

**CALIFORNIA COASTAL COMMISSION**

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**M-12a**

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Staff Report: January 15, 1999  
Hearing Opened  
& Continued: January 15, 1999  
Hearing Date: June 7, 1999  
Item Number: M-12a

**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.

**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

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. 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.

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.

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)<sup>2</sup>. 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*

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<sup>2</sup> See Exhibits 4 & 5 for the entire text of the two appeals.

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.

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).

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.

### 3.3 Wetland Disturbance

By letter dated January 27, 1999, Ellison Folk, counsel for the appellants Nathan Post, Bob Keats, Tom Phillips, and the Santa Barbara Chapter of the Surfrider Foundation states that the January 15, 1999, staff recommendation on the appeal of the ARCO Dos Pueblos Canyon site remediation project failed to address wetland impact issues raised by the appellants. The letter proposes that the Commission should consider whether the temporary disturbance of delineated wetlands raises a substantial issue under the Santa Barbara County Local Coastal Program (LCP).

The project that is the subject of this appeal includes excavation of 200-500 cubic yards of contaminated soils. Excavation will disturb a total area of 11,274 square feet of artificially created, disturbed wetland habitat. To mitigate this impact, the applicants proposed in the original remedial action plan to (1) restore the original grade of the excavated areas with clean fill, (2) revegetate the disturbed areas, and (3) enhance 16,911 square feet of nearby disturbed wetlands. In addition, ARCO has recently revised the plan to protect wetland habitat to:

- Clarify that the wetland habitat located at the former tank farm area will be restored and enhanced following soil remediation work in this area.
- Leave in place the concrete retaining wall originally proposed for removal and to correct site drainage to insure the continuation of the small wetland adjacent to the wall.
- Increase by 0.51 acre the wetland mitigation area.
- Include the mitigation measures contained in the May 3, 1999, biological assessment to protect the California red-legged frog and the tidewater goby.

The appeal submitted on November 30, 1998, includes the following statement:

*"Implementation of the Remedial 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 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."* [Emphasis added.]

The last sentence of this paragraph, concerning the use of an herbicide in the wetland enhancement area, raises a specific issue concerning how the project could affect wetland habitat. The staff report therefore considers whether the proposed use of the herbicide Rodeo® is consistent with the LCP.

In her letter, counsel for the appellants contends that the appeal also "addressed the wetlands disturbance issue." However, the above-quoted passage from the appeal simply refers to the disturbance of wetlands as part of a factual description of the project but does not express any concern over this disturbance or articulate in any way how the disturbance is in conflict with the



raised in the original appeal (i.e., the use of Rodeo®, grading during the rainy season, and the effect of the mitigation (wetlands enhancement) project on the "large seasonal pond"), but seeks to add new grounds for appeal. Because these grounds were raised after the final day of the appeal period on November 30, 1998, these additional issues are not within the scope of the appeal before the Commission.

Notwithstanding this conclusion, the staff is of the view that the appellants' additional grounds for appeal would not raise a substantial issue as to conformity with applicable policies of the LCP even if they had been interposed in a timely manner.

The relevant LCP policies concerning protection of wetland habitat include:

- 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.*
- 9-6 *All diking, dredging, and filling activities shall conform with the provisions of Sections 30233 and 30607.1 of the Coastal Act. ...*
- 9-9 *A buffer strip, a minimum of 100 feet in width, shall be maintained in a natural condition along the periphery of all wetlands. No permanent structures shall be permitted within wetlands or buffer area except structures of a minor nature...*
- 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 County action subject to this appeal authorizes only removal of facilities, excavation of contaminated soils, restoration of remediation sites, and wetlands enhancement to mitigate the impacts of habitat disturbance. No permanent structures are authorized under the County's permit. Wetland areas will be avoided except where contaminated soils are proposed to be removed from within three delineated wetland sites. The project will disturb 11,274 square feet of delineated wetlands by excavation of contaminated soils.

In her letter, Folk contends that the proposed project is inconsistent with LCP Policy 9-6 because the project is not a restoration project and is therefore not an allowable wetland development as defined by Coastal Act Section 30233. Coastal Act Section 30233 limits diking, filling, and dredging of wetlands to specific types of development, among which are restoration and energy

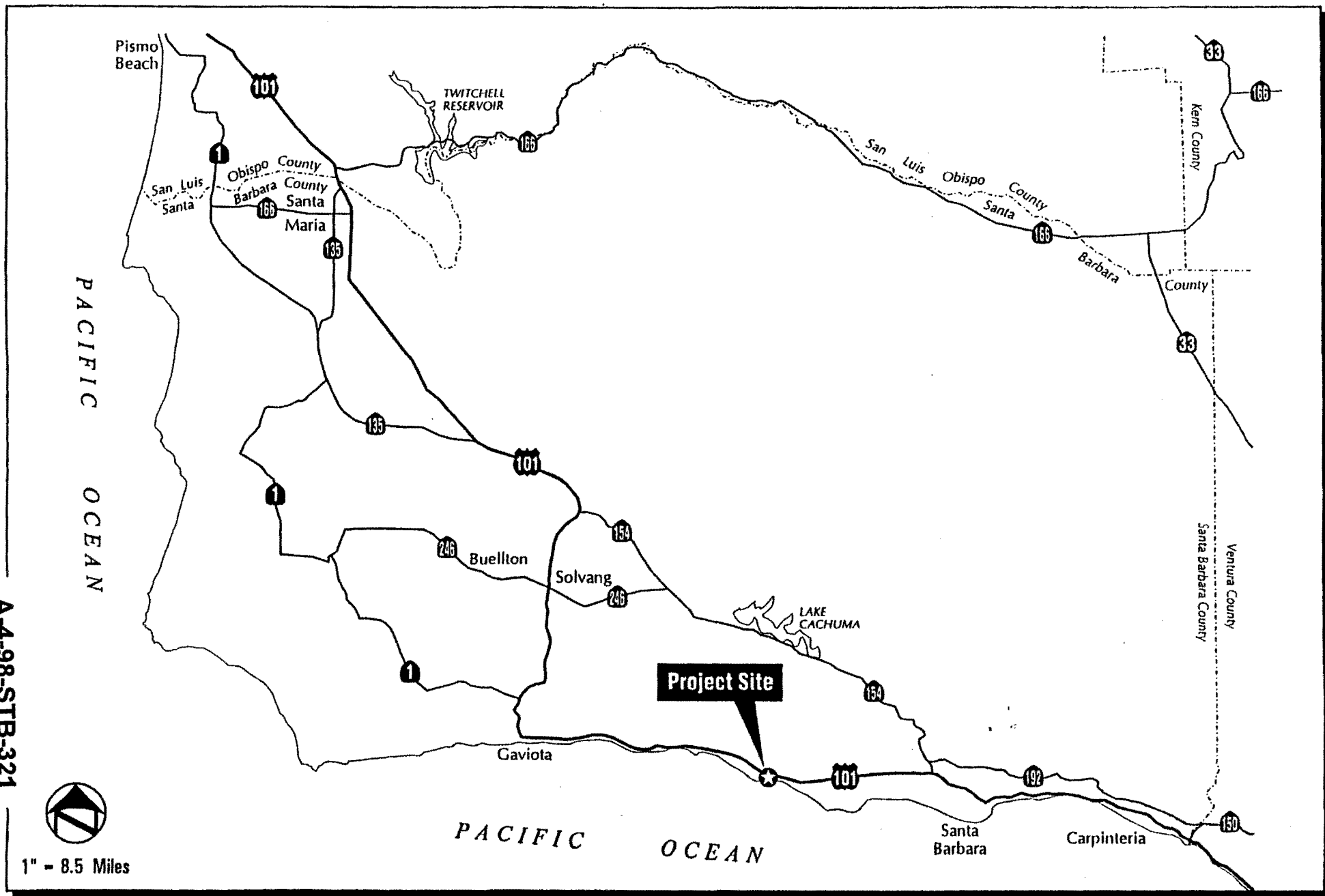
**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS**

**CCC 1996**, California Coastal Commission Procedural Guidance Manual: Addressing Polluted Runoff in the California Coastal Zone, 2<sup>nd</sup> 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).

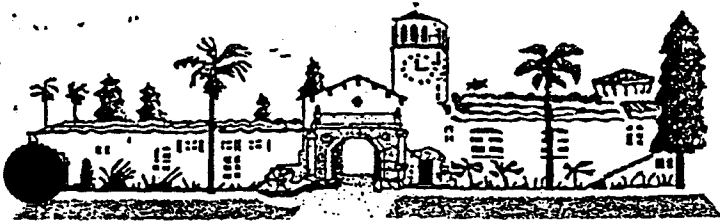
**Mitchell 1987**, Acute Toxicity of Roundup® and Rodeo® Herbicides to Rainbow Trout, Chinook, and Coho Salmon, David G. Mitchell, Bull. Environ. Contam. Toxicol. (1997) 39:1028-1035.



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

FIGURE

1



# 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

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.

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

**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.

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*



*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.

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\remed\scd

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## 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

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

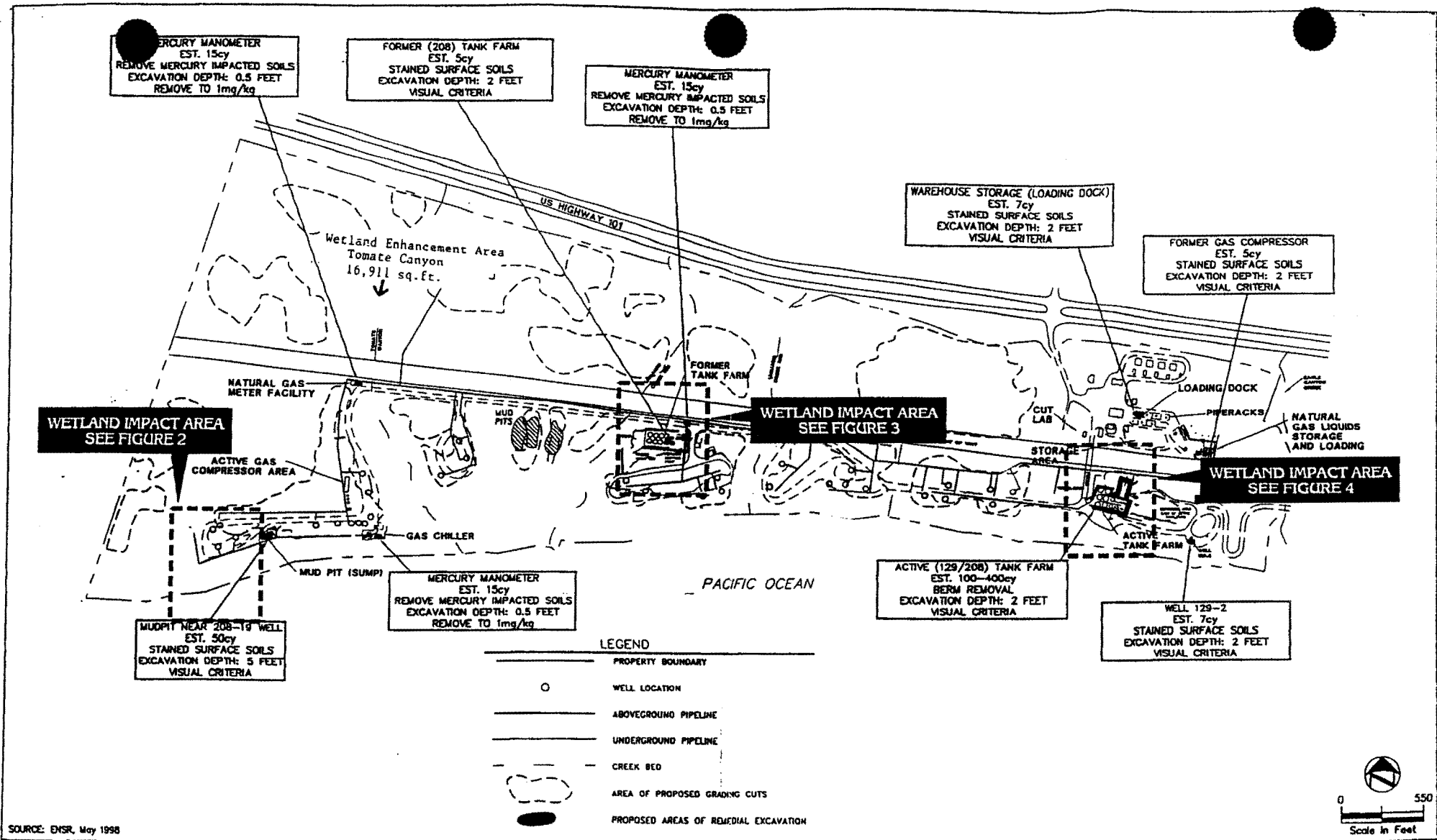
- Active (129/208) Tank Farm
- Former Gas Compressor
- Well 129-2 Staining
- Mudpits (those identified from aerial photographs)
- Meter Locations (mercury manometals)
- Warehouse/Storage Areas (loading dock area)

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.

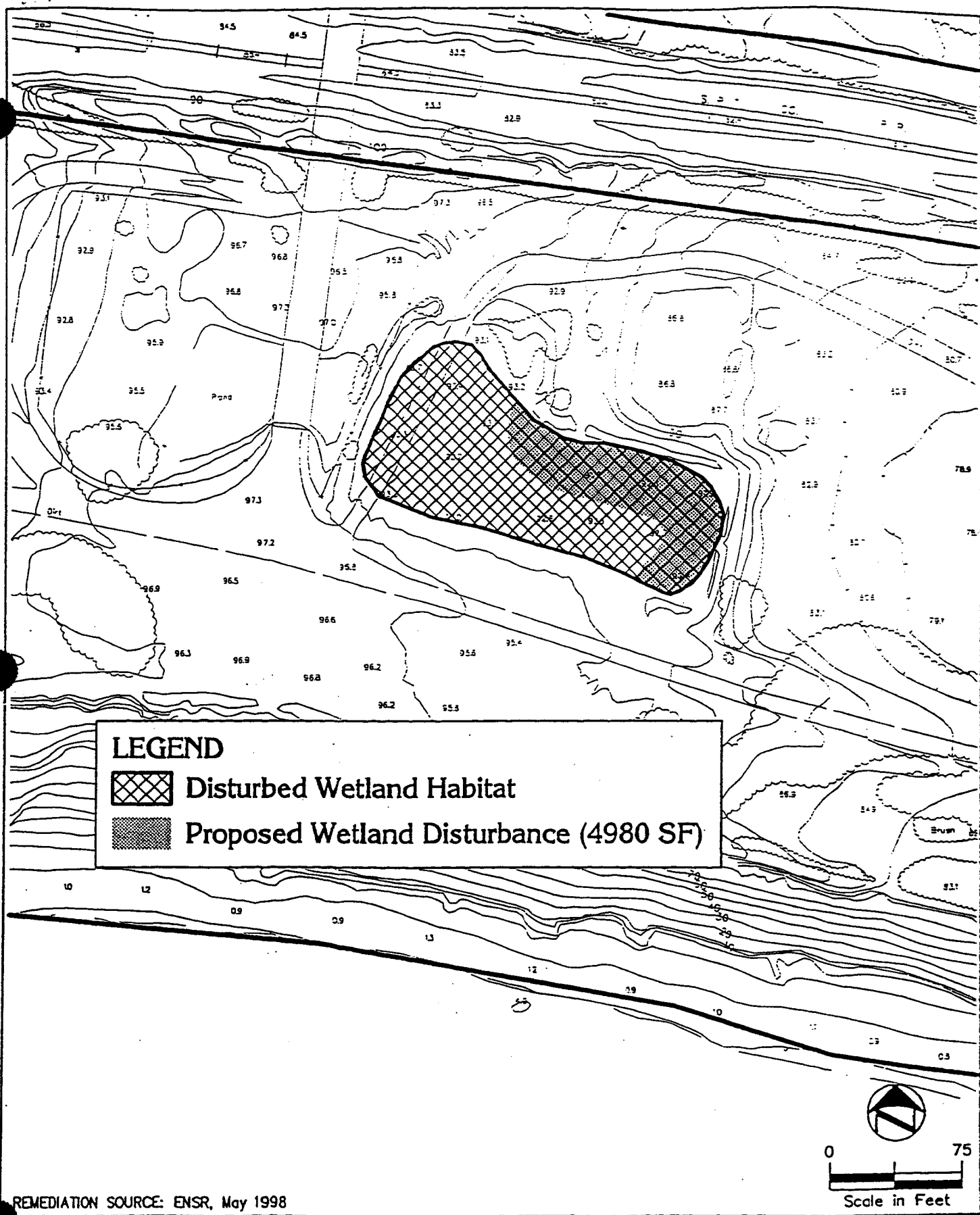
In these areas, TVPH and TEPH above action levels were not reported below a depth of 9 feet below the ground surface; benzene was reported above action levels at depth between 22 and 44 feet bgs in the area of the former gas compressor. In general, based on the current development program these areas 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



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 Soils Remediation at Active Tank Farm

FIGURE

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.

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.*



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

*Subsequent to a previous discretionary approval)*

**968-2515**

Case No.: 98-CDP-241      Planner: Amy Sabbadini      Initials:   
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 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 24 1998

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

SOUTH CENTRAL COAST DISTRICT

SECTION I. Appellant(s)

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

Nathan Post, Bob Keats, Tom Phillips  
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 -  
ABANDONMENT3. Development's location (street address, assessor's parcel  
no., cross street, etc.): 1.5 miles west of Winchester  
CANYON exit on Highway 101APNs: 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-18-321DATE FILED: 11/30/98DISTRICT: South Central/Ventura

H5: 4/88

A-4-98-STB-321  
Exhibit 5

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

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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.

Mather 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 \_\_\_\_\_

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.

**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:   
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, this approval shall become final on the date indicated above provided that all terms and conditions of the project 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

- 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.