

**CALIFORNIA COASTAL COMMISSION**

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# W11a

October 14, 1999

**TO:** Coastal Commissioners and Interested Parties

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**SUBJECT:** Unocal Avila Beach Remediation Status Report

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*Staff Notes:*

*In a report dated April 22, 1999, (prepared for the May, 1999, Commission meeting), Coastal Commission staff provided a brief history of the Unocal Avila Beach oil spill; past Coastal Commission involvement, including permits issued for spill characterization, containment or remediation; current ongoing remediation activities; and future remediation activities and permitting requirements. This status report provides updates on the most recent activities.*

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## ONGOING SITE ACTIVITIES, OCTOBER, 1999

### 1.0 Summary of major cleanup activities at Avila this past month

Town Areas:

- Cell 3 (eastern town): Excavation is in progress.

Beach Areas:

- Cell 2C (the easternmost beach): Removing last sections of sheet pile on the south and east side. Seawall construction continues; final connection of seawall to Front Street embankment will not be done until final design is selected.
- Cell 2E (former west end excavation): Backfill completed; all sheet pile has been removed (except the northern wall, which will be cut, capped, and left in place to be tied in to the seawall).

Unocal is on schedule to meet its deadline to be off the beach by October 30. Nonetheless, some issues have arisen:

- Although Unocal conducted a tidewater goby survey in nearby San Luis Obispo creek prior to driving sheet pile in Cell 2E,<sup>1</sup> Unocal failed to notify Coastal Commission ("CCC"), Army Corps of Engineers ("ACOE") and U.S. Fish & Wildlife Service ("USFWS") staff immediately after completing said survey and wait for agency direction, as it should have per its coastal and ACOE permit requirements. Unocal instead commenced driving of sheet pile (staff found out about the survey through the on-site monitor's routine reports which come out every two weeks). Agency staff are now assessing the situation, which constitutes a violation of Special Condition 10 of coastal development permit no. E-98-13, and could constitute a violation of the Endangered Species Act.
- In the meantime, CCC staff developed in conjunction with USFWS and ACOE staff a monitoring procedure by which Unocal could continue work in Cell 2E, namely pull sheet pile for use in other project areas, thereby allowing Unocal to keep on schedule. Letters to Unocal from CCC and ACOE staff containing the procedure state that if vibrations exceed the established threshold level, Unocal must immediately stop work and notify ACOE, CCC, and USFWS staff. Unocal shall not resume sheet pile removal activities until authorized by CCC and ACOE staff.
- In two instances on October 6, 1999, measured vibrations exceeded the threshold level based on comparisons with the daily background, but not with the previously-established background baseline. The monitor reports that he then worked with the sheet pile contractor to modify removal procedures, and that all subsequent pile removal resulted in vibration levels below the threshold limit. CCC and ACOE staff learned of these instances on October 12, 1999; USFWS staff were not notified. CCC staff immediately notified USFWS staff. Although it is the monitor's opinion that the threshold was not exceeded at the nearest tidewater goby location, CCC staff intends to further discuss any potential issues stemming from exceedance based on the daily background with ACOE and USFWS staff.

## **2.0 Front Street Enhancement Plan**

The Front Street Enhancement Plan as incorporated in the Local Coastal Program provides guidelines for improvements along Front Street. As cleanup activities are completed along Front Street, the street will be reconstructed in accordance with the Front Street Plan and the developing Specific Plan.

The County is currently processing a permit for Phase II of the Front Street reconstruction, which will be acted upon by the San Luis Obispo County Planning Commission at a public hearing on October 14, 1999.

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<sup>1</sup> Vibrations from driving or removing sheet pile in the west end of the beach could affect tidewater gobies or their habitat.

### 3.0 Specific Planning Process

- The Central Coast District staff reviewed the Public Review Draft of the Specific Plan and the Draft EIR, and provided comments on July 21, 1999, that were attached to the August update. Since that time, Central Coast staff has met with County planning staff and Supervisor Pinard to discuss the various issues raised in the comment letter. The County has prepared a draft response to the comment letter, and a final response is expected in the near future. Staff will continue to work with the County throughout the local review of the Specific Plan in an attempt to ensure that coastal resource and access issues are effectively addressed by the eventual submittal of the Specific Plan for Commission certification. Staff is currently awaiting the final EIR for the Specific Plan.

### 4.0 Disbursement of the Settlement Agreement Monies

- The Commission staff is working with the Department of Fish and Game's Office of Spill Prevention and Response ("OSPR") to disburse settlement monies held in trust by the OSPR per the MOU that was entered into by the CCC and the OSPR on September 16, 1998. Specifically, the staff has been working with the OSPR to develop a process to solicit, review, and rank specific project proposals. The process is proceeding, and planned, as follows:
  - In August and September, 1999, the agencies with jurisdiction over the use of the settlement funds developed one-page summaries of their application and review criteria.
  - In early October, 1999, the County released a public mailer that explains the application and decision process, and includes the summaries;
  - On October 14, 1999, a public workshop will be held;
  - In mid November, 1999, application packets will be due;
  - The Commission staff will inform the Commission of the proposals received for review and comment as part of the monthly updates;
  - At a public workshop in February, 2000, agencies will present their initial rankings and draft restoration plan(s);
  - In March, 2000, agencies will review the public's reaction to the initial ranking/draft plan(s);
  - A subsequent public meeting may follow; and
  - Final projects and restoration plan(s) will be chosen.