

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



Th 16a

Date Filed: November 30, 1998
49th Day: January 18, 1999
Staff: CLK-SF
Staff Report: January 15, 1999
Hearing Opened
& Continued: January 15, 1999
Hearing Date: February 5, 1999
Item Number: Th-16a

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Santa Barbara

DECISION: Approval of CDP No. 98-CDP-241 on November 9, 1998

APPEAL NO.: A-4-STB-98-321

APPLICANT: ARCO Oil and Gas Company

PROJECT DESCRIPTION: Excavation of approximately 200-500 cubic yards of contaminated soil for offsite disposal and removal of remaining aboveground oil field structures, including a concrete retaining wall.

PROJECT LOCATION: The 208-acre ARCO Dos Pueblos golf course project site, located approximately 3 miles west of Goleta, Santa Barbara County (Exhibits 1 & 2).

APPELLANTS: Santa Barbara Urban Creeks Council, Nathan Post, Bob Keats, Tom Philips, and the Santa Barbara Chapter of the Surfrider Foundation

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

Summary of Staff Recommendation

The staff recommends that the Commission find that the grounds upon which the appeal was filed raise **No Substantial Issue** under the policies of Santa Barbara County's certified Local Coastal Program.

Synopsis

This appeal involves the remediation of petroleum hydrocarbon contaminated soil and mercury contaminated soil at the former Dos Pueblos oil and gas production site in Santa Barbara County. Remediation of contaminated soil at this site is one component of a larger Arco Dos Pueblos Golf Course Project that was approved by the Coastal Commission on appeal in 1995. The Commission's 1995 approval did not include the soil remediation component, however.

The ARCO Dos Pueblos Golf Course Project is comprised of three basic components, including (1) abandonment/removal of oil and gas facilities, (2) site assessment and remediation, and (3) golf course grading and construction. The project subject to this appeal is the site remediation portion of the overall golf course project.

Arco Golf Course Permit History

On August 17, 1993, the Santa Barbara County Board of Supervisors granted to ARCO Conditional Use Permit (CUP) No. 91-CD-085 for the development of the ARCO Dos Pueblos Golf Course Project. ARCO's project description included the abandonment of oil and gas facilities, site assessment and remediation, and golf course construction. However, abandonment, site assessment, and remediation were not described in sufficient detail for final authorization under the CUP. The CUP was appealed to the Coastal Commission on September 17, 1993. On November 17, 1993, the Commission found that the appeal raised substantial issues under the County's LCP and denied ARCO's permit application in a de novo hearing on the merits of the project. ARCO subsequently modified the project to include additional public access and habitat improvements and submitted it to the Commission for reconsideration. On February 8, 1995, the Commission granted final approval of CDP No. A-4-STB-93-154 for the modified project with special conditions.

Abandonment of the remaining oil and gas facilities located on the site and any necessary site cleanup/toxics remediation is not authorized under CDP No. A-4-STB-93-154. The permit required ARCO to obtain a separate locally issued CDP for the site cleanup and abandonment. Accordingly, ARCO obtained a County-issued CDP for the first phase of abandonment and completed this work in 1997. Following completion of site assessment and the first phase of facilities abandonment, ARCO applied to the County to excavate contaminated soils.

Local Government Action Subject to Appeal

On November 9, 1998, the County Planning and Development Department granted to ARCO CDP No. 98-CDP-241 for the excavation and off-site disposal of 200-500 cubic yards of petroleum hydrocarbon and mercury contaminated soils. The permit also authorized the removal of remaining on-site oil field structures, including a 20-foot by 2-foot concrete retaining wall.

The project will involve the removal of contaminated soils from two newly formed wetlands located within the bermed containment areas surrounding two former tank farms. ARCO proposes to mitigate the impacts to these wetlands at a 1.5:1 ratio through implementation of a County-approved Wetlands Enhancement/Restoration Plan.

Appeal

Two appeals were filed with the Commission on November 25, and November 30, 1998. One appeal was submitted by the Santa Barbara Urban Creeks Council, and the second by Nathan Post, Bob Keats, Tom Philips, and the Santa Barbara Chapter of the Surfrider Foundation.

The appellants contend that the proposed clean-up project would degrade the biological productivity and quality of coastal waters due to (1) transport of contaminated sediments from the remediation sites through runoff and erosion, and (2) use of the herbicide Rodeo® for weed control in the wetlands restoration plan, and therefore does not conform with the policies of Santa Barbara County's certified local coastal program (LCP).

Staff Recommendation

Because the project involves only a minor amount of grading on unsloped terrain, the erosion potential is very low. Nevertheless, the County permit prohibits grading during the rainy season unless erosion control measures are implemented. The Best Management Practices (BMPs) required by the County are fully consistent with the Commission's procedural guidance manual concerning polluted runoff. The Commission staff thus believes that the project, as conditioned by the County, does not raise a substantial issue under the County's LCP.

Rodeo® is approved for use in wetlands by the U.S. EPA and its use in the proposed project has been approved by the US Fish and Wildlife Service and the California Department of Fish and Game. The County permit includes limitations on the methods and conditions under which Rodeo® may be used. These conditions are consistent with EPA recommendations. The Commission staff therefore does not believe that the proposed use of Rodeo®, as conditioned by the County, raises a substantial issue under the County's LCP.

Therefore, the staff recommends that the Commission find that the appeal raises **No Substantial Issue**.

1.0 Background

1.1 Location/Project Description

1.1.1 Location

The ARCO Dos Pueblos site consists of 208 acres on the coastal bluff, 1.5 miles west of the Winchester Canyon exit of Highway 101, in Santa Barbara County. The site is bordered to the north by Highway 101, to the east by Eagle Canyon Creek, to the south by the Pacific Ocean, and to the west by the Naples property.

1.1.2 Project Overview

Historically, the Dos Pueblos property was used for dry farming and grazing, however the primary use was oil and gas production. The on-site petroleum production facilities operated for approximately 50 years, but were deemed a non-conforming use with the adoption of the County's South Coast Consolidation Planning Area Policy. The site was originally zoned Coastal Dependent Industry (M-CD), but was rezoned Agriculture (AG-II-100) in 1991. Shortly thereafter, ARCO applied for a Conditional Use Permit to abandon the oil and gas facilities, and construct a golf course as further discussed in the Permit History section below.

Abandonment of the oil and gas facilities was subsequently divided into several phases at ARCO's request. The first phase, involving abandoning the non-producing wells and removing aboveground equipment was approved by the County and work was completed in 1997. The work that is the subject of this appeal includes the removal of remaining on-site facilities and soil remediation. The final phase, currently under County review, will involve the abandonment of off-site facilities.

1.1.3 Site Assessment Results

A November 1997 Site Assessment Report identified the presence of 200-500 cubic yards of petroleum hydrocarbon contaminated or mercury contaminated soils at the former oil and gas production sites at levels that require remediation by the County PSD, EPA, and the Regional Water Quality Control Board (RWQCB). Five soils samples contained greater than 200 mg/kg total volatile petroleum hydrocarbons (TVPH). One soil sample collected contained total extractable petroleum hydrocarbons (TEPH) concentration above 20,000 mg/kg, and one soil sample collected at the former gas chiller contained mercury concentrations greater than 1mg/kg. No contamination of groundwater was found.

1.1.4 Remedial Action Plan

In March 1997, ENSR (ARCO's consultant) prepared a Remedial Action Plan (RAP) proposing to excavate the contaminated soils. Three categories of contaminated soils are established in the RAP.

Category 1: Known Areas of Impacts Above Cleanup Levels - Abandonment Phase

Established cleanup levels for this project are 5,000 ppm (<C20) and 20,000 ppm (>C20) for TVPH/TEPH and 1 mg/kg for mercury. Category 1 soils consist of specific areas the Site Assessment identified as needing to be removed.

Category 2: Known Areas of Impacts Below Cleanup Levels - Abandonment Phase

These are areas where the golf course grading will enter into previously identified contamination soils that do not trigger action levels. These soils would not pose a risk to human health or groundwater, but should not come in contact with ecological receptors. Therefore, ARCO will either excavate until the top two feet of soil is clean, or place a two-foot buffer of clean soil on top of the contaminated soils.

Category 3: Unknown Areas of Impacts - Golf Course Phase

This category covers any contaminated areas that could be encountered during golf course grading and that have not been identified by the Site Assessment.

By letter dated June 18, 1998, the PSD approved the Remedial Action Plan with modifications proposed by PSD, CDFG, and the RWQCB.

1.1.5 Proposed Remedial Action

The project approved by the County under CDP No. 98-CDP-241 and subject to this appeal is for the removal of Category 1 soils only. Remediation of Category 2 and 3 soils will be subject to future County review and approval as necessary. The appealed permit also applies to the removal of remaining oil field structures, including a 20' x 2' concrete retaining wall. For a detailed project description, please see the attached County Substantial Conformity Determination 91-CP-085 (Exhibit 3)

1.2 Permit History

On August 17, 1993, the Santa Barbara County Board of Supervisors granted to ARCO Conditional Use Permit (CUP) No. 91-CD-085 for the development of the ARCO Dos Pueblos Golf Course Project. ARCO's project description for this permit included the abandonment of oil and gas facilities, site assessment and remediation, and golf course construction. However, abandonment, site assessment, and remediation were not described in sufficient detail for final authorization under the CUP. The CUP was appealed to the Coastal Commission on September 17, 1993¹. On November 17, 1993, the Commission found that the appeal raised substantial issues under the County's LCP and denied ARCO's permit application in a de novo hearing on the merits of the project. ARCO subsequently modified the project to include additional public access and habitat improvements and submitted it to the Commission for reconsideration. On February 8, 1995, the Commission granted final approval of CDP No. A-4-STB-93-154 for the modified project with special conditions. The Commission's CDP incorporates by reference all of the special conditions imposed under the County's CUP.

Abandonment of the remaining oil and gas facilities located on the site and any necessary site cleanup/toxics remediation is not authorized under the permit. The permit required ARCO to obtain a separate locally issued CDP for the site cleanup and abandonment. Accordingly, ARCO obtained a County-issued CDP for the first phase of abandonment and completed this work in 1997. Following completion of site assessment and the first phase of facilities abandonment, ARCO applied to the County for authorization to conduct site remediation.

¹ The project site is located between the first public road and the sea, and is therefore appealable to the Coastal Commission (PRC §30503(a)(1)).

1.3 Local Government Action Subject to Appeal

As discussed in Section 1.1.3 above, site assessment was completed in 1997. Based on the results of the assessment, ARCO developed a remediation plan and applied to the County for approval of the remediation project. On November 9, 1998, the County Planning and Development Department granted to ARCO CDP No. 98-CDP-241 for the excavation and off-site disposal of 200-500 cubic yards of petroleum hydrocarbon and mercury contaminated soils. The permit also authorized the removal of remaining on-site oil field structures, including a 20-foot by 2-foot concrete retaining wall.

Removal of contaminated soils at the Active Tank Farm and Former Tank Farm will impact approximately 4980 and 2600 square feet, respectively, of artificially created, disturbed wetlands. Wetland conditions appeared in these areas due to soil compaction associated with removal of the oil and gas facilities, and an extraordinarily wet winter. In addition, removal of the concrete wall near Drainage #7 will impact approximately 3694 sq. ft (0.0848 acres) of artificially created, disturbed wetland.

To mitigate the impacts to all wetlands disturbed by remediation or abandonment activities, ARCO agrees to provide 1.5:1 onsite wetland restoration, enhancing 16,911 square feet of wetland in Tomate Canyon, on the western end of the site.

The Commission received notice of the County's final action on the remediation project CDP on November 12, 1998, and the Commission's appeal period ended November 30, 1998.

1.4 Filing of Appeal

Two appeals were timely filed with the Commission on November 25, and November 30, 1998. One appeal was submitted by the Santa Barbara Urban Creeks Council, and the second by Nathan Post, Bob Keats, Tom Philips, and the Santa Barbara Chapter of the Surfrider Foundation.

In accordance with section 13112 of the Commission's regulations, on December 4, 1998, the County provided to the staff a copy of the file containing all relevant documents and materials regarding the subject permit.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. To satisfy this requirement, the Commission opened and continued a hearing on this appeal on January 15, 1999. The Commission granted the continuance to allow staff sufficient time to review the administrative record and to prepare this staff recommendation.

1.5 Appellants' Contentions

1.5.1 Santa Barbara Urban Creeks Council

The Santa Barbara Urban Creeks Council (UCC) contends that because grading for the removal of contaminated soils may be undertaken during the rainy season, the proposed project is

inconsistent with policies of the Coastal Act and the Santa Barbara County Local Coastal Program (LCP)². The UCC appeal states specifically:

"The timing of this project should be delayed until after the rainy season for the following reasons.

- 1) The proposed project is on a coastal mesa, and runoff from the site goes directly into the ocean or into two creeks or into onsite wetlands.*
- 2) The County-approved erosion control plans do not work. We have substantial evidence of severe erosion and runoff from numerous construction sites during the last several rainy seasons, including the Santa Barbara Shores Remediation site, Glen Annie Golf Course (over 1,000 cubic yards of fill ran down Devereux Creek), and the Haskell's Beach (Hyatt Hotel) site. During heavy rain events, runoff cannot be controlled.*
- 3) Both the Santa Barbara Shores Soil Remediation project and the Haskell's Beach project grossly underestimate the actual amounts of toxic soils from the initial soil sampling and testing. There is reason to believe that more extensive contamination may be encountered on the ARCO site."*

The UCC's third contention concerns the adequacy of the 1997 Site Assessment Report. The site assessment was completed in 1997 under the review of the County and the Regional Water Quality Control Board, and is not within the scope of the County's CDP. Therefore, the site assessment is not before the Commission for decision on the subject appeal. Although the site assessment is not within the scope of the County action on appeal, Commission staff did review the Assessment Report. The staff believes that the site assessment was thorough and was conducted in accordance with the applicable regulatory standards. A summary of the Assessment Report is attached to the County's substantial conformity determination for the remediation project (Exhibit 3).

1.5.2 Nathan Post, et. al.

Nathan Post, Bob Keats, Tom Philips, and the Santa Barbara Chapter of the Surfrider Foundation contend that the County approved project is inconsistent with the Coastal Act and the LCP because (1) grading for site remediation during the rainy season could result in the transport of contaminated soils into coastal waters, and (2) use of the herbicide Rodeo® may adversely affect sensitive habitat.

On December 8, 1998, the Commission's South Central Coast Area Office received a letter from Nathan Post amending the appeal to include the following additional contentions: (1) the identification of newly formed wetlands on the site constitutes new information and changed circumstances since the approval of the coastal development permit for the ARCO Dos Pueblos

² See Exhibits 4 & 5 for the entire text of the two appeals.

Golf Course project requiring a supplement to the EIR for the project and a new coastal development permit, (2) soil from the golf course project grading may not be available to back fill the remediation excavations because the golf course project grading plan has not been approved, and (3) that a conflict of interest exists because certain employees of ARCO's remediation project consultant were previously employed by ARCO. However, because this letter was received after the appeal period had ended on November 30, 1998, these additional issues are not included in the appeal before the Commission.

1.6 Appeal Procedures

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development either does (in the case of a denial by the local government) or does not (in the case of an approval by the local government) conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the site is located between the sea and the first public road paralleling the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Typically, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, the applicable tests under sections 30604(b) and (c) of the Coastal Act for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their

representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2.0. Staff Recommendation on Substantial Issue

Pursuant to Section 30625(b)(2) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeals have been filed. The appropriate motion is:

2.1 Motion:

I move that the Commission determine that Appeal No. A-4-STB-98-321 raises **no substantial issue** as to conformity with the certified Local Coastal Program with respect to the grounds on which appeals were filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a yes vote. To pass the motion, a majority vote of the Commissioners present is required. Approval of the motion has the effect of reinstating and finalizing the County's decision of approval of the coastal permit.

3.0 Findings and Declarations

The Commission hereby finds and declares:

3.1 Grading During the Rainy Season

Both appeals contend that the proposed project could result in the transport of contaminated sediments into coastal waters because the County CDP allows grading to occur during the rainy season.

3.1.1 LCP Requirements

The LCP includes the following policies relevant to erosion control and grading:

- 2-11 *All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls... control of runoff.*
- 3-19 *Degradation of the water quality of... nearby streams, or wetlands shall not result from development of the site. Pollutants... and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*
- 9-14 *New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a*

reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants)....

These LCP policies require that development be undertaken in a manner that will prevent the degradation of the quality and biological productivity of coastal waters and wetlands through increased sedimentation and soil erosion. These policies are particularly important for the proposed project due to the risk of transport of contaminated soils into sensitive habitat areas and coastal waters.

3.1.2 Discussion

The proposed site remediation project involves approximately 200-500 cubic yards of grading. None of the remediation sites are sloped; therefore, the erosion potential from these sites is minor. The applicant anticipates that grading will be completed in approximately five days. The RAP specifies that any excavated petroleum hydrocarbon contaminated soils that are not immediately removed from the site for disposal will be covered with plastic sheeting and surrounded by a berm. The RAP further specifies that any mercury contaminated soils that are stockpiled on the site prior to disposal will be stored in a lined container.

Although the County permit authorizes grading during the rainy season, it does so conditionally. To prevent impacts to wetlands and coastal waters, the County's CDP imposes Special Condition 28 as follows:

28. *(WQ5) Water Quality. A grading plan shall be designed to minimize erosion and shall include the following:*
 - a. *Graded areas shall be revegetated within three weeks of final grading activities within a given area. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established (also proposed by applicant).*
 - b. *Methods such as silt fencing and hay bales shall be used to reduce siltation into adjacent streams during grading and construction activities. Scheduling of construction shall be limited to the dry season (May through October) unless appropriate erosion control devices are installed (also proposed by applicant).*
 - c. *A 30-foot-wide buffer of undisturbed native vegetation from the top of bank and/or slope line as indicated on the Biological Enhancement Plan shall be maintained during construction. The edge of this buffer shall be delineated by vegetated buffers and/or rustic fencing.*

Plan Requirements and Timing: *The plan shall be submitted for review and approval by RMD [Resources Management Division] and Public Works prior to CDP. The applicant shall establish fencing and notify Permit Compliance prior to commencement of grading.*

Monitoring: *Permit Compliance will photo-document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.*

The measures specified under Special Condition 28(b) are specifically intended to avoid impacts resulting from rainy season grading in consideration of the above cited LCP policies. This type of condition is common in previous Coastal Commission permits where grading may be allowed during the rainy season on moderate slopes with the implementation of appropriate erosion control measures. In fact, the Commission's approval of the overall Arco Golf Course Project includes the Condition 28 requirements. The Commission's procedural guidance manual concerning polluted runoff (non-point source pollution) includes recommended best management practices (BMPs) designed to retain sediments on site during construction projects (*CCC 1996*). All of the measures required by the County are listed in the guidance manual as recommended BMPs, including:

- Create/retain buffer zones,
- Preserve existing vegetation/revegetate disturbed areas,
- Implement dust control measures,
- Install filter fabric/fence,
- Install straw bail barriers,
- Construct perimeter controls (i.e., fencing around construction sites), and
- Cover and dispose of debris spoils.

In support of their contention, the appellants further allege that County-approved erosion control plans have failed to prevent runoff of sediments in the Santa Barbara Shores Remediation, Glen Annie Golf Course, and the Haskell's Beach Hyatt Hotel projects.

The Santa Barbara Shores Remediation involved a significant quantity of grading (approximately 25,000 cubic yards) which was completed before the beginning of the 97/98 El Niño rainy season. The County experienced extremely high rainfall during the El Niño winter. More than half of the excavation for this project was within the bed of Devereux Creek. Devereux Creek, as all of the County's coastal streams) carried an unusually high volume of runoff due to the extreme rainfall in 97/98. However, the County's EQAP monitor did not detect significant erosion problems with the project (*Storrer pers. com. 1/12/99*).

The Glenn Annie Golf Course project (which is not located in the coastal zone) involved 515,000 cubic yards of grading on steep slopes. Revegetation was not completed on schedule for this project because the species required were not available at the time revegetation was required to commence. Therefore, no vegetation existed to hold the soil in place during the severe 97/98 rainy season.

The Haskell's Beach Hyatt Hotel project involved 443,000 cubic yards of grading on rolling hills, with steep creek slopes. Erosion problems at this site also occurred during last year's El Niño storms.

These projects can all be distinguished from the proposed ARCO remediation because (1) the ARCO project involves a much smaller quantity of grading, (2) grading for the ARCO project will not occur within creek beds or sloped terrain, and (3) the proposed cleanup project is expected to be completed within five days.

The Commission therefore finds that the proposed project, as conditioned by the County, does not raise a substantial issue under the County's certified LCP.

3.2 Use of the Herbicide Rodeo® under the Wetlands Mitigation Plan

Removal of contaminated soils at the Active Tank Farm and Former Tank Farm will impact approximately 4980 and 2600 square feet, respectively, of artificially created, disturbed wetlands within the bermed containment areas surrounding the tank farm sites. Wetland conditions appeared in these areas due to soil compaction associated with removal of the oil and gas facilities, and an extraordinarily wet winter. In addition, removal of the concrete wall near Drainage #7 will impact approximately 3694 sq. ft (0.0848 acres) of artificially created, disturbed wetland.

To mitigate the impacts to all wetlands disturbed by remediation or abandonment activities, ARCO agrees to provide 1.5:1 onsite wetland restoration, enhancing 16,911 square feet of wetland in Tomate Canyon, on the western end of the site. The County's approval requires implementation of a Wetlands Revegetation/Enhancement Plan.

Nathan Post, Bob Keats, Tom Philips, and the Santa Barbara Chapter of the Surfrider Foundation contend that the use of the herbicide Rodeo® in the proposed wetlands mitigation project may adversely affect sensitive habitat.

3.2.1 LCP Requirements

The LCP includes the following policies relevant to the wetland mitigation plan:

- 2-11 All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. ...*
- 3-19 Degradation of the water quality of... nearby streams, or wetlands shall not result from development of the site. Pollutants... and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*
- 9-14 New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a*

reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants)....

The above cited LCP policies require that development is undertaken in a manner that will prevent the degradation of the quality and biological productivity of coastal waters and wetlands. The appellants believe that the use of Rodeo® within the wetland habitat enhancement area will adversely affect the biological productivity and quality of the Tomate Canyon wetlands.

3.2.2 Discussion

The Wetlands Revegetation/Enhancement Plan (*Dudek 1998*) was approved by the County to mitigate the impacts of the proposed soil remediation project to wetland habitat. Implementation of the remediation project will impact 11,274 square feet of recently created wetlands at the former tank farm sites. The mitigation project proposes to enhance 16,911 square feet (1.5:1 ratio) of existing disturbed wetlands in Tomate Canyon within the Bixby Lease site. The habitat enhancement plan includes removal of invasive non-native plants and planting of native, wetland species. The plan specifies that under special circumstances Rodeo® may be used for weed control. The plan states specifically:

If weeds interfere with germination or revegetation coverage, the weeds will be removed (by hand pull/weed whip). Herbicide (specifically Rodeo) may be used, if acceptable, by the Revegetation Specialist, subject to the following guidelines:

- *Herbicide will not be used when standing water is present;*
- *Herbicide will not be used when the wind is greater than 5 miles per hour;*
- *Herbicide will not be used when rain is expected within 6 hours;*
- *Herbicide will be applied with a hand sprayer directly on the individual plants to be eradicated; and*
- *Herbicide storing, pouring, and refilling will be done outside sensitive areas.*

Pesticides, herbicides, fungicides and other chemicals can be toxic to sensitive wetland species. Use of such chemicals within a wetland is therefore questionable under the wetland protection policies of the LCP. However, Rodeo® is specifically designed for aquatic weed control, and is widely used for this purpose. Studies of the toxicity of Rodeo® in aquatic habitats have shown:

- “No acute toxicity hazards to aquatic environments would be expected during the course of normal usage.” (*Mitchell 1987*)
- “The use of Rodeo®... as a management tool in wetlands does not pose an acute hazard to native aquatic invertebrates....” (*Henry 1994*)

Rodeo® is the only herbicide certified by the U.S. EPA for use in wetlands because of its low toxicity to aquatic species, as documented in the studies cited above. The conditions required by

the County concerning the use of Rodeo® are consistent with EPA recommendations. The proposed use of Rodeo® in the Wetlands Revegetation/Enhancement Plan has been reviewed and approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The Commission therefore finds that the proposed use of Rodeo® does not raise a substantial issue under the Santa Barbara County LCP.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

CCC 1996, California Coastal Commission Procedural Guidance Manual: Addressing Polluted Runoff in the California Coastal Zone, 2nd Ed., June 1996.

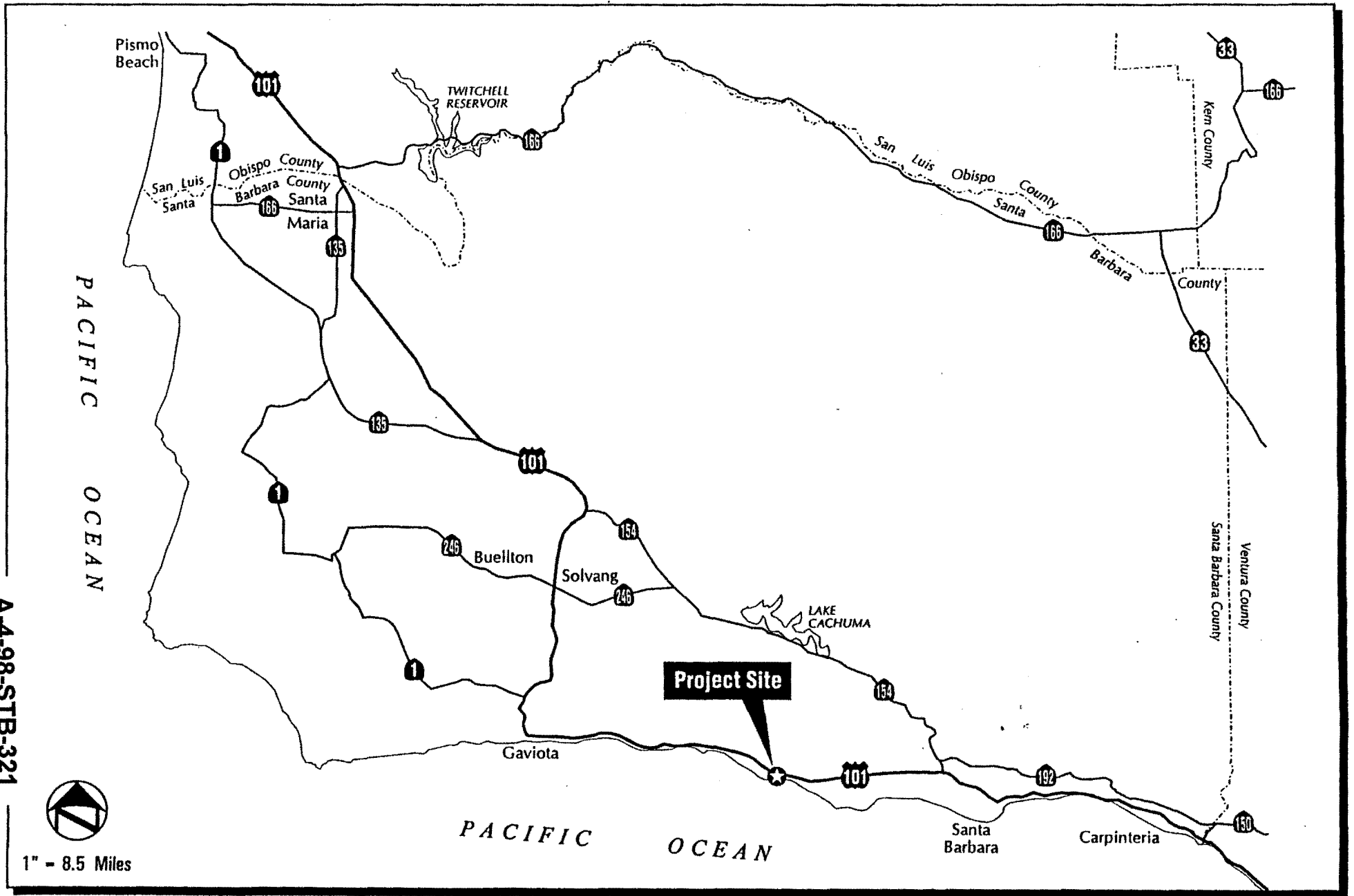
Dudek 1998, ARCO Dos Pueblos Abandonment/Remediation Project Disturbed Wetlands Revegetation/Enhancement Plan for Santa Barbara County.

Henry 1994, Acute Toxicity and Hazard Assessment of Rodeo®, X-77 Spreader®, and Chem-Trol® to Aquatic Invertebrates, C. J. Henry, Arch. Environ. Contam. Toxicol. 27, 392-399 (1994).

Mitchell 1987, Acute Toxicity of Roundup® and Rodeo® Herbicides to Rainbow Trout, Chinook, and Coho Salmon, David G. Mitchell, Bull. Environ. Contam. Toxicol. (1997) 39:1028-1035.

APPENDIX B
STANDARD CONDITIONS

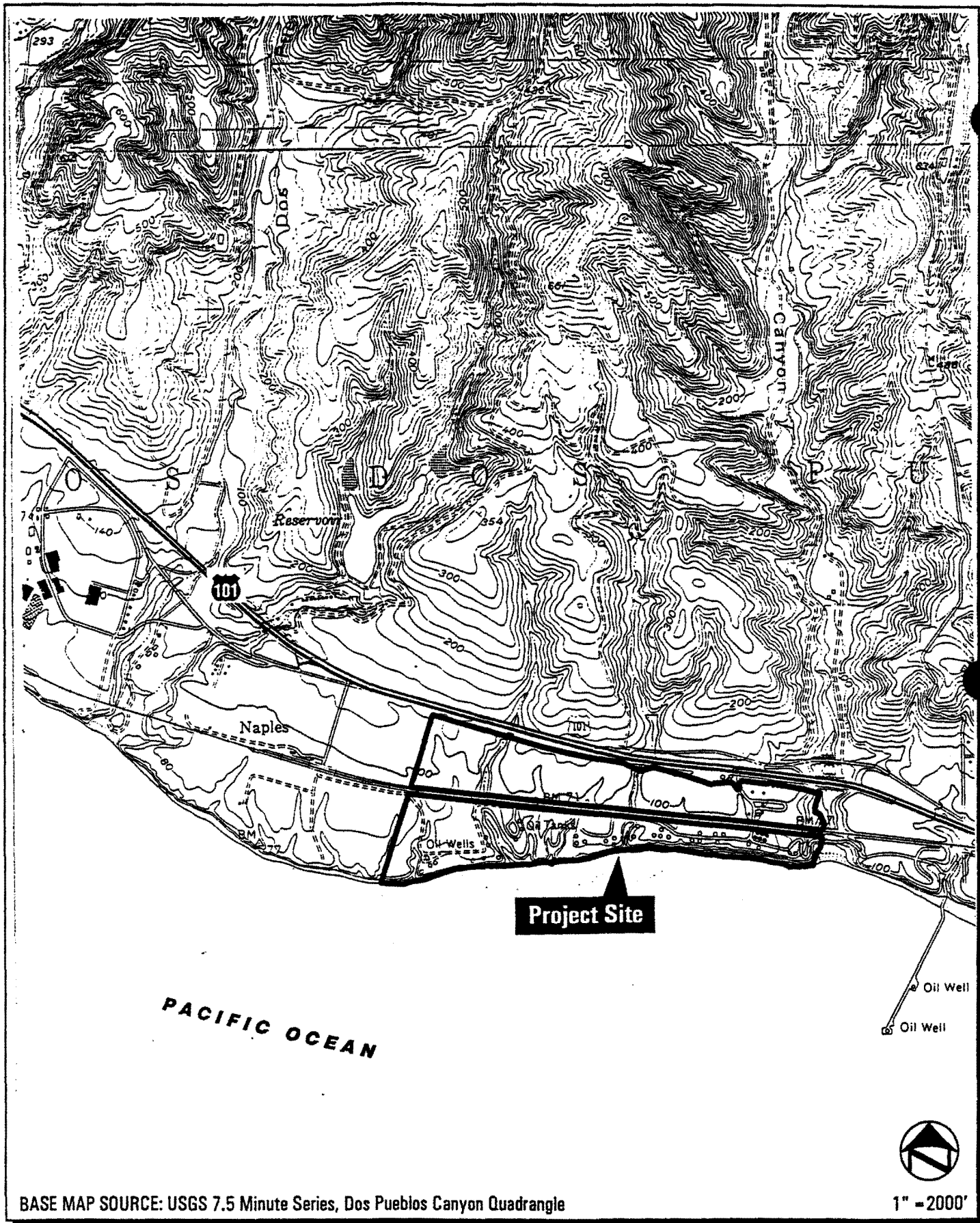
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration.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



A-4-98-STB-321
Exhibit 1

Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Regional Map

FIGURE
1



Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Vicinity Map

A-4-98-STB-321
Exhibit 2

FIGURE
2



County of Santa Barbara Planning and Development

John Patton, Director

November 6 1998

Mr. Michael Hagood
ARCO Environmental Remediation, LLC
444 South Flower Street
Los Angeles, CA 90071

Re: Substantial Conformity Determination for ARCO Dos Pueblos 91-CP-085 (SC04);
Soil Remediation - Abandonment Phase I (b)

Dear Mike:

As you know, ENSR, on ARCO's behalf, submitted a Remedial Action Plan regarding soil contamination at the Dos Pueblos site. We received this plan on March 17, 1998, however, subsequent discussions with the Protection Services Division, California Department of Fish and Game, Army Corps of Engineers, Natural Resources Conservation Service, as well as with the Energy Division, led ENSR to modify the proposal -- these changes are documented in the May 11, May 15, June 4, July 2, August 6, September 12, and October 1, 1998 submittals.

After analyzing ARCO's proposal against the Dos Pueblos Environmental Impact Report (92-EIR-16), approved Site Abandonment Plan, wetland delineation maps, and the County's Substantial Conformity Determination Guidelines in Article II of the Santa Barbara County Zoning Ordinance, we find that the proposed project substantially conforms with ARCO's Conditional Use Permit (91-CP-085). This determination was based on the following criteria:

SUBSTANTIAL CONFORMITY DETERMINATION FOR 91-CP-085 (SC04)

Project Location:

The ARCO Dos Pueblos site consists of 208 acres on the coastal bluff 1.5 miles west of the Winchester Canyon exit of Highway 101 in Santa Barbara County. It is bordered to the north by Highway 101, to the east by Eagle Canyon Creek, to the south by the Pacific Ocean, and to the west by the Naples property.

Project Background:

Historically, the Dos Pueblos property was used for dry farming and grazing, however the primary use was oil and gas production. The on-site petroleum production facilities operated for approximately 50 years, but were deemed a non-conforming use with the adoption of the County's South Coast Consolidation Planning Area Policy. The site was originally zoned Coastal Dependent Industry (M-CD), but was rezoned Agriculture (AG-II-100) in 1991. Shortly thereafter, ARCO applied for a Conditional Use Permit to abandon the oil and gas facilities, and

construct a golf course. An Environmental Impact Report (92-EIR-16) was prepared and the Conditional Use Permit was issued on August 17, 1993. Subsequently, the Surfrider Foundation appealed the decision to the Coastal Commission, and the Commission approved the project on February 22, 1995, with a few modifications.

An Abandonment Plan, required by Condition 41 of 91-CP-085, providing further detail on the methods for facility removal and site assessment was approved in 1995. Abandonment of the oil and gas facilities was subsequently divided into three phases at ARCO's request. Phase I(a) involved abandoning the non-producing wells and removing aboveground equipment. Phase I(b) consisted of the abandonment of the remaining two oil wells and one water reinjection well, removal of onsite pipelines, tanks, buildings, and miscellaneous equipment, as well as completion of a site assessment. Phase I(c) will consist of the abandonment of all off-site pipelines related to the Dos Pueblos oil and gas field. The Phase I(c) permit application is currently under County review. The proposed remediation and restoration effort is the final stage of Phase I(b) onsite work.

Site Assessment Results

Site assessment for Phase I(b), including a geophysical investigation, site-specific Fate and Transport analysis, and delineation of hazardous waste and petroleum hydrocarbons, was conducted according to the March 1995 work plan and subsequent June 1997 amendment. The Site Assessment Report, submitted in November of 1997, proposed the remedial excavation of 200-500 cubic yards of soil based on action levels approved by the Protection Services Division (PSD) and Regional Water Quality Control Board. These cleanup levels were established based on the risk assessment conducted in the Site Assessment Report, and the conclusion of the geophysical survey which anticipates no impacts to occur to groundwater. Please see attached summary of site assessment for more detail (Attachment A).

Remedial Action Plan

ENSR (ARCO) then prepared the Remedial Action Plan (RAP) in mid-March, detailing how this remediation was to occur. After later discussions with the California Department of Fish and Game (CDFG), PSD, and Energy Division, action levels were modified and the following categories of excavation were developed:

- *Category 1: Known Areas of Impacts Above Action Levels - Abandonment Phase*
Established cleanup levels for this project are 5,000 ppm (<C20) and 20,000 ppm (>C20) for TEPH and 1 mg/kg for mercury. Category 1 soils consist of specific areas the Site Assessment identified as exceeding the established limits.
- *Category 2: Known Areas of Impacts Below Action Levels - Abandonment Phase*
These are areas where the golf course grading may enter into previously identified contamination soils that do not trigger action levels. These soils would not pose a risk to human health or groundwater, but should not come in contact with ecological receptors. Therefore, if removal of these soils is necessary for the top two feet of soil to be clean (based

on final golf course grading plans), excavation would occur during grading for golf course construction.

- *Category 3: Unknown Areas of Impacts - Golf Course Phase*

This category covers any contaminated areas that could be encountered during golf course grading and that have not been identified by the Site Assessment.

Protection Services Division's letter to ARCO, dated June 18, 1998, approved the Remedial Action Plan with modifications proposed by PSD, CDFG, and the Regional Water Quality Control Board (RWQCB).

Proposed Action

This Substantial Conformity Determination (SCD) applies to the removal of Category 1 soils only. Any additional contaminated soil encountered during, or necessary for, golf course grading (Categories 2 and 3) will be subject to review during final permitting (Coastal Development Permit) for golf course construction. Category 2 volumes are estimated to total approximately 5,000 cubic yards. Category 3 soil volumes cannot be estimated, and therefore, will be reviewed at a later date, if necessary.

This Substantial Conformity Determination also applies to the removal of remaining oil field structures, including a 20' x 2' concrete retaining wall near Drainage #7. This was presumably used to direct sheet flow from areas surrounding well #20 toward the main drainage. As a consequence of the wall, significant gullying has occurred at the head of the drainage.

Project Description:

ARCO proposes to remediate contaminated soil at the Dos Pueblos site as follows:

PROPOSED SOIL REMEDIATION

Areas of Interest	Constituents Found	Clean-up Objectives	Est. Excavation Depth	Est. Volumes to be Removed (cu. yds)
Active Tank Farm (129/208)	Petroleum hydrocarbons	Removal of visually stained bermed material and soil	2 feet or base of berm	100-400
Former Tank Farm (208)	Petroleum hydrocarbons	Removal of visually stained bermed material and soil	2 feet or base of berm	5
Meters	Mercury	1 mg/kg	0.5 foot	45
Warehouse Storage Loading Dock	Petroleum hydrocarbons	Removal of visually stained soil	2 feet	7
Well 129 Staining	Petroleum hydrocarbons	Removal of visually stained soil	2 feet	7
Former Gas Compressor	Petroleum hydrocarbons	Removal of visually stained soil	2 feet	5
Mudpit Near 208-19 Well	Petroleum hydrocarbons	Removal of visually stained soil	5 feet	50
Total				520

Excavation depths may increase if cleanup levels of 5,000 mg/kg (<C20) and 20,000 mg/kg (>C20) are exceeded for TEPH at the above depths, or if mercury levels read higher than 1 mg/kg. If additional excavation is necessary due to actual contamination found during remediation, Planning and Development will review any additional work for substantial conformance with this approval and the follow-up Coastal Development Permit.

The objective for Category 2 (below action levels) soil removal is to limit the exposure of petroleum hydrocarbon impacted soils to ecological receptors. These receptors generally only come in contact with the upper two feet of soil. Therefore, if grading cuts leave Category 2 soils exposed, ARCO will continue to excavate until the top two feet of soil is clean, or will place two feet of clean fill on top of the impacted soils. No importation of fill is expected, as adjacent areas can provide adequate volumes of clean soils. Please note that Category 2 soils have been shown *not* to pose a risk to human health or groundwater. The two foot buffer is designed to protect any plant or animal species in the area.

Remedial excavation of surface-stained soils and mercury-impacted Category 1 soils will be performed using a backhoe or a front-end loader. Operations will be conducted according to the PSD-approved Health and Safety Plan contained in the RAP. The number of personnel allowed in the work control zone will be minimized, and all workers will have completed Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations trainings. Excavation areas are not expected to be deeper than five feet, therefore, no excavation fencing will be

necessary for worker safety. The property is fully enclosed and security monitored, therefore there should be no risk to the public.

An estimated 33 truck trips over the course of 1 week will be needed to transport contaminated soil to the appropriate disposal areas. Soils containing mercury will be taken to the McKittrick Waste Treatment Facility in McKittrick, California. Soils containing petroleum hydrocarbons will be recycled as a road base at the ARCO Batch Plant. Category 1 soils will be hauled offsite, as noted above. Soils will be transported offsite between peak traffic hours after 8:30 a.m. and before 4:30 p.m. All stockpiled soils will be transported or buried within 90 days of the time of stockpiling. Stockpiles and roll-off bins will be covered with polyethylene sheeting at the end of each work day. Water trucks will be utilized to minimize dust, and a 15 mph speed limit will be in place at all times.

During excavation, ARCO will use a photo- or flame-ionization detector to monitor volatile organic emissions. This detector will be calibrated daily to 100 ppm by volume of isobutylene, and daily records will be maintained on site and made available to agency inspectors upon request. These records, as well as all manifests, will be forwarded to the Protection Services Division following completion of remediation work. Emissions monitoring and reporting will be conducted according to the County Air Pollution Control District guidelines.

Wetland areas within 100 feet of excavation activities will be flagged, unless disturbance is necessary for removal of contaminated soils or the concrete wall. Equipment will not be allowed within the area designated as the sensitive exclusion zone, unless these areas are to be remediated, or unless necessary to remove remaining oil field structures. County-approved EQAP, archaeological and Native American monitors will be notified and present before any sensitive areas are disturbed. No trees will be removed during the excavation of Category 1, or wall removal.

Removal of soils at the Active Tank Farm and Former Tank Farm will impact approximately 4980 and 2600 square feet respectively of artificially created, disturbed wetlands. Wetland conditions appeared in these areas due to soil compaction associated with removal of the oil and gas facilities, and an extraordinarily wet winter. These wetland areas contain hydrophytic vegetation, wetland hydrology and hydric soils. The sites are dominated by herbaceous vegetation such as Italian ryegrass (*Lolium multiflorum*), brass buttons (*Cotula coronopifolia*), annual rabbit's foot (*Polypogon monspeliensis*), and toad rush (*Juncus bufonius*). Where berm removal is required at the Former Tank Farm and Active Tank Farm sites, the area of disturbance will be minimized. Disturbed or removed berms around the former tank farm and active tank farm wetland will be reconstructed to their former condition. All wetland resources will be restored on the site, following remediation work (see Attachment B, Figures 3 & 4).

In addition, removal of the concrete wall near Drainage #7 will impact approximately 3694 sq. ft (0.0848 acres) of artificially created, disturbed wetland (see Attachment B, Figure 2). This wetland contains Italian Ryegrass (*Lolium multiflorum*), Harding Grass (*Phalaris aquatica*), brass buttons (*Cotula coronopifolia*), and annual rabbit's foot (*Polypogon monspeliensis*). No rare or endangered species exist in this wetland. The wall appears to be contributing to

significant gullying at the head of the drainage. Removal of the wall will require the use of a front-end loader working from the blufftop in close proximity to the wetland. Once removed, the pieces will be hauled to a landfill for disposal.

To mitigate the impacts to all wetlands disturbed by remediation or abandonment activities, ARCO agrees to provide 1.5:1 onsite wetland restoration, enhancing 16,911 square feet of wetland in Tomato Canyon, on the western end of the site (see Attachment B, Figure 1). This restoration ratio was based on the degraded quality and artificial nature of the wetlands, and is more stringent than the level proposed by the Army Corps of Engineers. The existing wetlands within Tomato Canyon are dominated by invasive, non-native species such as black mustard (*Brassica nigra*), castor-bean (*Ricinus communis*), annual rabbit's foot (*Polypogon monspeliensis*) and bristly ox-tongue (*Picris echioides*). ARCO will remove non-native vegetation during Fall, 1998 and seed during the winter of 1998-99. The seed mix will include the following native species: yerba mansa (*anemopsis californica*), toad rush (*Juncus bufonius*), baltic rush (*Juncus balticus*), basket rush (*Juncus textilis*), yellow march monkey flower (*Mimulus guttatus*), tule (*Scirpus acutus*), prairie bulrush (*Scirpus robustus*), spikerush (*Eleocharis macrostachya*). A detailed Wetlands Revegetation/Enhancement Plan will be submitted prior to Coastal Development Permit issuance for this project, and restoration will commence immediately. Subsequent to seeding, ARCO will monitor quarterly, weed, and reseed (if necessary) for a two year period. If performance criteria, as established by the Wetlands Revegetation/Enhancement Plan, have not been met after two years, this period will be extended until goals are met (consistent with Condition 58).

Furthermore, the Interim Revegetation Plan, required by Condition 7 of the Coastal Development Permit issued for Phase I(b) Abandonment, will be implemented upon completion of excavation, dependent upon the golf course grading schedule. ARCO has submitted a letter requesting to apply the abandonment revegetation security bond to the remediation and abandonment of the wall authorized by this SCD.

Substantial Conformity Analysis:

ARCO's soil remediation plans substantially conform to the Dos Pueblos Golf Links Conditional Use Permit (91-CP-085) based upon the following criteria as outlined in Appendix B of Article II of the County's Zoning Ordinance.

- a) **Does not conflict with project conditions of approval and/or final map conditions.**

All current conditions of approval for ARCO's Conditional Use Permit, as well as commitments from the approved 1995 Abandonment Plan and application for this determination, will remain in force and are considered part of this project description. This proposal does not conflict with any project conditions for the abandonment or golf course phases.

- b) **Does not result in health or safety impacts.**

As required by Condition 45, all remediation work will be conducted according to the updated Site Health and Safety Plan was approved by PSD on October 14, 1998. The original Conditional Use Permit includes a number of conditions pertaining to transportation and onsite safety issues, and the Abandonment Plan contains similar provisions. Therefore, the soil remediation will not present any new health and safety impacts beyond the scope of the original abandonment project.

- c) **That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the County.**

All conditions of approval from the originally approved project apply to this project as well and were designed to protect archaeologically and biologically sensitive areas, and the public. A site remediation plan (Remedial Action Plan), is required by Condition-40 of the Conditional Use Permit. This project will implement the required plan.

Safety Impacts: Contaminated soils will be handled appropriately according to Site Health and Safety Plan to guarantee the safety of the workers. Site security and fencing will prevent the public from entering the site and exposing themselves to harm.

Environmental Impacts: The volumes and depth of the excavation proposed for the contaminated areas are minor (520 cy) when compared with the approved golf course grading (154,470 cy). Additionally, the approved Abandonment Plan anticipated that 770 truck trips would be necessary for removing all equipment and materials from the site during the abandonment phases. To date, all pipes, tanks, and other debris were removed with 219 truck trips. The proposed soil remediation project is estimated to require an additional 33 truck trips, bringing the total for all abandonment related work to 252 trips. This trucking volume falls within the scope of the abandonment plan estimate.

Impacts to onsite wetland areas containing soil contamination were anticipated in the previous permit. Condition 40 states that secondary biological impacts resulting from excavation in biologically sensitive areas will be mitigated in the remediation plan. Additionally, Section 30233 of the California Coastal Act of 1976 allows for excavation in wetlands areas for restoration purposes. The removal of contaminated soil from these wetlands will restore the area, and will be mitigated by wetland enhancement efforts on-site in Tomate Canyon at a 1.5:1 ratio. (See criteria '(i)' for a full discussion of the project's consistency with policies).

Hence, impacts are substantially the same as previously evaluated in the Conditional Use Permit.

d) That the changes proposed can be effectuated through existing permit conditions.

Condition 40 of the project Conditional Use Permit requires a site remediation plan (Remedial Action Plan) to address any impacts that could result from the remediation activities. ARCO submitted this plan in March, 1998. Protection Services Division approved the plan on June 18, 1998. All permit conditions of the Conditional Use Permit shall remain in effect throughout the remediation project. No additional conditions are required to effectively carry out the project.

e) That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.

As stated above, impacts related to removal of contaminated soil were anticipated in the original EIR and Permit Conditions 40. No new significant unavoidable environmental effects will result from this project.

Soil remediation will result in a beneficial impact by removing soil with a potential to cause harm to humans or the environment. Any resource areas disturbed as a result of remediation will be replaced onsite, as stated in the original conditions of approval, at a 1.5:1 ratio.

Therefore, the impacts related to this project do not alter this finding.

f) Does not result in an increase of 1,000 sq. ft. or more than 10% of building coverage of new structures over total project approvals, whichever is less.

This project does not involve any structures or building coverage.

g) Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.

As stated in "c", the project presents no new significant impacts which have not been addressed in the previous environmental document and permits for the site. Impacts to the two wetland areas containing soil contamination were anticipated in the previous permit. Condition 40 states that secondary biological impacts resulting from excavation in biologically sensitive areas will

be mitigated in the remediation plan. As such, this project does not require further environmental review. (See criteria '(i)' below for a full analysis).

- h) Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.

The proposed work will not require the removal of any trees. In addition, drainages and vernal pools will be staked and/or fenced to prevent disturbance during the remediation activities, as required by Conditions 5 and 13. Three sensitive areas will be disturbed in order to remove the contaminated soils, as anticipated by Condition 40, and to complete final abandonment work. Two wetlands emerged this year as a result of soil compaction from the abandonment activities, and an unusually heavy rainfall year. The third is degraded and threatened by continuing erosion as described below. Impacts to these wetlands will be mitigated on a 1.5:1 acreage basis in Tomate Canyon (on the western end of the site).

- i) Is consistent with Comprehensive and/or Coastal plan policies and applicable zoning ordinances.

Abandonment work, including site remediation and restoration, is required by the Conditional Use Permit Conditions of Approval. This permit, approved by the Board of Supervisors in 1993, was found to be consistent with the Comprehensive and Local Coastal Plans. This project substantially conforms to the Conditional Use Permit, given that all Conditions of Approval will apply to this project. The proposed remediation/restoration effort can be found consistent with Comprehensive and Local Coastal Plan, as discussed below:

The remediation work constitutes a restoration project pursuant to Section 30233(a)(7) of the California Coastal Act of 1976 which allows for dredging and filling of wetland areas for restoration purposes. Two wetlands, located on the former sites of oil and water storage tanks, will be partially disturbed in order to remove contaminated soil. These portions of the wetlands lost through remediation activities will be restored in Tomate Canyon, on the western end of the site. While the wetlands will not be restored in place, these wetlands will not be filled for non-permitted uses. Rather, these areas will comprise the buffer zone for the remaining portions of the existing wetlands.

In addition, another wetland onsite, near Drainage #7, is proposed to be filled and restored in Tomate Canyon, conjointly with the above-mentioned restoration. Filling of a wetland for non-permitted uses in conjunction with restoration projects is addressed in the California Coastal Commission's guidelines under Section 30233. Pertinent portions of the Commission's Statewide Interpretative Guidelines, Section IV(c), are provided below along with a discussion of the proposed project's consistency with each specific criterion:

"Restoration projects may include some fill for non-permitted uses if the wetlands are small, extremely isolated and incapable of being restored. This limited exception to Section 30233 is based on the Commission's growing experience

with wetlands restoration. Small extremely isolated wetland parcels that are incapable of being restored to biologically productive systems may be filled and developed for uses not ordinarily allowed only if such actions establish stable and logical boundaries between urban and wetland areas and if the applicant provides funds sufficient to accomplish an approved restoration program in the same general region. All the following criteria must be satisfied before this exception is granted:

1. *"The wetland to be filled is so small (e.g., less than 1 acre) and so isolated (i.e., not contiguous or adjacent to a larger wetland) that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities."*

The wetland near Drainage #7 is isolated and totals 0.0848 acres in area. Because of significant erosion activity, this disturbed wetland could not sustain a high level of biological productivity without major bluff stabilization efforts.

Furthermore, this wetland would not survive over the long term, given the eroding gully immediately south which would soon encroach into the wetland.

2. *"The wetland must not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species which is rare or endangered. (For example, such a parcel would usually be completely surrounded by commercial, residential, or industrial development which are incompatible with the existence of the wetland as a significant habitat area.)"*

According to the Wetland Delineation Report (dated August 2, 1998) prepared by Dudek & Associates for the Army Corps of Engineers, this wetland is degraded and supports no rare or endangered species. Plant species present include non-sensitive, herbaceous vegetation, such as Italian ryegrass (*Lolium multiflorum*), Harding grass (*Phalaris aquatica*), brass buttons (*Cotula coronopifolia*), and annual rabbit's foot (*Polypogon monspeliensis*).

3. *"Restoration of another wetland to mitigate for fill can most feasibly be achieved in conjunction with filling a small wetland."*

The proposed mitigation approach, restoration of 0.39 acres (16,911 sq. ft.) adjacent to Tomate Canyon, has a much higher chance of success, given the small size, and precarious location of the wetland near Drainage #7. Enhancing an existing, non-contaminated, stable wetland habitat within another drainage on the same site is more likely to produce a thriving habitat than the existing small wetland.

4. *"Restoration of a parcel to mitigate for the fill...must occur at a site which is next to a larger, contiguous wetland area providing a significant habitat value to fish and wildlife which would benefit from the addition of more area. In addition, such restoration must occur in the same general region (e.g., within*

the general area surrounding the same stream, lake or estuary where the fill occurred)."

ARCO proposes to restore an area on the same parcel, contiguous to an existing wetland area, consistent with this criterion. Expansion of the Tomate Canyon wetland would benefit wildlife that use this drainage area as habitat. Conditions surrounding Tomate Canyon are more suitable for supporting wetlands over the long-term by virtue of the site topography, drainage patterns and existing vegetation.

5. *"The Department of Fish and Game and the U.S. Fish and Wildlife Service have determined that the proposed restoration project can be successfully carried out."*

ARCO's restoration proposal has received approval from the California Department of Fish & Game and U.S. Fish and Wildlife Service.

The Commission's guidelines go on to state:

"Additional flexibility will be allowed for restoration projects located in wetlands which are degraded (as that term is used in Section 30411 of the Coastal Act)."

The Army Corps of Engineers classified the wetland proposed to be filled as degraded.

- j) **Does not result in more than 50 cubic yards of net cut and/or fill, and avoid slopes of 30% or greater (unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts).**

As stated in the project description for the Dos Pueblos Golf Links project, an estimated 154,470 cubic yards will be excavated and filled to create the golf course. The 520 cubic yards of excavation associated with removing contaminated soil is part of this figure. Mitigation measures including monitoring of excavation in archaeological sites, avoidance of biologically sensitive areas, and procedures for controlling dust which were adopted by the Conditional Use Permit will also apply to the remediation work.

- k) **Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10% closer to a property line than the originally approved development.**

Soil remediation and abandonment will take place in areas that were previously disturbed by oil field operations. Excavated areas will be re-graded and revegetated following contamination removal. Therefore, the project will be taking place in the same location as approved plans.

- l) Does not result in an overall height which is greater than 10% above the approved height. The project must remain consistent with height requirements of the zoning district.

The remediation project does not involve the erection of any structures. Therefore this criteria does not apply.

- m) Receives BAR approval for landscaping and structures, if necessary.

The soil remediation does not involve landscaping or structures, therefore no BAR approval is required.

- n) Does not result in intensification of use, e.g., no new employees, no increases in traffic, etc., if these were important to the previous environmental/policy analysis.

This project will not intensify the use of the property, nor will it increase the traffic beyond what was previously identified in the Environmental Impact Report or Abandonment Plan (see section "c"). This project is temporary, lasting approximately 1 week.

- o) Does not affect easements for trails, public access, or open space.

All remediation work will take place on private property. No public trails or access points will be affected.

Determination of Substantial Conformity: Based on the analysis presented above, the proposed project (91-CP-085 (SC04)) is found to be in substantial conformance with the existing project description, conditions of approval and applicable County requirements. ARCO shall comply with all applicable conditions of approval of 91-CP-085 throughout the project. If this project description changes in any way, please contact the Energy Division immediately to assess whether further review or permitting action is necessary.

If you have any questions regarding this determination, please contact Michelle Gasperini or Amy Sabbadini at (805) 568-2040.

Sincerely,



DIANNE MEESTER
Deputy Director

Attachments: Attachment A - Site Assessment Executive Summary
Attachment B - Site Remediation Figures
Figure 1 - Site Plan
Figure 2 - Wetland Impacts Near Drainage #7
Figure 3 - Wetland Impacts at Former Tank Farm
Figure 4 - Wetland Impacts at Active Tank Farm

cc:

Mr. Mike Flack, ENSR
Mr. Jim Chaconas, Chaconas Engineering
Captain Hugh Thomas, CDFG
Mr. Greg Walls, CDFG - Long Beach
Ms. Kate Sulka, PSD
Mr. Jim Mace, Army Corps of Engineers - Ventura
Ms. Samantha Kim, Dudek & Associates - Santa Barbara
Mr. Whitt Hollis, CPH-PAH
Mr. John Storrer, EQAP Monitor
Ms. Kate Symonds, USF&W - Ventura

ellwood\arco\dp\remedi.scd

List of Attachments

Attachment A: Executive Summary of Site Assessment, 11/97

Attachment B: Site Remediation Figures

Figure 1: Site Plan

Figure 2: Wetland Impacts Near Drainage #7

Figure 3: Former Active Tank Farm Wetland Impacts

Figure 4: Active Tank Farm Wetland Impacts

EXECUTIVE SUMMARY

This report presents the results of the second phase of site assessment activities conducted at the ARCO Dos Pueblos Oil and Gas Production Facilities, north of Goleta, California (subject site) from May through October 1997. The site is approximately 202 acres and is being decommissioned for construction of a public golf course (Dos Pueblos Golf Links). Oil and gas operations began in 1929 and 40 wells have been drilled at the site; 38 of the wells were drilled since 1940 to develop two offshore leases (state leases 129/208) in the Elwood Oil Field.

Assessment activities at the site were conducted consistent with ENSR's site assessment work plan, dated March 1995, assessment addendum, dated June 28, 1995, and assessment addendum letter dated June 24, 1997 to the County of Santa Barbara, Protection Services Division (County). The assessment programs have been conducted to meet the requirements of Conditional Use Permit (91-CP-085), condition No. 39 for the project which requires assessment of hazardous waste and petroleum hydrocarbons at the subject site and condition No. 42 which requires a geophysical investigation to locate pipelines and mud pits. The objectives of the additional site assessment program were to characterize the nature and extent of subsurface impacts and assess the threat of those impacts to human health and the environment in the areas of interest. The areas of interest for the assessment program are as follows and are shown on Figure 1-1, in the body of the report:

- Active (129/208) Tank Farm
- Area East of Active Tank Farm (Skim Pits)
- Former Gas Compressor
- Former (208) Tank Farm
- Well 129-2 Staining
- Mudpits
- Active Gas Compressor
- Gas Chiller
- Meter Locations
- Creekbeds
- Warehouse/Storage Areas

Consistent with CUP condition No. 42, a geophysical survey using terrain conductivity profiling was conducted to locate pipelines and former mudpits. Eleven (11) grids and 24 traverses were performed in the vicinity of the 40 wells. Eighty-one (81) exploratory soil borings were drilled during the second phase of assessment using hand auger, Geoprobe® and hollow-stem-auger drilling equipment. Two-hundred and thirty (230) soil samples were collected and analyzed for the following constituents of interest (COI): total volatile and extractable petroleum hydrocarbons (TVPH/TEPH), benzene, toluene, ethylbenzene and xylenes (BTEX), polynuclear aromatic compounds (PNAs), polychlorinated biphenyls (PCBs) and California Administrative Code (Title 22) metals. In cases where total metal concentrations were in excess of the regulatory screening criteria established below, the California Waste Extraction Test (WET) was used to assess the leachability of the constituent chemical and whether or not the leachate

concentration posed a threat to groundwater. In addition to a soil gas survey that consisted of 95 points, including the 1996 assessment program, 131 exploratory borings have been drilled at the subject site.

Constituent of interest concentrations in soil samples collected from the assessment program were compared to the following criteria to determine if the results represented a threat to groundwater and/or human health:

- County Investigation Levels (Site Mitigation Unit Guidance Manual, 1995);
- County Cleanup Levels (Policy No. 5006.005);
- U.S. EPA Region IX, Preliminary Remediation Goals (Industrial Soils; August, 1996)
- California Hazardous Waste Criteria (Title 22).

During the initial phase of site assessment in 1996, site-specific fate and transport analysis was also used to establish action/investigation levels for TEPH-impacted soils. These performed site specific fate and transport-derived levels were approved by the California Regional Water Quality Control Board-Central Coast Region (RWQCB) in January 1997 and by the County in July 1997.

Based on the results of the assessment program the following areas did not contain soil samples with COI concentrations that indicate a threat to human health or the groundwater. Petroleum hydrocarbon, BTEX, PCBs and PNAs concentrations were below actions levels. In some instances, soil samples collected from the below-mentioned facilities contained total metals concentrations above action levels; however, selected WET testing showed the leachate metal concentrations to be below MCLs, thus a threat to groundwater was not indicated. None of the soil samples collected from these areas contained metals concentrations above PRGs.

- Former (208) Tank Farm;
- Active Gas Compressor;
- Gas Chiller;
- Mudpits (anomalies identified from the geophysical investigation);
- Warehouse/Storage Areas (except the loading dock area);
- Area East of Active Tank Farm (excluding Skim Pits, that have yet to be removed and sampled).

In addition to the above former facilities, no further assessment or remediation is proposed for the creek bed drainages, because soil samples collected did not contain petroleum hydrocarbon, PNA, PCB and metals concentrations above published ecological criteria developed by NOAA.

Based on the results of the assessment program conducted in 1997, the following areas contained COI concentrations in excess of the action levels:

- Active (129/208) Tank Farm
- Former Gas Compressor
- Well 129-2 Staining
- Mudpits (those identified from aerial photographs)
- Meter Locations (mercury manometals)
- Warehouse/Storage Areas (loading dock area)

Of the 230 soil samples collected during the second phase of site assessment, 5 soil samples collected contained TVPH concentrations above action levels (200 mg/kg); one soil sample collected contained a TEPH concentrations above the action level (20,000 mg/kg >C20); and 12 soil samples contained benzene at concentrations greater than the action level of 0.1 mg/kg. The soil samples with COI above action levels were collected from borings drilled in the area of the former gas compressor, active tank farm and mudpits. However, no further assessment or remediation is proposed in these areas because:

- the extent of petroleum hydrocarbon impacted soils are limited laterally and vertically,
- the source of the COI has been removed,
- the site is underlain by unweathered bedrock that will impede vertical migration, and
- groundwater is reported at a depth of 180 feet bgs and is not suitable for domestic use.

In these areas, TVPH and TEPH above action levels were not reported below a depth of 9 feet below the ground surface; benzene was reported above action levels at depth between 22 and 44 feet bgs in the area of the former gas compressor. In general, based on the current development program these areas will not be exposed during the grading program. Additionally, the former gas compressor area is located within an archeologically sensitive area, which will not be disturbed during development.

As with the prior areas of interest, soil samples collected from the mudpits and active tank farm sump contained barium, chromium, cadmium, nickel, arsenic, copper and for vanadium concentrations above groundwater protection-based action levels. In addition, some samples collected in the area of the former gas meters contained mercury concentrations above action levels. However, selected WET testing showed that the leachate metal concentrations of these soils to be below levels that would pose a threat to groundwater. One soil sample collected at one of the mudpits at a depth of 19 feet contained arsenic concentration above the PRG action

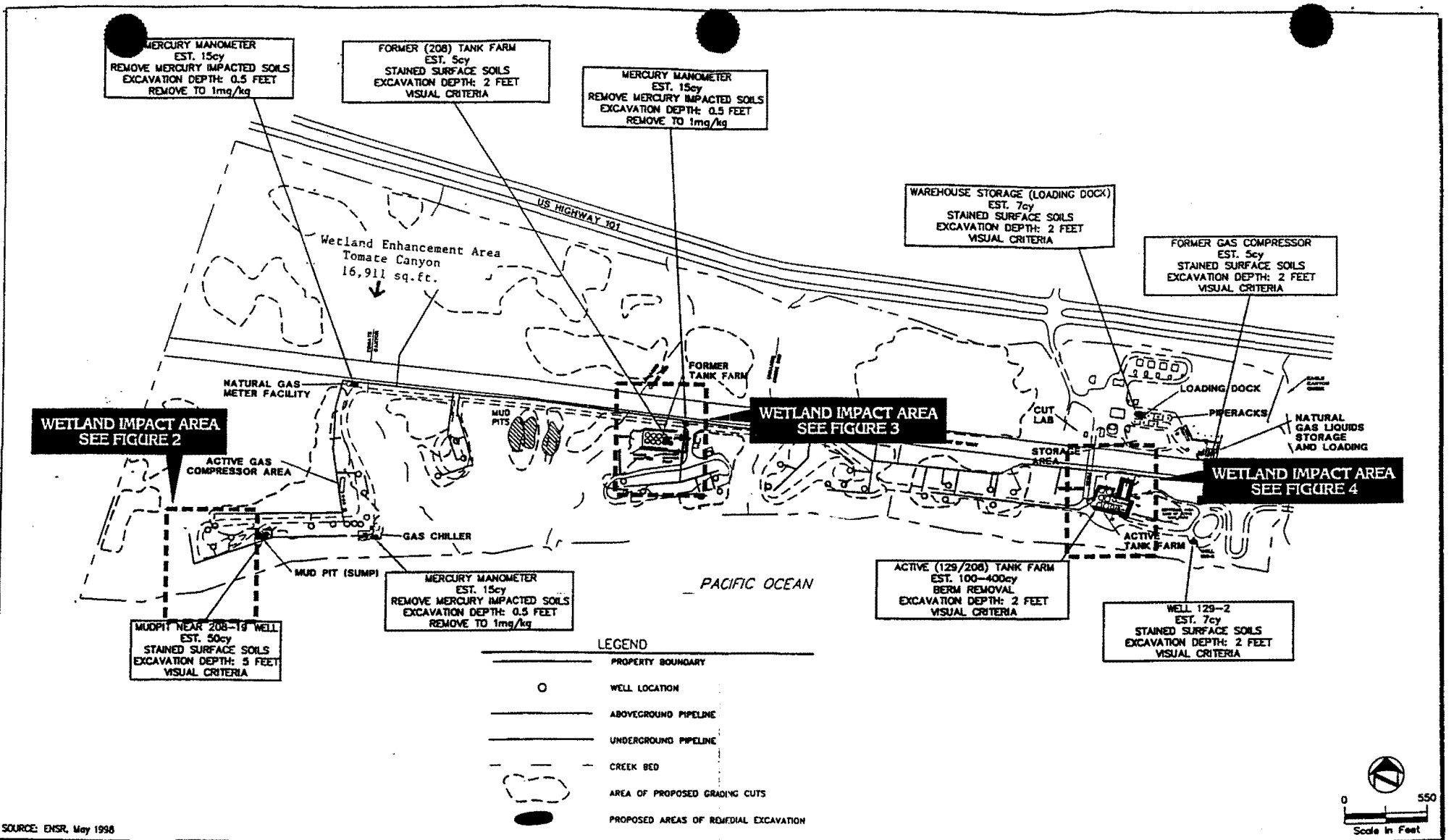
level. However, because the area will not be exposed during the golf course grading, no further assessment or remediation is proposed.

Remedial action is proposed for the following areas and identified impacts. Remedial actions are proposed to be concurrent with or before golf course grading and construction operations.

Area of Interest	Excavation Location	Estimated Volume of Material to be Removed
Active (129/208) Tank Farm	Removal of petroleum-hydrocarbon-impacted berms	50 to 100 cubic yards
Meter Locations (Former Tank Farm, Gas Chiller, and Natural Gas Meter)	Removal of mercury-impacted surface soils	7 cubic yards
Warehouse Storage (Loading Dock)	Visually-stained surface soils	7 cubic yards
Well 129 Staining	Visually-stained surface soils	7 cubic yards
Mudpit Near 208-19 Well	Visually-stained surface soils	<50 cubic yards

No further remedial action is proposed in these areas, in as much as the impacts are generally, surface staining related to crude oil. Excavated materials will be transported and disposed of to an appropriate permitted offsite facility.

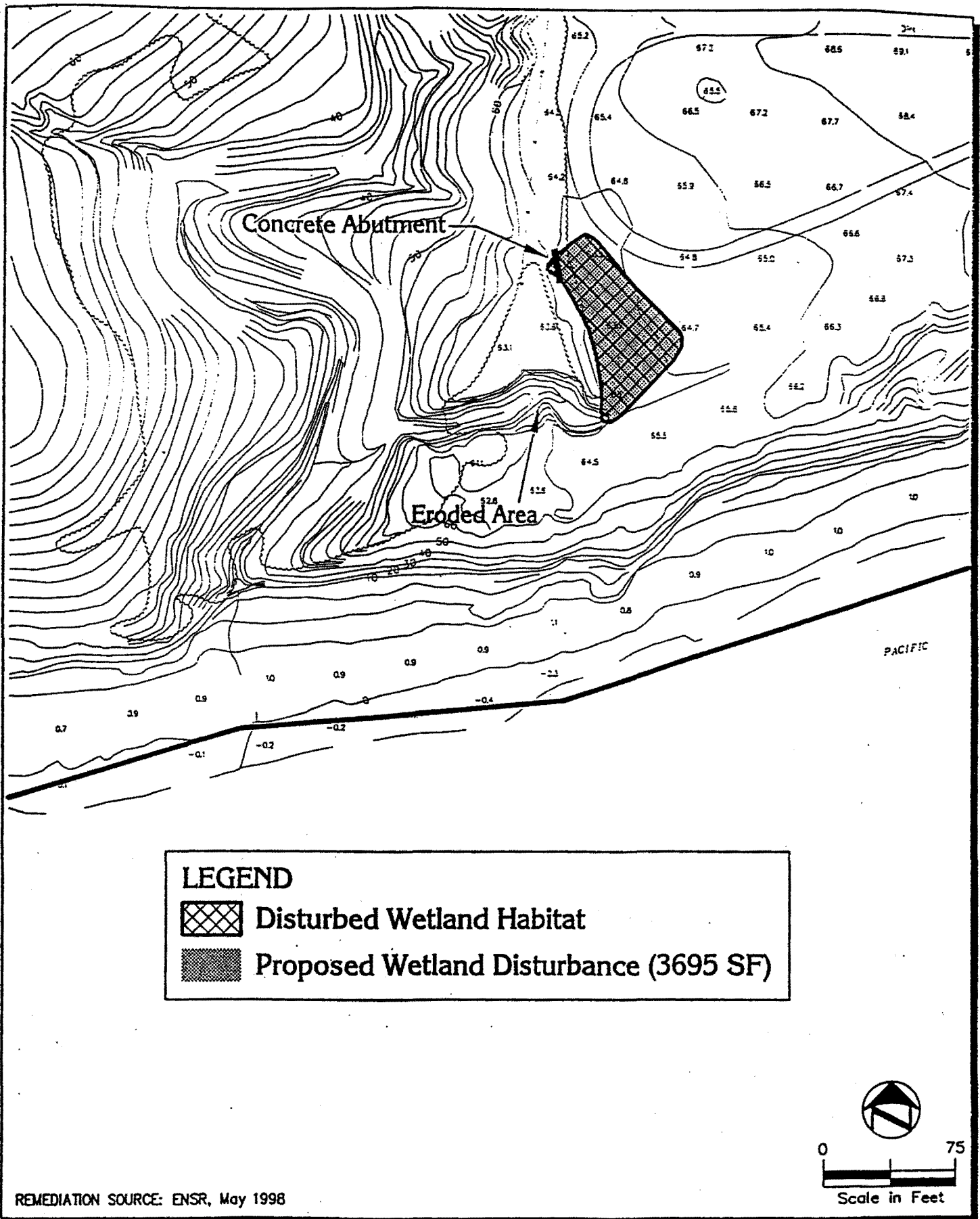
Based on the results of the site assessment program, no further assessment is proposed at the site, with the exception of soil sampling beneath the two yet-to-be-demolished concrete skim pits east of the active tank farm. Groundwater assessment is not proposed, based on the depth to groundwater, poor water quality, limited extent of petroleum hydrocarbon impacts above action levels and vertical separation to groundwater, and occurrence of unweathered Monterey Formation at depths below 45 feet bgs that has been shown to be a barrier to vertical migration.



SOURCE: EHSR, May 1998

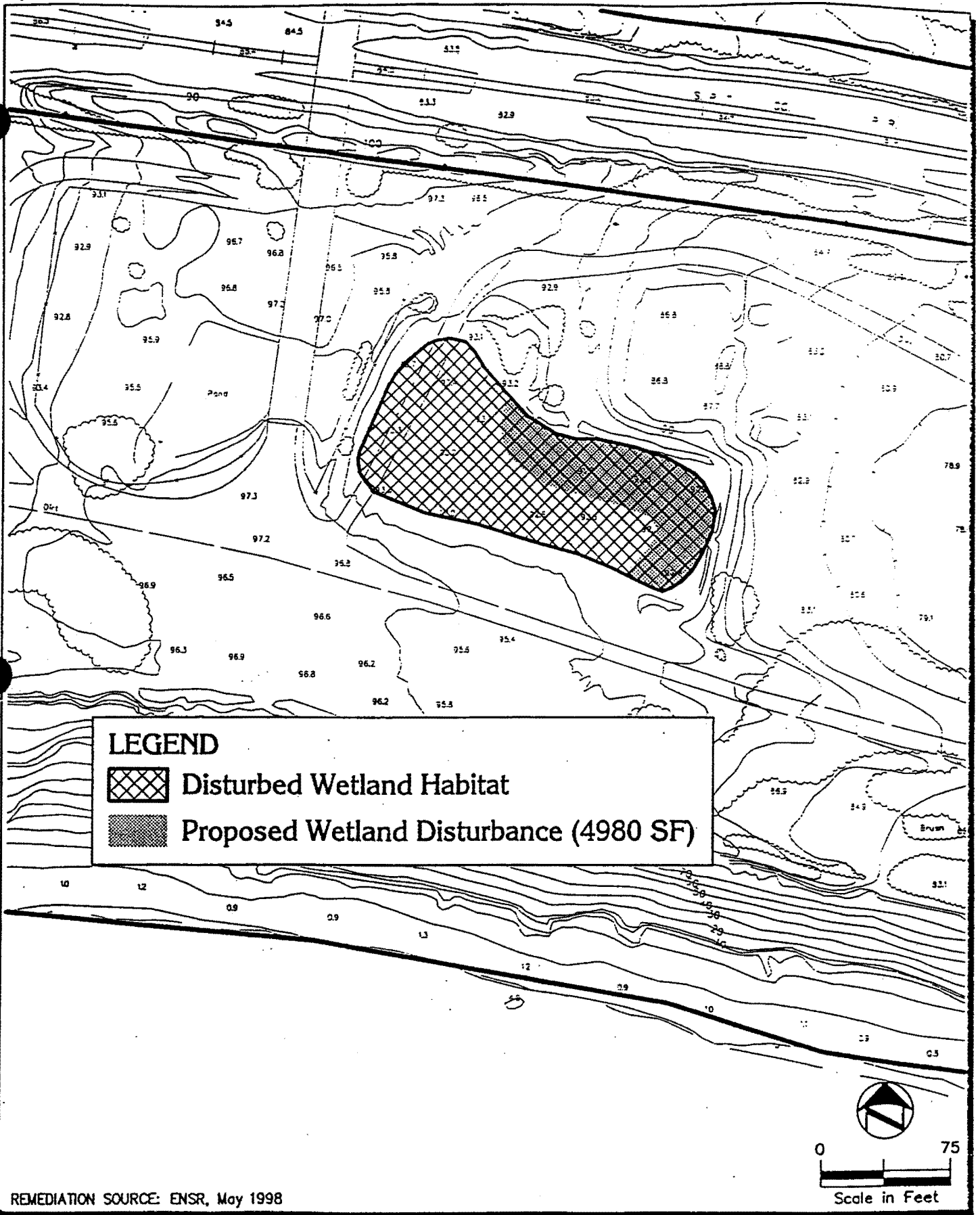
Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Areas of Proposed Remedial Excavation

FIGURE 1



Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Wetland Impacts for Proposed Concrete Abutment Removal & Erosion Control

FIGURE
2



**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Wetland Impacts for Proposed Soils Remediation at Active Tank Farm**

**FIGURE
4**

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Santa Barbara Urban Creeks Council

P.O. Box 1083

Carpinteria, CA 93014-1083

(805) 684-6008

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Santa Barbara

2. Brief description of development being appealed: ARCO Dos Pueblos; Soil Remediation - Abandonment Phase I(b)
Removal of contaminated soils

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1.5 miles west of Winchester Canyon
on Highway 101 (APN 079-180-05, -16, -18 and 079-200-04, -08)

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: _____ X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4 STB 321

DATE FILED: 11/30/98

DISTRICT: So Central Coast

H5: 4/88

RECEIVED

NOV 25 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

A-4-98-STB-321
Exhibit 4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: November 9, 1998

7. Local government's file number (if any): 98-CDP-241

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ARCO

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal. THERE WERE NO NOTICED HEARINGS.

(1) Brian Trautwein
Environmental Defense Center
906 Garden Street, Santa Barbara, CA 93101

(2) Keith Zandona, Surfriders
Box 60021
Santa Barbara, CA 93160

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See ATTACHMENT 1

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Wanda Michaloules, Secretary

Signature of Appellant(s) or
Authorized Agent

Date November 24 1998

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

ATTACHMENT 1

SECTION IV. REASONS SUPPORTING THIS APPEAL

The proposed development is located in a sensitive coastal resource area, within 100 feet of wetlands, within 300 feet of the top of the seaward face of the coastal bluff, and between the sea and the first public road paralleling the sea (Highway 101).

The development does not conform to the standards set forth in the certified Local Coastal Program and Coastal Act as follows:

The permit is for toxic soil removal, and the County has permitted it to begin December 1, 1998, which is during the rainy season. The timing of this project should be delayed until after the rainy season for the following reasons.

- 1) The proposed project is on a coastal mesa, and runoff from the site goes directly into the ocean or into two creeks or into onsite wetlands.
- 2) The County-approved erosion control plans do not work. We have substantial evidence of severe erosion and runoff from numerous construction sites during the last several rainy seasons, including the Santa Barbara Shores Soil Remediation site, Glen Annie Golf Course (over 1,000 cubic yards of fill ran down Devereux Creek), and the Haskell's Beach (Hyatt Hotel) site.
During heavy rain events, runoff cannot be controlled.
- 3) Both the Santa Barbara Shores Soil Remediation project and the Haskell's Beach project grossly underestimated the actual amounts of toxic soils from the initial soil sampling and testing. There is reason to believe that more extensive contamination may be encountered on the ARCO site.

Allowing grading and removal of toxic soils during the rainy season is inconsistent with the following coastal protection policies:

COASTAL ACT POLICIES:

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, ... shall be maintained... through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, ... maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30240. (b) Development in areas adjacent to environmentally sensitive habitat 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.

LOCAL COASTAL PLAN POLICIES:

- 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, ... control of runoff.
- 3-19: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as ... raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.
- 9-14: New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants),

CONCLUSION:

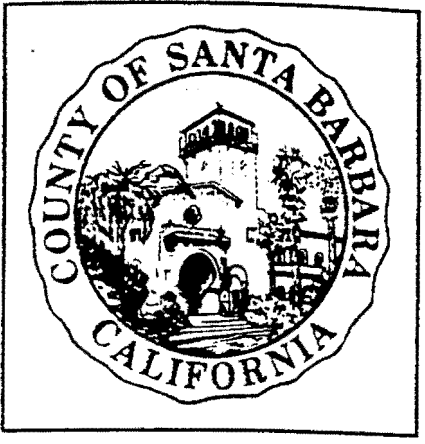
The ARCO Soil Remediation project is inconsistent with the Coastal Act and the Local Coastal Plan because of its timing to occur during the rainy season. The project has not been mitigated to the maximum extent feasible; and there are viable and practical mitigations and conditions that could be applied to achieve consistency, namely requiring the project to take place outside of the rainy season.

568-2090

**NOTICE OF FINAL APPROVAL/
INTENT TO ISSUE AN APPEALABLE
COASTAL DEVELOPMENT PERMIT (CDP)**

Subsequent to a previous discretionary approval **568-2515**

Case No.: 98-CDP-241 Planner: Amy Sabbadini Initials: **AS**
Project Name: ARCO Dos Pueblos; Soil Remediation - Abandonment
Phase I(b)
Project Address: 1.5 miles west of Winchester Canyon exit on Highway
101
A.P.N.: 079-180-05, -16, -18 and 079-200-04, -08
Prior Discretionary Case No.: 91-CP-085 (SC04)



The Planning and Development Department (P&D) *intends to grant final approval and issue* this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL COUNTY APPROVAL DATE: November 9, 1998

POSTING DATE: November 10, 1998

COASTAL COMMISSION APPEAL PERIOD: The County's final approval of this project can only be appealed to the California Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission (Coastal Act Sec. 30603). The Coastal Commission 10 working day appeal period will commence on the day after their receipt of this Notice. An appeal must be filed with the Coastal Commission at 89 South California St., Suite 200, Ventura, CA 93001. Please contact California Coastal Commission regarding the timing of the appeal period.

ESTIMATED DATE OF PERMIT ISSUANCE: *(if no appeal filed)* December 1, 1998

PROJECT DESCRIPTION SUMMARY:

This project involves the remediation of approximately 520 cubic yards of contaminated soil from delineated areas as established by the November 1997 Site Assessment. These soils, referred to as Category 1 in 91-CP-085 (SC04), trigger cleanup levels for total petroleum hydrocarbons and mercury, as established by the California Department of Fish and Game and the County's Protection Services Division. Soils will be removed in accordance with the County-approved Remedial Action Plan and Health and Safety Plan. This permit also authorizes abandonment of the remaining onsite structures associated with the previous oil and gas production on the property. For a full project description, please refer to Attachment A - Substantial Conformity Determination 91-CP-085 (SC04)

PROJECT SPECIFIC CONDITIONS: See Attachments B & C

TERMS OF FINAL APPROVAL:

- 1. Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest street. Each copy of this Notice shall remain posted continuously until the **Date of Permit Issuance**. (Art. II Sec. 35-181.3.)
- 2. Amendment/Extension.** P&D reserves the right to change, amend or extend this pending decision prior to the **Final County Approval Date**, based upon comments received by the public or other interested parties. In such event, an amended notice shall be provided and the CCC Appeal Period will run for a full ten (10) working days.

Date of Final County Approval. Be advised if no changes to the project are made pursuant to public comment, this approval shall become final on the date indicated above provided that all terms and conditions have been met.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

NOV 30 1998



Please Review Attached Appeal Information Sheet Prior To Completing This Form. COMMISSION SOUTH CENTRAL COAST DISTRICT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

NATHAN POST, BOB KEATS, TOM PHILIPS
739 CALLE DE LOS AMIGOS, SANTA BARBARA
CA 93105 (805) 687-4465
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SANTA BARBARA COUNTY

2. Brief description of development being appealed: ARCO DOS PUEBLOS; SOIL REMEDIATION - ABANDONMENT

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1.5 miles west of Winchester Canyon exit on Highway 101
APN: 079-180-05, -16, -18 and 079-200-04, -08

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-STB-18321

DATE FILED: 11/30/98

DISTRICT: San Barbara/Ventura

H5: 4/88

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
- b. City Council/Board of Supervisors d. Other PLANNING & Development Dept.

6. Date of local government's decision: November 9, 1998

7. Local government's file number (if any): Case No: 98-COP-241

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ARCO OIL AND GAS COMPANY
SAMANTHA KIM - ROUTE 1, BOX 275
GOLETA CA 93117

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Bob Keats
630 MIRAMONTE DR
SANTA BARBARA CA 93109

(2) TOM Phillips
442 RIDGER DR
SANTA BARBARA CA 93111

(3) KEITH ZANDONA
PO BOX 60021
SANTA BARBARA CA 93160

(4) DEANE PLAISTER
30 W. VALERIO #7
SANTA BARBARA CA 93101

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see Attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mattias N. Post
Signature of Appellant(s) or
Authorized Agent

Date November 27, 1998

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

November 28, 1998

California Coastal Commission
89 S. California Street, 2nd FLOOR
Ventura, CA 93001

Dear Sirs:

I am filing this appeal on behalf of myself and members of the Santa Barbara Chapter of the Surfrider Foundation. It is our belief that the County CDP for the ARCO Dos Pueblos; Soil Remediation - Abandonment Phase I(b), located 1.5 miles west of Winchester Canyon exit on Highway 101 is at odds with several goals and policies of the Coastal Act, and the Santa Barbara Local Coastal Plan. In enacting the Coastal Act, the legislature established the following goal for future activity in the coastal zone.

- (a.) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.

“The Coastal Act places as its highest priority the preservation and protection of natural resources including environmentally sensitive habitat areas (i.e., wetlands, dunes), and prime agricultural lands.” SBLCPlan

Implementation of the Remediation Action Plan (RAP) and additional abandonment activities would result in impacts to 11,274 square feet of disturbed wetlands. In order to offset impacts to the wetlands, ARCO proposes to enhance 16,911 square feet of disturbed wetlands within Tomate Canyon. These wetlands currently support a large seasonal pond that is extremely important to wildlife. It is unclear what effect ARCO's activities will have on this important resource. We are also concerned with the introduction of the Herbicide “Rodeo” into a sensitive habitat area.

Perhaps of greater concern is the degradation of water quality resulting from the disturbance of toxic soils during the rainy season. The site grading at Haskell's Beach is a good example. Two well-qualified individuals have confirmed that the testing for toxic soils at Haskell's beach was inadequate. There are several reasons for this. Since testing was so poorly done, the potential for the release of toxins into the stream and ocean environment was, to put it mildly, extreme. The entire site was rough graded. A short time after the general site grading at Haskell's Beach occurred, it began to rain. Last year Santa Barbara County experienced several heavy rainstorms. The ocean and creeks at Haskell's Beach were swollen and filled with extraordinary amounts of mud. The whitewater churned up by breaking waves at Haskell's Beach was the color of chocolate milk, Tecolote Creek was, literally, a river of mud. By comparison, at an adjacent beach, the beach fronting the nearby Venoco oil facility, the whitewater was the expected white.

If, as expected, the soils unearthed by rough grading the site were toxic, then the ocean and stream environment was severely threatened. Several recent examples demonstrating the inadvisability of grading during the rainy season are available.

Grading, and general disturbance of toxic soils should not be permitted in the rainy season. Due to the heightened potential for release of toxic materials into the environment and the likelihood of excessive erosion we feel that this type of activity is in violation of the Coastal Act and the Santa Barbara Local Coastal Plan.

Coastal Act Policy 30240

a.) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only areas 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.

Coastal Act Policy 30231

The biological productivity and the quality of coastal water, 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 wastewater discharge and entrainment, **controlling runoff**, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams.

Santa Barbara County Coastal Plan Policies

2-11 All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, **grading controls**, noise restrictions, maintenance of natural vegetation, and **control of runoff**.

3-19 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

9-11 Wastewater shall not be discharged into any wetlands without a permit from the Regional Quality Control Board finding that such discharge improves the quality of the receiving water.

9-14 New development adjacent to or in close proximity of wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants) noise, thermal pollution, or other disturbances.

9-36 When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed and constructed to minimize impacts.

9-41 All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

Sincerely,

A handwritten signature in cursive script that reads "Nathan Post".

Nathan Post

**NOTICE OF FINAL APPROVAL/
INTENT TO ISSUE AN APPEALABLE
COASTAL DEVELOPMENT PERMIT (CDP)**

(Subsequent to a previous discretionary approval)

Case No.: 98-CDP-241 Planner: Amy Sabbadini Initials: ~~AS~~

Project Name: ARCO Dos Pueblos; Soil Remediation - Abandonment
Phase I(b)

Project Address: 1.5 miles west of Winchester Canyon exit on Highway
101

A.P.N.: 079-180-05, -16, -18 and 079-200-04, -08

Prior Discretionary Case No.: 91-CP-085 (SC04)



The Planning and Development Department (P&D) *intends to grant final approval and issue* this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL COUNTY APPROVAL DATE: November 9, 1998

POSTING DATE: November 10, 1998

COASTAL COMMISSION APPEAL PERIOD: The County's final approval of this project can only be appealed to the California Coastal Commission by the applicant, an aggrieved person, or any two members of the Coastal Commission (Coastal Act Sec. 30603). The Coastal Commission 10 working day appeal period will commence on the day after their receipt of this Notice. An appeal must be filed with the Coastal Commission at 89 South California St., Suite 200, Ventura, CA 93001. Please contact California Coastal Commission regarding the timing of the appeal period.

ESTIMATED DATE OF PERMIT ISSUANCE: *(if no appeal filed)* December 1, 1998

PROJECT DESCRIPTION SUMMARY:

This project involves the remediation of approximately 520 cubic yards of contaminated soil from delineated areas as established by the November 1997 Site Assessment. These soils, referred to as Category 1 in 91-CP-085 (SC04), trigger cleanup levels for total petroleum hydrocarbons and mercury, as established by the California Department of Fish and Game and the County's Protection Services Division. Soils will be removed in accordance with the County-approved Remedial Action Plan and Health and Safety Plan. This permit also authorizes abandonment of the remaining onsite structures associated with the previous oil and gas production on the property. For a full project description, please refer to Attachment A - Substantial Conformity Determination 91-CP-085 (SC04)

PROJECT SPECIFIC CONDITIONS: See Attachments B & C

TERMS OF FINAL APPROVAL:

1. **Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest street. Each copy of this Notice shall remain posted continuously until the **Date of Permit Issuance**. (Art. II Sec. 35-181.3.)

2. **Amendment/Extension.** P&D reserves the right to change, amend or extend this pending decision prior to the **Final County Approval Date**, based upon comments received by the public or other interested parties. In such event, an amended notice shall be provided and the CCC Appeal Period will run for a full ten (10) working days.

3. **Date of Final County Approval.** Be advised if no changes to the project are made *after the Final County Approval Date*, this approval shall become final on the date indicated above provided that all terms and conditions of the **Final County Approval** are met.

A-4-98-STB-321 net.

Exhibit 6

ATTACHMENT B
PROJECT SPECIFIC CONDITIONS

Case #: 98-CDP-241
Project Name: ARCO Dos Pueblos; Soil Remediation - Abandonment Phase I(b)
Project Address: 1.5 miles west of Winchester Canyon exit on Highway 101
APN: 079-180-05, -16, -18 and 079-200-04, -08

1. **Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description in 91-CP-085(SC04) (Attachment A), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as the Wetland Restoration/Enhancement Plan) must be submitted for review and approval and shall be implemented as approved by the County.

2. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
4. **Conditional Use Permit Conditions:** All applicable conditions of approval in Conditional Use Permit 91-CP-085 apply to this project as well (see Attachment C for the full text).
5. **Wetland Mitigation:** The Wetland Revegetation/Enhancement Plan shall be implemented upon commencement of work for soil remediation, as set forth in the plan approved on October 8, 1998.
6. **Interim Revegetation:** ARCO shall implement the Interim Revegetation Plan, dated October 6, 1998, in accordance with the terms of the plan. The performance security posted prior to the issuance of this CDP shall ensure revegetation installation and maintenance. If the golf course is not constructed, or if the Conditional Use Permit, 91-CP-085 for development of the Golf Links Project expires, ARCO shall

prepare and implement a Final Revegetation Plan with provisions for at least five (5) years of monitoring, to be approved by the Planning & Development Department (P&D).

7. **Remediation Work:** All remediation work shall comply with the approved Remedial Action Plan, dated August 24, 1998 and Health and Safety Plan approved by Protection Services Division on October 14, 1998.
8. **Category 2 & 3 Soils:** This Coastal Development Permit only applies to the removal of Category 1 soils, as discussed in the Substantial Conformity Determination 91-CP-085 (SC04) (Attachment A). No excavation of Category 2 or 3 soils is permitted without further review by Planning and Development.
9. **Pre-Construction Meeting:** ARCO shall notify the Energy Division at least 2 weeks prior to commencement of remediation and abandonment activities to schedule an on-site pre-construction meeting between ARCO, agency personnel, the County's EQAP monitor, and key construction personnel. Material to be covered at the pre-construction meeting shall include, but not be limited to: exchange of contact names, phone numbers, pagers; identification of contractor/subcontractor roles; review of permit restrictions and environmental protection measures to be employed; overview of the County Environmental Quality Assurance Program (EQAP) monitor's role, responsibility, and authority.
10. **Completion Report:** ARCO shall notify the Energy Division immediately upon completion of remediation and abandonment work. Within thirty days (30) of completion, ARCO shall provide the Energy Division with a brief report documenting all work that has been completed. The report shall document the specific dates on which certain areas were excavated and the actual volume of soil excavated; the date the wall was removed; manifests for soils disposed of offsite, the status of the revegetation effort; overall condition of the site upon completion; any spills of hazardous materials that may have occurred; identification of any additional contaminated areas that were discovered during remediation activities; and any changes to procedures, equipment, or special circumstances that were approved in the field.
11. **EQAP Monitor:** The County's Environmental Quality Assurance Program (EQAP) Onsite Environmental Monitor shall be allowed onsite during all remediation and abandonment activities.
12. **Wetlands:** Because of the proximity of remediation and abandonment activities to existing wetlands, construction fencing around the 100 foot wetland buffer shall be installed prior to the initiation of work in these areas, except where work must be done within the wetlands, as specified in 91-CP-085 (SC04) (Attachment A). This fencing shall be in place for the duration of field work and will be checked during the pre-construction meeting.
13. **Archaeological Resources:** In the event archaeological remains are encountered during excavation, work shall be stopped immediately or redirected from the affected area until a P&D qualified archaeologist and Native American representative are retained by ARCO to evaluate the significance of the find pursuant to Phase II investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase III mitigation program consistent with County Archaeological Guidelines and funded by ARCO. This condition shall be included in all contracts between ARCO and its contractors and subcontractors.
14. **Fire Safety:** Trucks and mobile equipment shall carry fire extinguishers. In addition, a water truck with a charged fire hose shall be onsite during remediation work.

15. **Erosion Control:** ARCO shall work with the County's EQAP monitor to ensure appropriate erosion control measures are implemented, including, but not limited to the following:
- All stockpiles of excavated soil shall be bermed and covered with plastic.
 - All soils containing mercury shall either be hauled offsite immediately, or placed temporarily in roll-off bins, covered and lined with plastic.
16. **Phasing of the Golf Links Project:** The original approval of the Dos Pueblos Golf Links Project, 91-CP-085, envisioned abandonment and construction of the golf course to occur in two immediate sequential phases, Phase I abandonment and Phase II golf course construction. Subsequently, the project has been further divided, with each phase subject to the issuance of a separate Coastal Development Permit (CDP). The phases, as they exist now, are as follows:
- Abandonment Phase I(a): Removal of the majority of the oil and gas facilities (complete)
 - Abandonment Phase I(b): Removal of remaining oil and gas facilities, including abandonment of the last two oil production wells (complete with the exception of concrete wall addressed below)
 - Remediation: Removal of contaminated soils above action levels and existing concrete wall (the subject of this CDP)
 - Phase II: Golf course development

For each phase of development, a CDP must be issued by P&D. Issuance of this CDP, 98-CDP-241, is valid only for remediation and the remaining Phase I(b) abandonment activities, as specified in Attachment A. No development of the golf course approved under 91-CP-085 shall occur, consistent with applicable law, without (i) compliance with all conditions of 91-CP-085 and of the Coastal Commission's final action and (ii) issuance of a CDP for golf course construction.

