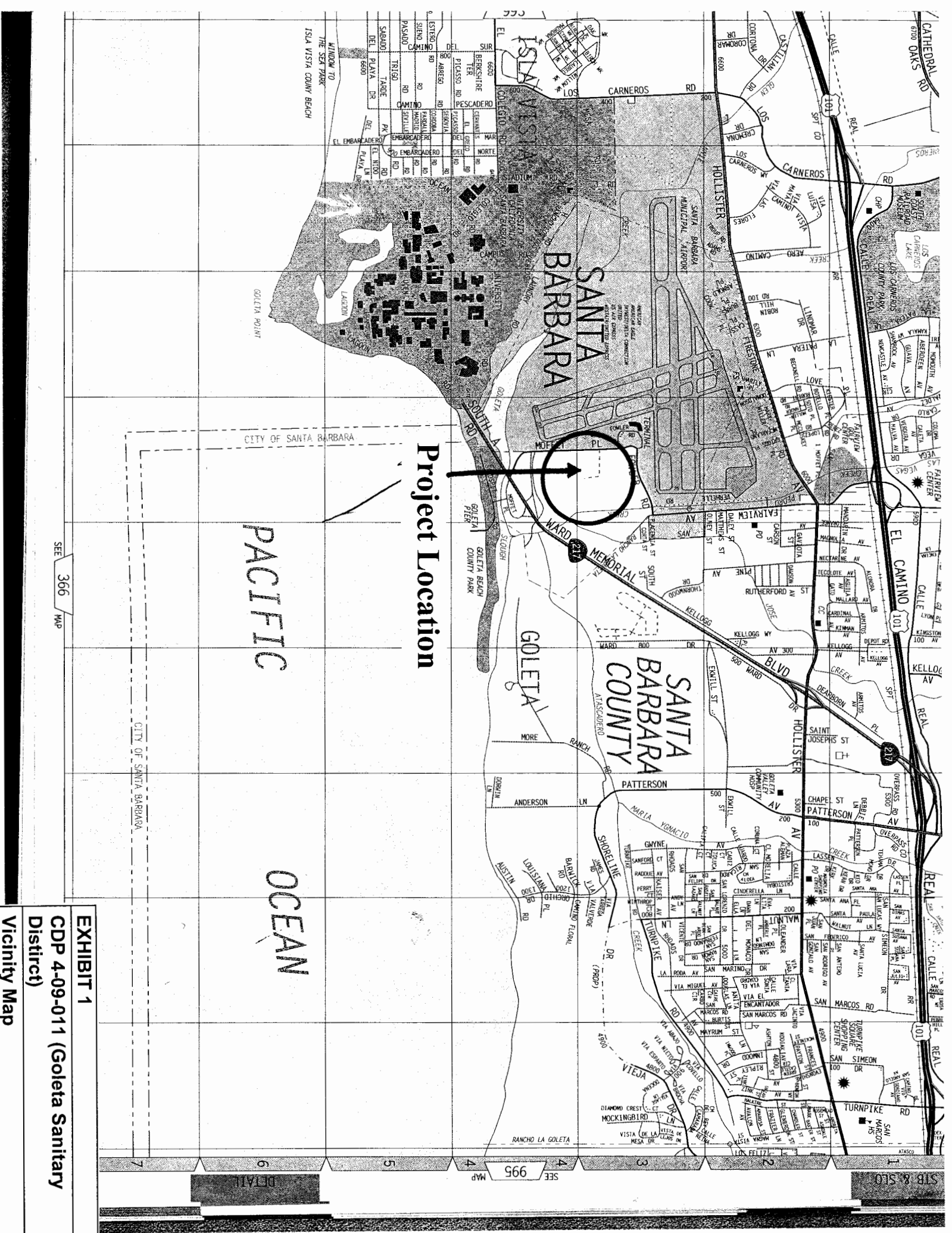
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding

potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 8

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location

PACIFIC

OCEAN

SEE 366 MAP

EXHIBIT 1

CDP 4-09-011 (Goleta Sanitary District)

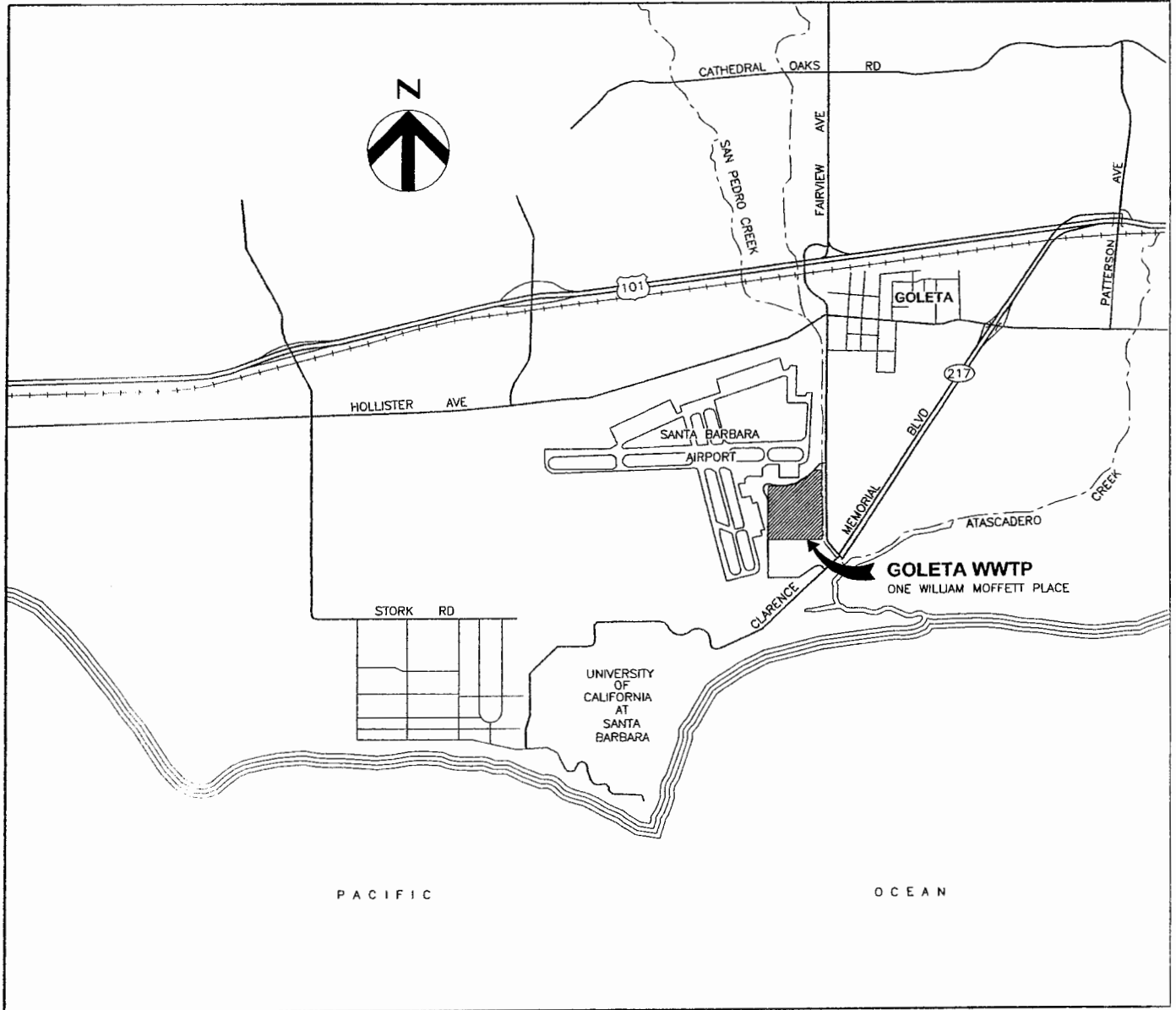
Vicinity Map

CITY OF SANTA BARBARA

DETAIL

SEE 995 MAP

STB & SLO



LOCATION MAP

NTS

EXHIBIT 2

CDP 4-09-011 (Goleta Sanitary District)

Project Location

WASTEWATER TREATMENT PLANT UPGRADING

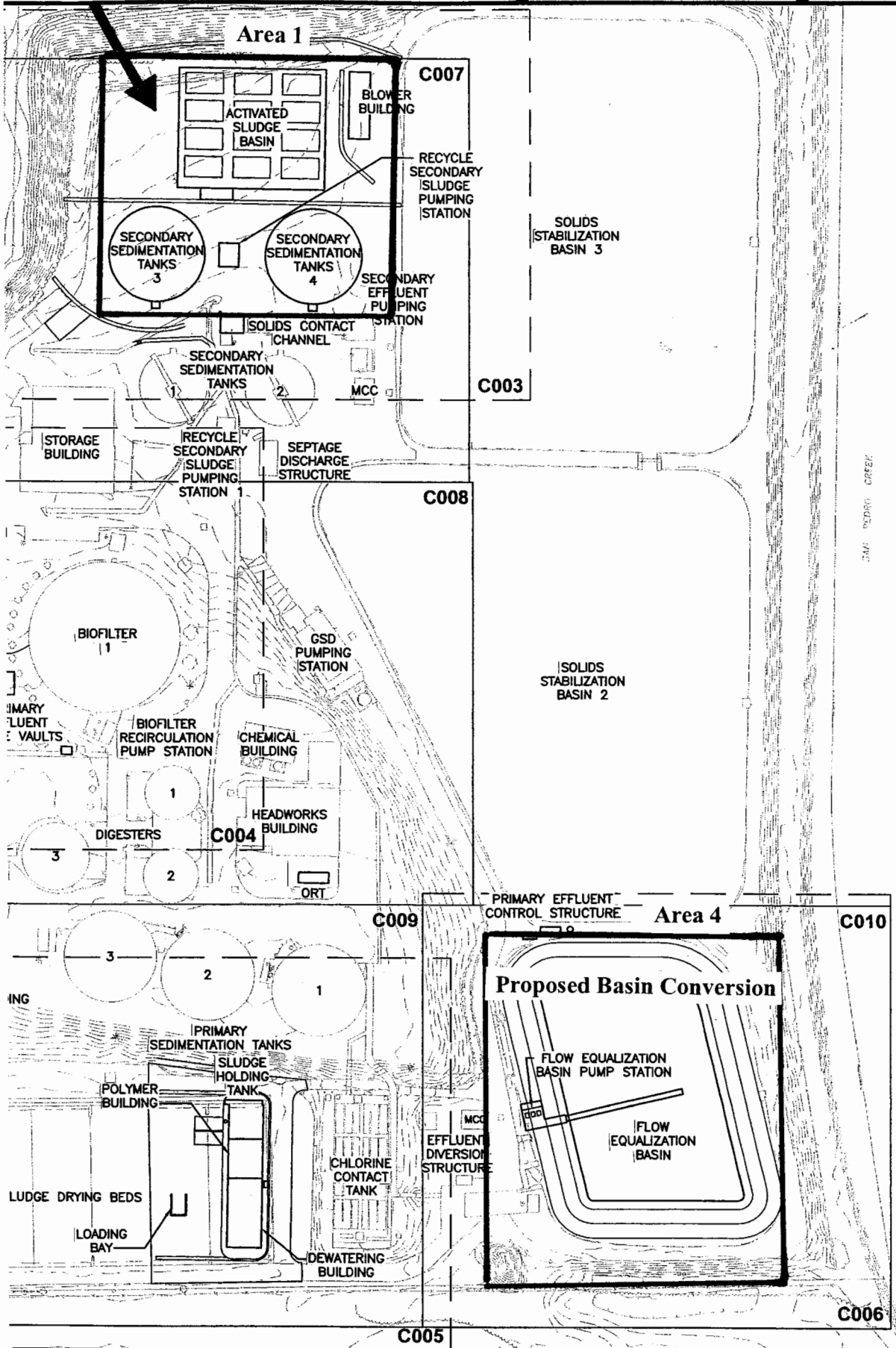
VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY

DATE _____
 DISTRICT ENGINEER RCE No. 18109

DRAW NUMBER _____
 SHEET _____

Proposed New Structures

E F G



LEGEND

- PAVING AND GRA
- YARD PIPING SHE

- SHEET INDEX**
- SEE DWG C003 FOR PAVING AND GRADING P
 - SEE DWG C004 FOR PAVING AND GRADING P
 - SEE DWG C005 FOR PAVING AND GRADING P
 - SEE DWG C006 FOR PAVING AND GRADING P
 - SEE DWG C007 FOR YARD PIPING PLAN I
 - SEE DWG C008 FOR YARD PIPING PLAN II
 - SEE DWG C009 FOR YARD PIPING PLAN III
 - SEE DWG C010 FOR YARD PIPING PLAN IV

SITE KEYMAP
1"=60'

DIGALERT

800-227-2600
Call 2 Full Working Days In Advance

GOLETA SANITARY DISTRICT
VED _____ DATE _____
GENERAL MANAGER / DISTRICT ENGINEER RCE No. 18109

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY.

WASTEWATER TREATMENT PLANT UPGRADING

EXHIBIT 4
CDP 4-09-011 (Goleta Sanitary District)
Site Plan Map

