

**CALIFORNIA COASTAL COMMISSION**

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**W-14a**

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Staff: CLK-SF  
Hearing Date: September 11, 1996  
Item Number:

**STAFF RECOMMENDATION  
REGULAR CALENDAR**

**APPLICATION FILE NO.:** E-96-17

**APPLICANT:** UNOCAL Corporation

**PROJECT DESCRIPTION:** Replacement of the portion of the Santa Maria refinery outfall extending seaward from the mean high tide line. The project involves laying approximately 2000 feet of 18-inch, coated steel pipe and installing a diffuser system on the sea floor. The existing outfall line will be abandoned in place.

**PROJECT LOCATION:** From the mean high tide line to approximately 2000 feet offshore of the Pismo Dunes State Vehicular Recreation Area in San Luis Obispo County. (See Exhibits 1 & 2)

**SUBSTANTIVE FILE DOCUMENTS:** See Appendix A

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**SYNOPSIS**

The UNOCAL Corporation (UNOCAL) proposes to replace an existing refinery wastewater outfall offshore of the Pismo Dunes State Vehicular Recreation Area in San Luis Obispo County. The outfall discharges wastewater from the UNOCAL Santa Maria Refinery which is located approximately three miles inland from the coast in San Luis Obispo County (see Exhibit 1). UNOCAL has recently repaired leaks in the line, which was first installed in 1954, and believes that it has reached the end of its useful life. The discharge is regulated by the Central Coast Regional Water Quality Control Board under a National Pollution Discharge Elimination System (NPDES) permit. There will be no changes in the discharge.

The onshore portion of the outfall replacement project has been approved under a local coastal development permit granted by San Luis Obispo County. The application before the Commission pertains only to the portion of the outfall extending from the Mean High Tide Line (MHTL) to approximately 2000 feet offshore.

The new outfall line will be laid on the sea floor adjacent to the existing outfall. UNOCAL proposes to excavate a trench in order to bury the portion of the new outfall line between the MHTL and the Mean Lower Low Water line (MLLW) to prevent the outfall from being damaged during low tide by vehicles which are allowed to drive on the beach in this area.

The remaining portion of the outfall line is expected to become buried within a short time due to considerable local sand transport. The sea floor in the immediate project area consists of a gradually sloping sandy bottom with no hard bottom habitat. The existing outfall is completely buried except for the diffuser risers, which protrude approximately three feet above the sea bed, and will be cleaned, plugged, and abandoned in place, except for the risers which will be removed.

The proposed project will require a 300-foot-wide by approximately 2700-foot-long work corridor during the 20 day project construction period. During most of this period, lateral access through the work corridor will continue to be open below the MHTL. However, for approximately 3-5 days, lateral public access across the work corridor will be completely blocked. Because access is provided on either side of the project site, this temporary preclusion of lateral access will not create a significant conflict with existing shoreline access uses in the project area.

**Table 1** (pg. 3) summarizes project-related significant issues, potential impacts, and the mitigation measures and conditions that the applicant will implement to avoid, or reduce to insignificance, any impacts. **Special Condition 1** requires that for the duration of the outfall's operating life, UNOCAL will conduct weekly surveys of the onshore portion of the outfall line corridor to assure that no part of the line becomes exposed due to shifting sands or erosion. **Special Condition 2** requires UNOCAL to notify the public if the outfall lines become exposed and to submit a plan in the form of a permit amendment application to the Commission to re-bury the exposed line. **Special Condition 3** requires UNOCAL or its successor(s) to obtain an amendment to this permit or a new coastal development permit (CDP) prior to permanently abandoning the outfall line. The staff believes that the project, as proposed and conditioned, is consistent with Coastal Act policies. The staff recommends approval of the project as conditioned.

**Table 1. Issue Summary: Potential Project-Related Impacts**

Potential Impact	Analysis
<p><b>Public Access &amp; Recreation</b></p>	<p><b>Issue:</b> Lateral public access through the construction site will be precluded for 3-5 days while the new outfall line is installed offshore.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>• Public access is provided immediately to the north of the project site and within 1/2 mile to the south, and the project is not schedule during the peak use period for this area. For these reasons, the short-term beach closure will not create a significant conflict with public beach use.</li> </ul> <p><b>Issue:</b> Both the old outfall line which will be abandoned in place and the new outfall line could become exposed above the beach surface due to beach erosion, tidal action, and/or storms, and pose a hazard to the public.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>• UNOCAL will bury the portion of the new outfall line that is between the MHTL and the MLLW line so that it is not exposed on the beach at any tidal stage.</li> <li>• <b>Special Condition 1</b> requires weekly inspections of the onshore portion of the outfall line corridor.</li> <li>• <b>Special Condition 2</b> requires public notice of any hazards resulting from exposure of either outfall line and re-burial of the exposed line(s) pursuant to an amendment to this permit.</li> <li>• <b>Special Condition 3</b> requires that, prior to the permanent abandonment of the outfall, UNOCAL or its successor(s) apply for an amendment to this permit or obtain a new CDP for abandonment activities.</li> </ul>
<p><b>Marine Resources</b></p>	<p><b>Issue:</b> The installation of the new outfall line will temporarily disturb benthic organisms in the immediate project area due to increased turbidity, trenching, and habitat displacement.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>• The affected area will be restricted to a narrow corridor, and the effects will be temporary. The disturbed area is expected to recover naturally within a short period of time.</li> </ul> <p><b>Issue:</b> During the 7-10 month period until the new outfall line is completely buried, it will affect shoreline sand supply in the project area, which may cause slight erosion of the beach to the south of the outfall.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>• UNOCAL will bury the outfall line out to the MLLW line, which will reduce this impact. Any remaining effect will be reversed once the line is buried.</li> </ul>

## 1.0 STAFF RECOMMENDATION

### Approval With Conditions

The staff recommends that the Commission adopt the following resolution and findings:

The Commission hereby **grants** permit E-96-17, subject to the conditions specified below, on the grounds that (1) as conditioned the development will conform with the provisions of Chapter 3 of the California Coastal Act and (2) will not cause any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

## 2.0 STANDARD CONDITIONS

See Appendix B.

## 3.0 SPECIAL CONDITIONS

The Commission grants this permit subject to the following special conditions:

1. Until such time that the outfall is permanently abandoned in accordance with an approved abandonment plan pursuant to **Special Condition 3** below, the permittee shall conduct a weekly survey of the outfall line corridor to assure that no portion of either the new outfall line or the existing, abandoned outfall line between the MHTL and the MLLW line becomes exposed above the surface of the beach.
2. If at any time either outfall line becomes exposed, the permittee shall: (1) immediately post a highly visible warning sign advising beach users of the hazard; (2) immediately notify the staff on duty of the Pismo Dunes State Vehicular Recreation Area of the outfall line exposure; and (3) apply to the Coastal Commission for an emergency permit or an amendment to this permit to authorize the re-burial of the outfall line.
3. Prior to the permanent abandonment of the outfall, the permittee or its successor(s) shall obtain Commission approval, in the form of a permit amendment or a new CDP, of an outfall abandonment plan. The abandonment plan shall include, but not be limited to, measures necessary to permanently prevent the exposure of any abandoned outfall lines within the surf zone.

## 4.0 FINDINGS AND DECLARATIONS

The Commission find and declares as follows:

### 4.1 Project Background

The UNOCAL Santa Maria Refinery is located approximately three miles from the Pacific coast near the intersection of Willow Road and Highway 1, in San Luis Obispo County (Exhibit 1). The outfall, which was first installed in 1954, discharges refinery wastewater approximately 2000 feet offshore. UNOCAL plans to replace the section of the outfall line which runs from the diffuser end to approximately 700 feet inland, where it will be attached to an existing, fiberglass line to the refinery.

On April 21, 1995, the San Luis Obispo County Department of Planning and Building approved the replacement of the 700-foot-long section of the line between the mean high tide and the

fiberglass line onshore under Local Coastal Development Permit (CDP) No. D940113P. The local CDP also authorizes project staging activities to be performed on the beach including:

- slight grading to create an approximately 2700-foot long, outfall line fabrication route;
- installing pipe rollers along the fabrication route;
- welding 40-foot sections of pipe into a continuous spool;
- coating the line with concrete;
- pigging and hydrotesting the outfall line ;
- installing flanges;
- constructing an anchor block; and
- attaching the new line to the fiberglass line to the refinery.

Conditions of the County permit prohibit construction activities between March 1 and September 15 to prevent impacts to the California least tern and the western snowy plover, and provide for protection of dune vegetation from project activities.

The permit application before the Commission concerns only the installation of portion of the new outfall line seaward of the MHTL.

#### **4.2 Project Description**

UNOCAL proposes to install approximately 2000 feet of 18-inch diameter, concrete coated steel pipe and a diffuser system, from the MHTL seaward, adjacent to an existing outfall of the same design and construction. The outfall will be constructed and tested onshore as discussed in the project background section above. UNOCAL will then use a tug and barge to pull the outfall line into position offshore. The vessels American Patriot and American Endeavor, which are slated to perform this work, are modified to reduce emissions pursuant to Santa Barbara Air Pollution Control District standards for work in the Santa Barbara Channel.

Once in position, UNOCAL proposes to bury the new line three to four feet deep from its connection with the fiberglass line onshore to approximately half way between mean sea level and the MLLW line (approximately 90 feet landward of the MLLW line, see Exhibit 3). Trenching will require several passes with a CAT 235 excavator. Approximately 900 to 1200 cubic yards of excavated material will be stockpiled along side the outfall line route and back filled to cover the outfall line when it is in position. The remaining portion of the new line will be left to self-bury, which UNOCAL expects to occur within 7-10 months of installation. The vertical diffuser risers, however, will protrude approximately three feet above the sea floor.

UNOCAL proposes to clean, cap, and abandon in place the old outfall line. This portion of the existing line is completely buried beneath the sandy bottom except for the vertical risers at the diffuser end. UNOCAL will remove the risers so that no portion of the abandoned outfall is exposed above the sea floor. Currently, UNOCAL conducts weekly inspections of the entire onshore portion of the outfall line to the refinery in order to assure that no portion of the line becomes exposed due to shifting sands or beach erosion. UNOCAL maintains equipment at the refinery appropriate to re-bury the line if it becomes exposed. UNOCAL proposes to continue this practice to assure that both the new outfall line and the abandoned line do not become exposed on the beach.

### **4.3 Construction Schedule**

UNOCAL estimates that the entire outfall replacement project (i.e., both the onshore and the offshore portions of the project) will be performed in approximately 20 days; installation of the offshore portion of the outfall will take 3-5 days. As discussed in the project background section above, the County CDP prohibits construction activities between March 1 and September 15 to avoid impacting the California least tern and the western snowy plover. Because construction must be concluded prior to the onset of the winter storm season, UNOCAL intends to complete the project before November 1, 1996. Thus, construction activities should occur between September 16 and October 31 of this year.

### **4.4 Other Agency Approvals**

#### **4.4.1 State Lands Commission**

On August 21, 1996, the State Lands Commission approved an amendment to UNOCAL's Offshore Right of Way Lease allowing the outfall replacement project. On August 21, 1996, the State Lands Commission also certified a Negative Declaration determining that the proposed project will have no significant environmental impacts within the meaning of the California Environmental Quality Act.

#### **4.4.2 Regional Water Quality Control Board**

The UNOCAL Santa Maria Refinery wastewater discharge is authorized under Central Coast Regional Water Quality Control Board (RWQCB) NPDES Permit No. CA 0000051. UNOCAL does not propose to change the content, quantity, or location of the discharge. Accordingly, the RWQCB has indicated that no further water quality certification is required for the outfall replacement project.

#### **4.4.3 U.S. Army Corps of Engineers**

On June 14, 1995, UNOCAL applied to the Army Corps of Engineers (ACOE) for authorization to replace the outfall under section 10 of the Rivers and Harbors Act, and section 404 of the Clean Water Act. The ACOE indicated that the project could be authorized pursuant to Nationwide Permit No. 7 (33 CFR Part 330, Appendix A(B)), but denied UNOCAL's request, without prejudice, pending water quality certification from the RWQCB and Coastal Zone Management Program (CZMP) consistency review from the Commission. As discussed above, the RWQCB waived water quality certification for the project on September 28, 1995. The action on CDP Application No. E-96-17 will comprise the Commission's CZMP consistency review.

### **4.5 Coastal Act Issues**

#### **4.5.1 Public Access and Public Recreation**

Coastal Act section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired by use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act section 30220 states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

The UNOCAL outfall line crosses the southern end of the Pismo Dunes State Vehicular Recreation Area. Approximately 4000 acres of dunes and sandy beach are open to vehicular access within the recreational area. A barrier prevents vehicular access approximately 150 feet south of the outfall corridor. No vehicles are allowed on the beach south of this point, but pedestrian and equestrian access is allowed beyond the barrier along the beach to the south. Public access to the beach is provided approximately 1/2 mile to the south of the project site at Oso Flaco Lake.

UNOCAL proposes to abandon in place the old outfall line and to install a new outfall line adjacent to it. Currently, the old outfall line is completely buried beneath the beach surface, and UNOCAL proposes to bury the new line out to the MLLW line. However, either of the lines could become exposed above the beach surface due to beach erosion, tidal action, and/or storms. Exposure of the new outfall line on the surface of the beach would render it vulnerable to damage by vehicles which are allowed to drive on the beach in this area. Damage to the outfall line would threaten beach users and the nearshore marine environment with exposure to refinery wastewater. Exposure of the old, abandoned outfall line on the beach could also pose a hazard to beach users. **Special Condition 1** therefore requires UNOCAL to continue its weekly surveys of the onshore portion of the pipeline corridor for the duration of the outfall's operating life to assure that neither line becomes exposed. Pursuant to **Special Condition 2**, if either of the outfall lines becomes exposed, UNOCAL will be required to warn beach users of the hazard by posting a warning sign and by notifying the staff of the Pismo Dunes State Vehicular Recreation Area, and to seek authorization from the Commission to re-bury the exposed line.

The weekly surveys described above will be required to continue until a plan for the permanent abandonment of the outfall is approved by the Commission. At some future time (probably at the time that the refinery ceases operation), the outfall will no longer be used, and UNOCAL or its successor will permanently abandon the outfall line. At that time, it is likely that UNOCAL or its successor will be relieved of the responsibility to protect against exposure of the outfall lines which could subsequently become a hazard to the public. **Special Condition 3** requires UNOCAL or its successor(s) to obtain a CDP amendment or a new CDP prior to permanent abandonment. The abandonment plan is required to include measures necessary to assure that neither of the outfall lines becomes a hazard to public safety at any time in the future.

The Commission finds that the above described measures are sufficient to assure that the proposed project will not create a conflict with public use of the shoreline in the project area due to exposure on the beach of either the new outfall line or the old line.

UNOCAL proposes to construct temporary fencing to close a portion of the beach within the Pismo Dunes State Vehicular Recreation Area for approximately 20 days during project construction. The area closed will be a 300-foot-wide by approximately 2700-foot-long corridor, bounded to the south by the above described vehicular access barrier and extending landward from the MHTL. During most of this period, lateral access through the site will continue to be available for pedestrians and equestrians along the wet sand area of the beach. However, for a period of between 3-5 days during the offshore construction phase, the construction corridor will extend from approximately 2700 feet onshore into the ocean, completely precluding lateral public access through the project site.

The Superintendent for the Pismo Dunes District of the Department of Parks and Recreation indicates that the demand for lateral access along the beach in the area of the project site is limited. The project is scheduled during the off-peak beach use period, and will affect public access for a limited time. Public access will be available throughout the construction period immediately to the north of the project site and within 1/2 mile to the south. Although the project will temporarily interfere with lateral access along the shoreline in the area of the project site there will be no significant adverse impact to public access. The Commission finds therefore that, as conditioned, the project is consistent with Coastal Act sections 30211 and 30220.

#### 4.5.2 Water Quality and Marine Resources

Coastal Act section 30230 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.*

Coastal Act section 30231 states in part:

*The biological productivity and the quality of coastal waters... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored....*

Coastal Act section 30233 states in part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

##### 4.5.2.1 Water Quality Impacts

Because UNOCAL will not change either the quantity or the location of the wastewater discharge in connection with the outfall replacement project, the RWQCB has waived water quality certification. Any water quality impacts resulting from the outfall discharge are not a result of this replacement project. Therefore, the Commission analyzed only the water quality impacts of the proposed outfall construction activities.

Trenching for the new line through the surf zone will temporarily increase turbidity in the project area. Because the sand in this area is coarse, and the trenching activities will be completed within approximately 3-5 days, the increased turbidity resulting from the project will be of short duration. The organisms in the project area are adapted to similar episodes of short-term increased turbidity during storms. Thus, the temporary water quality impacts of the proposed project will not significantly affect marine organisms or the biological productivity of coastal waters.



The wastewater from the UNOCAL Santa Maria Refinery is discharged approximately 2000 feet offshore in order to maintain nearshore water quality to protect human health. The existing outfall line was installed in 1954, and has corroded to the point that UNOCAL has recently had to repair several leaks. Failure of the old outfall line in the nearshore area could potentially pose a health risk to beach users. The proposed project will help to assure that the quality of coastal waters is maintained for the protection of human health by reducing the probability that refinery wastewater will be accidentally discharged in the nearshore area due to failure of the old line. **Special Conditions 1 and 2** require the permittee to protect the outfall line from damage to assure that refinery wastewater is not accidentally discharged on the beach or the nearshore environment by conducting weekly surveys of the outfall line corridor, to notify the public if the outfall line becomes exposed on the beach, and to seek Commission authorization to re-bury the outfall line if it becomes exposed on the beach. The Commission finds that, as conditioned herein, the proposed outfall replacement project is consistent with Coastal Act sections 30230 and 30231 concerning the quality of coastal waters.

#### 4.5.2.2 Marine Biological Impacts

There are no kelp or eel grass beds in the project area, and no hard bottom habitat. The project area contains soft bottom habitat which supports a variety of benthic organisms, including crustaceans, polychaetes, echinoderms, and mollusks. These animals are mobile and are adapted to periodic disturbance. Construction activities will temporarily disturb the habitat in the immediate project area due to trenching activities and, to a lesser degree, anchoring of the pulling barge. Habitat will be covered for approximately 7-10 months by the portion of the new outfall that will be left to self-bury. However, the area of disturbance will be limited to a narrow corridor which will recolonize from the surrounding area. Therefore, these impacts are considered to be both temporary and minor.

Conditions of the County permit prohibit construction activities between March 1 and September 15 to prevent impacts to the California least tern and the western snowy plover, and provide for protection of dune vegetation from project activities. The Commission finds that, as conditioned herein, the proposed outfall replacement project is consistent with Coastal Act sections 30230 and 30231 concerning the biological productivity of coastal waters.

#### 4.5.2.3 Filling of Coastal Waters

The dredging of open coastal waters for the maintenance of existing intake and outfall lines is an allowable use under section 30233(a)(5) of the Coastal Act. Therefore, the proposed project is allowable under Coastal Act section 30233(a)(5) as maintenance of an existing outfall line if it is the least environmentally damaging alternative and if feasible mitigation measures have been undertaken to minimize environmental effects. The only alternative to replacing the outfall is not replacing the outfall. This "no project" alternative would be more environmentally damaging than the proposed project as it would increase the probability that refinery wastewater would be discharged in the nearshore area as discussed above. Thus, replacement of the outfall is the least environmentally damaging alternative.

The proposed trenching of the portion of the new outfall line landward of MLLW will result in increased turbidity and disturbance of benthic organisms. These impacts could be reduced by not trenching to bury the new outfall line, but instead allowing the entire length to self bury. Under this alternative, the new outfall line would be exposed on the beach, except during high tide, for a period of approximately 7-10 months. During this period the new outfall line would be vulnerable to damage by vehicles which are allowed to drive on the beach in this State Vehicular Recreation Area. Damage to the outfall requiring repair or causing the line to leak, would cause additional

environmental damage and could pose a public health threat. The increased turbidity resulting from the required trenching will last only a few days. The organisms in the project area are adapted to similar episodes of short-term increased turbidity during storms. Thus, the impacts of burying the line are short term and minimal. Burying the portion of the outfall line that is above the MLLW line is a feasible mitigation measure to minimize the potential environmental effects of the proposed project. The Commission finds therefore that the proposed project, as conditioned, conforms with Coastal Act section 30233(a)(5).

#### 4.5.3 Shoreline Processes and Sand Supply

Coastal Act section 30235 states in part:

*...construction that alters natural shoreline processes shall be permitted ...when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

The project site is within the 82-mile long Santa Maria Littoral Cell, which has the longest sandy beaches in southern California backed by extensive sand dunes. High wave energy accounts for substantial, long-shore sand movement in the project area both up and down coast, with a slight net transport to the south and toward the shore.

The existing outfall line was installed in the same manner as the proposed replacement and, according to surveys, has remained buried since about 7-10 months of its installation. The new outfall will be the same diameter and constructed of the same materials as the old line. The new line is therefore expected to also become buried within a short period of time. During the period until the new outfall line is completely buried, it will create a slight barrier to long-shore sand transport. UNOCAL will minimize this impact by trenching the new outfall line to the MLLW line. Currently, UNOCAL conducts weekly inspections of the outfall corridor to assure that the onshore portion of the outfall line remains buried. **Special Condition 1** requires UNOCAL to perform these weekly inspections of the outfall line, and **Special Condition 2** requires re-burial of any portion of the new outfall line that becomes exposed landward of the MLLW line. UNOCAL maintains equipment for this purpose on site at the refinery.

Despite these measures, the project may temporarily impact shoreline sand supply. This impact will be greatest when the line is first laid and will gradually decrease over the 7-10 months until it is completely buried under the moving sand. During this period, the proposed project could result in minor beach erosion in the area immediately to the south of the outfall. However, any resulting impact would be restored once the outfall is buried. The Commission finds that UNOCAL has incorporated appropriate measures to minimize and to mitigate any adverse impacts to local shoreline sand supply that may result from the proposed project, and that, as conditioned, the proposed project conforms with Coastal Act section 30235.

#### 4.5.4 Recreational and Commercial Fishing

Coastal Act section 30234.5 states:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Installation of the offshore portions of the outfall line could disrupt commercial and recreational fishing for approximately one week, and the diffuser risers, which protrude approximately three feet above the sea floor, could snag commercial fishing gear. The new diffuser is of the same design as that it will replace and will be installed in the same location. Neither UNOCAL nor the

Morro Bay Commercial Fisheries Association are aware of any complaints of lost gear due to the old diffuser. Representatives of the Morro Bay Commercial Fisheries Association indicated that they are not concerned with short-term disruption of fishing activity during the outfall installation. Because it will not result in any significant interference with commercial or recreational fishing, the Commission finds that the proposed project is consistent with Coastal Act section 30234.5.

#### **4.5.5 Air Quality**

Coastal Act section 30253(3) states:

*New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

The San Luis Obispo County Air Pollution Control District (APCD) examined the air quality impacts of the proposed project. This analysis focused on emissions of reactive organic gasses (ROG) and oxides of nitrogen (NO<sub>x</sub>) resulting from both the land and ocean project activities. The APCD analysis concludes that neither the daily nor quarterly emissions resulting from the project will exceed its significance thresholds. The APCD states that it will not seek additional air quality mitigations to be applied to the project. The Commission therefore finds that the project is consistent with Coastal Act section 30253.

#### **4.6 California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of the CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

As "lead agency" under the CEQA, the State Lands Commission certified Negative Declaration ND 674 for the proposed outfall replacement on August 21, 1996, determining that the project will not result in any significant adverse environmental impacts within the meaning of the CEQA. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act. Therefore, the Commission finds that the proposed project is consistent with the resource protection policies of the Coastal Act and with the CEQA.

**APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS**

California Coastal Commission. 1994. Adopted Findings on Coastal Development Permit Application E-94-1 (Chevron El Segundo Refinery Outfall Extension) including substantive file documents.

County of San Luis Obispo. 1995. Notice of Determination and Negative Declaration for the UNOCAL Santa Maria Refinery Replacement (March 10, 1995).

Kinnetic Laboratories /ToxScan, Inc. 1995. Evaluation of Marine Impacts of New Outfall for UNOCAL Santa Maria Refinery (July 11, 1995).

State Lands Commission. 1996. Negative Declaration for the Santa Maria Refinery Outfall Replacement (August 21, 1996).

## **APPENDIX B**

### **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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **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.
7. **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.

# MAP OF SAN LUIS OBISPO COUNTY

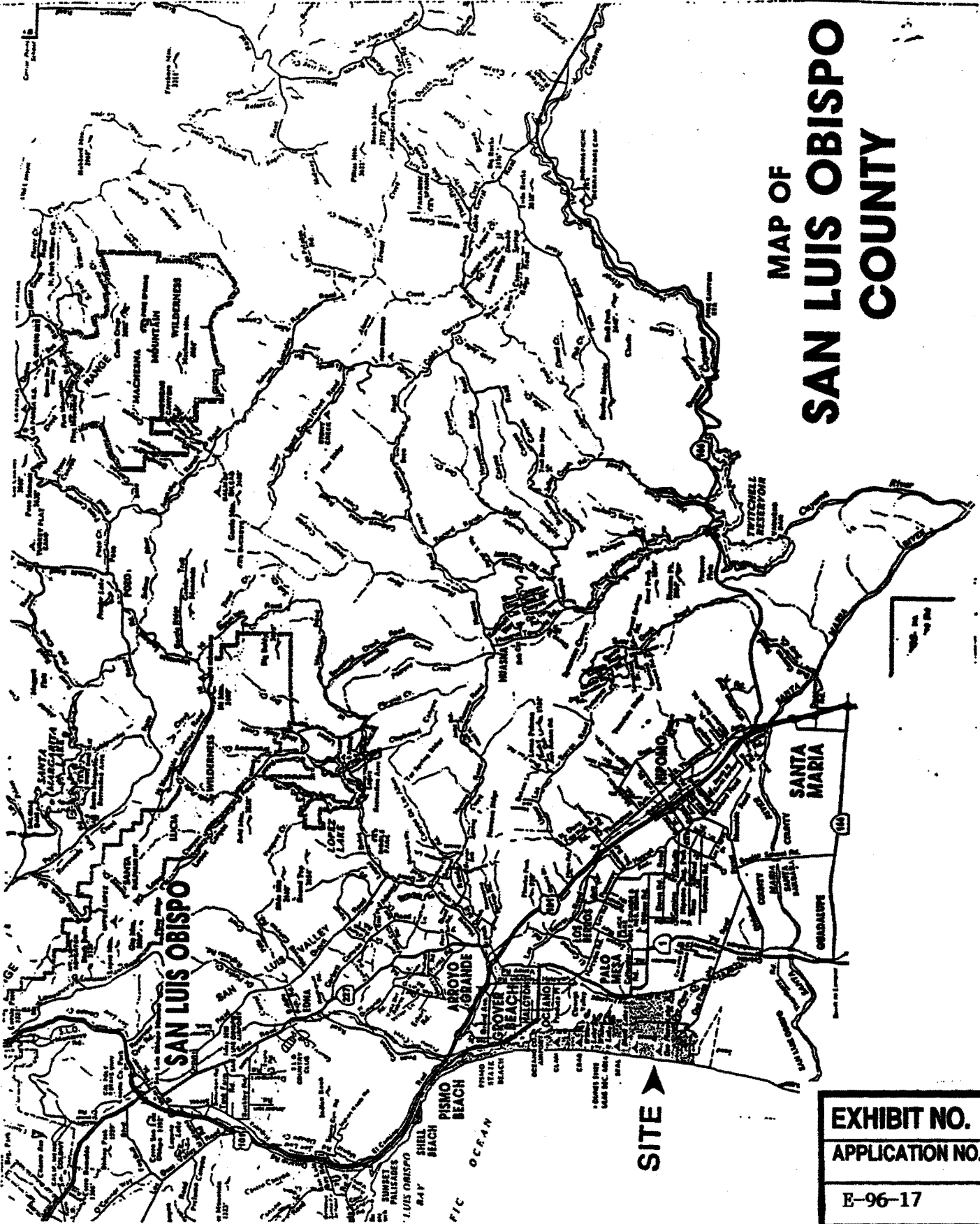


EXHIBIT NO. 1

APPLICATION NO.

E-96-17

UNOCAL Corporation

SITE ▲

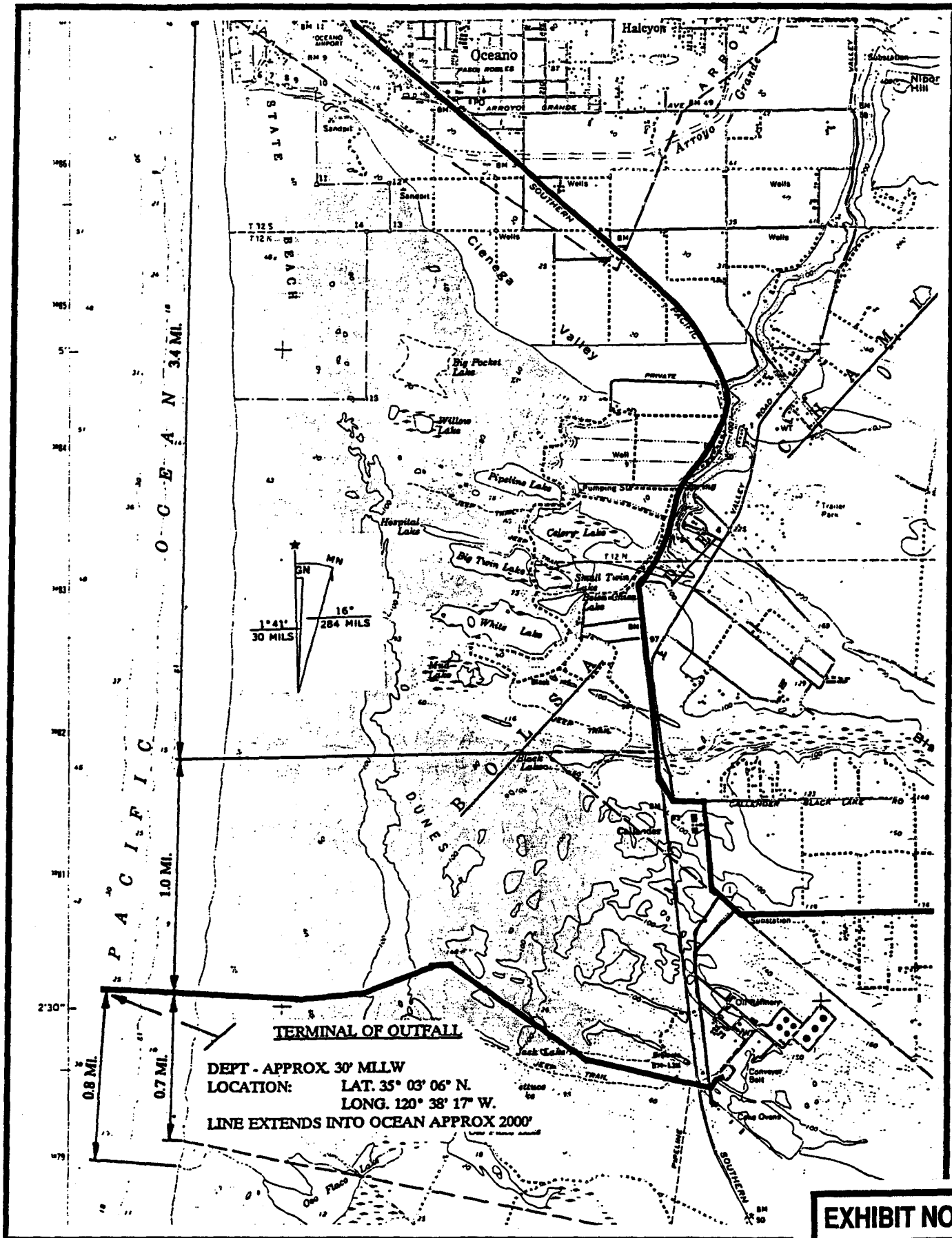
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UNOCAL D940113P:C

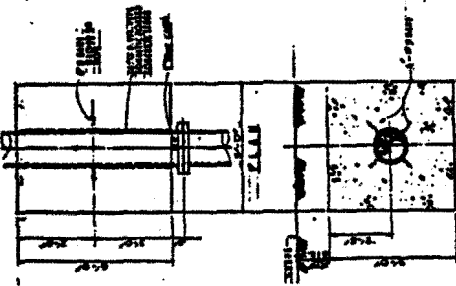


EXHIBIT

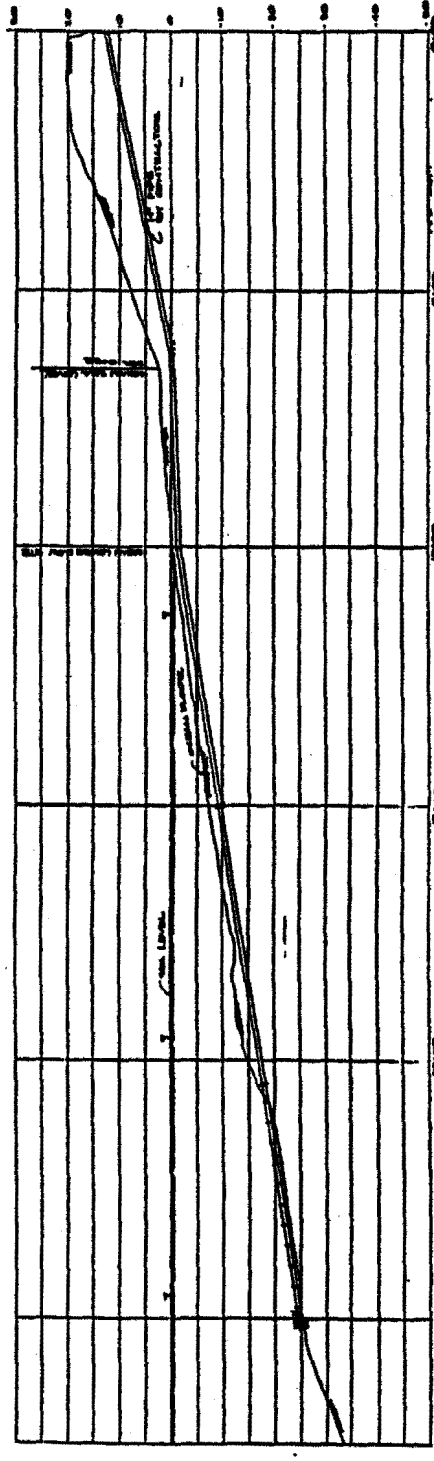
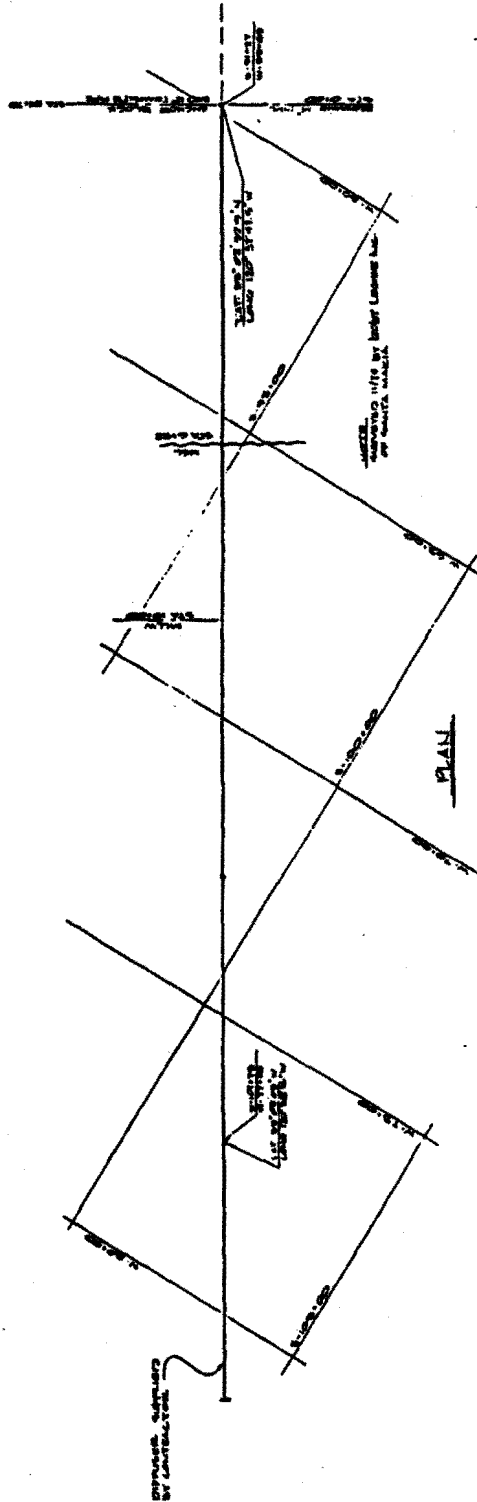
VICINITY



<b>EXHIBIT NO. 2</b>
APPLICATION NO.
E-96-17
UNOCAL Corporation



CONCRETE BLOCK  
SECTION



PROFILE

UNOCAL TO  
SANTA MARIA REFINERY  
SUBMARINE OUTFALL  
NOT TO SCALE

EXHIBIT NO. 3
APPLICATION NO.
E-96-17
UNOCAL Corporation