STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-00-003**
APPLICANT:	**Robert Hallmark**
PROJECT LOCATION:	Near the Trinidad Pier and the Trinidad Head landform, at Trinidad Harbor, 1 Bay Street, Trinidad, Humboldt County. APNs 42-071-01, -05, -08, -12, -13, & -14.
PROJECT DESCRIPTION:	1) Removal of four underground diesel/gasoline fuel storage tanks, ranging from 500 to 3,000 gallons capacity; 2) excavation and onsite storage of approximately 550 cubic yards of contaminated soils and 10,000 gallons of contaminated groundwater for future removal; and 3) installation of four groundwater monitoring wells.
LOCAL APPROVALS RECEIVED:	City of Trinidad Design Review Permit No. 2000-04; and Humboldt County Department of Public Health Underground Storage Tank Closure Permit.
OTHER APPROVALS REQUIRED:	None.
SUBSTANTIVE FILE	City of Trinidad Local Coastal Program;

DOCUMENTS: Phase I Environmental Site Assessment for Bob's Boat Basin, Trinidad, California, Assessor's Parcel Numbers 042-071-1, 2, 5, 8, 12, 13 & 14 (Winzler & Kelly Consulting Engineers, May, 1999); and Workplan for Initial Investigation and Interim Remediation Measures at Former Site of Underground Storage Tanks (Winzler & Kelly Consulting Engineers, June 21, 1999).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions the proposed hazardous materials remediation project for an upland site adjacent to the coastal waters of Trinidad Bay. The project entails authorizing both the after-the-fact removal of four underground fuel storage tanks, performed without a coastal development permit in February 1999, the proposed excavation and onsite storage of contaminated soils and groundwater, and the installation of groundwater monitoring wells. The project site is located adjacent to Trinidad Bay within the Trinidad Harbor and Upland Support Area ADC (Area of Deferred Certification) and is thus located within the Commission's permit jurisdiction.

The proposed remediation project is located in close proximity to coastal waters. The primary need for the project is to abate the continued pollution of soils, groundwater, and possibly coastal waters from petroleum fuel compounds that have leaked from a cluster of underground storage tanks (UST) near the base of the Trinidad Pier. These tanks held a combination of diesel and gasoline fuels for sale for use in commercial and recreational boats moored at the harbor. Over time, leaks developed in the tank walls that allowed for fuel materials to be released into the surrounding earth. Although the exact extent of these substances has not been determined, it is estimated that a contamination plume extends to a depth of seven to nine feet below the ground surface.

The project site is also in an area that provides a variety of coastal access and recreational opportunities. The excavation site lies along the access drive to the Trinidad Pier, adjacent to a small bait & tackle shop and a mechanized boat launch. A restaurant is located across the pier accessway from the former tank site. The proposed soils storage site is located within a public access parking area and the storage tank for contaminated groundwater would be situated near the excavation site and boat launch.

The project raises several concerns regarding Coastal Act issues. These include: (1) ensuring the protection of marine resources and coastal water quality, (2) the possible disruption or interference with of coastal access, recreational, and commercial fishing uses in the Trinidad Pier area, and (3) potential adverse environmental effects to coastal visual and scenic resources.

Though the intent of the project is to remove and abate the further spread of contaminants, if not carefully conducted the project could result in additional releases of hazardous materials. If not properly diverted, stormwater runoff could enter the excavation and co-mingle with contaminated soils. The introduction of stormwater runoff could aggravate clean-up efforts and possibly result in an increased discharge of pollutants into coastal waters. Accidental spills during the pumping of impacted groundwater into the storage tank could result in similar releases onto surrounding areas.

These risks of accidental releases are addressed through the use of spill prevention, material handling and storage best management practices (BMPs) incorporated within the project design and required by the State Water Resources Control Board. In addition, the abatement work would be conducted pursuant to an approved workplan, supervised by licensed hazardous materials operator, with direct oversight by the County of Humboldt Public Health Department - Division of Environmental Health's (DEH) Hazardous Materials Unit. Project work authorized under this permit has been conditioned by the DEH to include time limitations and other measures to ensure that effects to marine resources and public health & safety are minimized. Staff also recommends a condition requiring, prior to issuance, the provision of a spill prevention and response plan to minimize the risks of accidental releases of hazardous materials from entering coastal waters.

With respect to coastal access, recreational facilities, and commercial fishing in the project area, the proposed UST remediation work is located in an area where possible interference with these priority coastal uses could result. The transport of soils materials to the proposed storage site would occur in an area used for parking and access to boat launching facilities. The project includes provisions to ensure that safe transport of contaminated materials occurs and that access to these support facilities is not significantly impacted.

Excavation at the former tank site would take place on a portion of the access way to the Trinidad Pier. The remediation work is proposed to be conducted as soon as all required permits have been secured, presumably during the late summer – early autumn of 2000. During this period of the year, the weather is typically fair and visits to the pier are popular. Accordingly, several groups of coastal users, including recreational and commercial fishermen, would be affected by the work in this area. Though requiring the work to occur shortly after the end of the next winter season would be the ideal time for avoiding weather related concerns, minimizing interference with commercial and recreational fishing activities, and minimizing interference with public access use, such a delay could result in significant impacts to coastal land and water resources.

Therefore, to avoid the further spread of soil and groundwater contamination, staff recommends allowing the work to go forward this summer and early fall rather than deferring it until next spring. Staff also recommends a condition setting time limits such that the remediation work may be undertaken this summer-fall during a period when

interference with coastal access, recreational uses and commercial fishing activities would be minimized (September 15 – October 31).

According to the applicant, as currently configured, the excavation site work would not likely cause access to the pier to be affected. However, since the precise extent of soil contamination is not known at this time, excavation of contaminated materials may need to be extended further than currently anticipated which may significantly interfere with or preclude use of the pier accessway. Accordingly, staff recommends a condition requiring approval of an engineered excavation plan to ensure that the access way to the pier of adequate width be maintained and the stability of nearby structures would not be impacted. Staff also recommends a condition that would require a permit amendment for additional excavation beyond the proposed area.

Finally, with respect to coastal visual resources, the on-site storage of contaminated soils and groundwater may be allowed for up to one year under current state UST remediation standards. While the materials are proposed to be stored in the most visually innocuous site on the property relative to coastal views, their presence for such a protracted period could cumulatively impact visual resources in this highly scenic area. Accordingly, a condition setting time limits for storage of the wastes consistent with the 90-day term applied by the clean-up oversight agency has been included within the project conditions.

Staff believes the proposed project as conditioned is consistent with the Coastal Act and recommends approval.

STAFF NOTES

1. Jurisdiction and Standard of Review.

The proposed project is located within the incorporated boundaries of the City of Trinidad within the upland area between of Trinidad Harbor, in Humboldt County. The City of Trinidad has a certified LCP, but the project site is within the "Trinidad Harbor and Upland Support Area, " an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-00-003 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve Permit:

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

II. **STANDARD CONDITIONS:** See attached.

III. **SPECIAL CONDITIONS:**

1. **Timing of Leaking Underground Storage Tank Remediation Work**

A. To minimize conflicts with commercial and recreational fishing activities and public access use, and to minimize water quality concerns related to stormwater runoff, the applicant shall excavate and transport to the approved on-site storage sites all contaminated soil materials and groundwater, and install all related monitoring wells authorized under this permit and during the periods of the year between September 15 and October 31, and April 15 and June 1.

B. **WITHIN 90 DAYS OF THE ESTABLISHMENT OF THE ON-SITE CONTAMINATED SOILS STOCKPILE AND GROUNDWATER STORAGE TANK,** or within such additional time as the Executive Director may grant for good cause, the applicant shall remove from the project site all contaminated soil materials and groundwater, fencing, sheeting, bundling line, sandbags, storage tanks, and other containment devices authorized for on-site

storage under this permit, and return the site to the conditions that existed prior to their use.

2. Final Engineered Excavation Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, a plan for the engineered excavation of contaminated soil materials and groundwater.

1) The excavation control plan shall demonstrate that:

(a) Adequately wide vehicular travelways within the accessway to the Trinidad Pier are provided during remediation work to allow for safe ingress and egress by emergency vehicles and commercial fishing support vehicles;
(b) The excavation will not destabilize either the pier's accessway, pilings, or shoreline revetment; and
(c) Safety measures have been incorporated into the excavation work to assure that risks to persons using the pier area are minimized.

2) The plan shall include, at a minimum, the following components:

(a) A report describing the access-width requirements for emergency vehicles utilized by the City of Trinidad, the Humboldt County Office of Emergency Services, the California Department of Fish and Game, and the U.S. Coast Guard;
(b) A scaled site plan showing the location and extent of the excavation relative to the pier accessway, and demonstrating that adequate emergency vehicle access will be provided;
(c) Structural stability "redlines," beyond which excavation may not be undertaken without the use of supplemental stabilization measures;
(d) Engineering analysis of the pier accessway, piles, and revetment demonstrating that excavation work in the vicinity will be conducted in a manner as not to undermine, destabilize, or cause the collapse of these structures;
(e) A contingency plan for the use of shoring, bracing, bridge crossings, or other such measures to insure the structural integrity of the pier accessway, piles and revetment is maintained if additional excavation is required beyond the redlines;
(f) A schedule for the use of traffic and construction area safety devices to prevent accidents and injuries in the excavation area and materials transit corridor; and

(g) Evidence that an appropriate licensed engineering professional has reviewed and approved the final engineered excavation plan and certified that the plan is consistent with the foregoing requirements.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. <u>Spill Prevention / Response Plan</u>

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) The run-off, spill prevention and response plan shall demonstrate that:

(a) Run-off from the project excavation and storage sites shall not increase sedimentation in coastal waters;
(b) Run-off from the project excavation and storage sites shall not result in pollutants entering coastal waters;
(c) Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during the transportation and storage of excavated contaminated materials, including but not limited to the following:
(i.) stormwater runoff diversion immediately up-gradient of the excavation trench and soil stockpile;
(ii.) petroleum-absorbent booms down-gradient of the excavation trench;
(iii.) use of relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. CA10, CA12, CA21, CA22,SC6, SC8, & SC9);
(iv.) sheet-piling or other shoring along the sides of the excavation trench;
(v.) storing stockpiled soils between lap-seamed sheets of 10-mil-thick black plastic sheeting;

(vi.) placing a minimum 6-in.-thick layer of clean sand beneath and on top of the bottom plastic sheet liner to protect the liner from puncture by debris or equipment; and

(vii.) securing the stockpile liner by seam-lapping the sheeting and placing sand bags along the edge of the covered stockpile.

(d) An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters, as approved by the Humboldt County Department of Public Health – Division of Environmental Health.

2) The plan shall include, at a minimum, the following components:

(a) A schedule for installation and maintenance of appropriate construction source control best management practices (BMPs) to prevent entry of stormwater run-off into the excavation site and the entrainment of excavated contaminated materials into run-off leaving the excavation site; and

(b) A schedule for installation, use and maintenance of appropriate construction materials handling and storage best management practices (BMPs) to prevent the entry of polluted stormwater run-off into coastal waters during the transportation and storage of excavated contaminated materials.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Permit Amendment.

All development must occur in strict compliance with the proposal as set forth in the application for the permit as modified by the special conditions. Any deviation from the approved plans, including any proposal to excavate and/or stockpile more than the maximum permitted 550 cubic yards of contaminated soil materials, to pump and/or store more than 10,000 gallons of contaminated groundwater, or to perform any portion of the remediation beyond the time periods provided for under Special Condition No. 1 shall

require an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

5. **WITHIN 45 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS.

A. Project Description.

The proposed project consists of a leaking underground storage tank remediation program at the site of Bob's Boat Basin in the City of Trinidad. The project has three components: (1) a request for after-the-fact authorization for the removal of four single-walled steel underground fuel storage tanks ranging in size from 500 gallons to 3,000 gallons capacity; (2) the excavation and onsite stockpiling of approximately 550 cubic yards of contaminated soils and 10,000 gallons of contaminated groundwater for future removal; and (3) the installation of four groundwater monitoring wells for assessing the effectiveness of clean-up efforts.

All development proposed under the permit application except for the storage and subsequent removal of contaminated soil and groundwater is to be completed in five working days.

1. Tank Removal

On February 19, 1999, four underground fuel storage tanks (1-3,000-gal., 2-1,000-gal., 1-500-gal. capacity) and associated pumps and piping were removed from the site in compliance with UST upgrade and closure standards administered by the State Water Resources Board under contract with the Humboldt County Department of Public Health's Division of Environmental Health (DEH). The tanks were pumped dry, triple-rinsed and the resulting materials disposed of at licensed waste facilities. The applicant undertook this work without obtaining a coastal development permit.

2. Excavation and On-Site Storage of Contaminated Soil and Groundwater

During tank removal, free-phase petroleum distillates were found in groundwater encountered during the excavation. An Underground Storage Tank Unauthorized Release (Leak) Contamination Site Report was filed by the applicant on February 19, 1999. Subsequent laboratory results indicated that soils and groundwater beneath the tanks are contaminated with diesel, gasoline, lead, benzene, toluene, ethylbenzene,

xylenes, and the fuel oxygenates MTBE and TAME. On February 24, 1999, the Humboldt County DEH issued a Notice of Responsibility to the applicant outlining procedures for the tank owner to initiate clean-up of the site. On the same date, the DEH conditionally approved a site clean-up workplan and community health & safety plan for the clean-up work.

The proposed new development involves clean-up efforts associated with the previous removal of the tanks. Back-filled gravel materials put in place following removal of the tanks, and soil from beneath the tanks would be removed from an approximately 20-ft.-wide by 60-ft.-long excavation area. Though the precise extent of soil and groundwater contamination is not known, it is estimated that impacted materials extend 7-9 feet below grade. Approximately 550 cubic yards of soil materials are expected to be required to be removed from the former tank site to complete the clean-up.

Although the project would be conducted during the dry weather season, to control possible runoff, a petroleum-absorbent boom 4-6 in. in height would be deployed around the down-gradient perimeter of the excavation site. Free groundwater encountered during the excavation would be sump-pumped into a 10,000-gallon stainless steel tank to be located in close proximity to the former tank site. A small (10-ft. x 12-ft.) bait shop located next to the former tank site would be moved to a storage area approximately 300 feet to the west of the tank site during the period of excavation work. Following cessation of remediation work, the excavation would be back-filled with clean gravel and re-paved; the bait shop would then be returned to its present location.

The materials would be excavated by backhoe tractor or excavator and loaded into two 10-cubic-yard-capacity dump trucks and transported to the proposed on-site storage site located approximately 500 feet to the west. The truck would be routed through the northern portion of the harbor parking lot area utilizing traffic control personnel to prevent potential vehicular conflicts during transit. The materials would be stockpiled behind a chain-link fenced area on a bermed platform comprised of a 10 mil-thick black plastic sheeting above a 6-in.-thick layer of clean sand. The materials would be covered by another sheet of black plastic, seam-lapped and secured with sandbags and polyethylene line. Upon determining the level of contaminants within the soil materials, the stockpiled materials would be removed to an appropriate disposal facility. To prevent excessive accumulation and storage time for contaminated soils, the DEH has limited on-site storage at the site to a 90-day period.

Placement of Monitoring Wells.

To monitor the effectiveness of clean-up efforts, four water-sampling wells would be installed around the former site of the fuel tanks. The monitoring wells consist of lengths of PVC piping, 2 to 4 inches in diameter, installed within 9-in. diameter hollow-stem augers to a depth of 14 feet below ground surface (bgs). The monitoring wells are sheathed in filter packing and bentonite pellets, and set in place with a cement-bentonite

grout plug. The piping is perforated at depths from 4 to 14 feet bgs to allow groundwater to enter the sampling gallery. Groundwater sampling is to be conducted quarter-annually.

B. Site Description.

The project site is located within the City of Trinidad between the landforms of Trinidad Head and Little (Trinidad) Head on the graded flat known as the Trinidad Harbor Upland Support Area (see Exhibits 1 and 2). The excavation site fronts on Trinidad Bay, a semi-enclosed inlet, while the soil storage site lies at the base of Trinidad Head on the side of the harbor area facing the Pacific Ocean. There are numerous coastal recreational and visitor-serving amenities in the project vicinity, including the privately owned, 450-ft.-long Trinidad Pier, the Seascape Restaurant, a motorized boat launching hoist, and several storage sheds. A private residence is situated atop a small hillock behind the restaurant.

The project setting comprises a small coastal community seaport with significant use by both commercial fishing and recreational boaters. Landward of the project site up a steep road above the harbor area lies the City of Trinidad, developed primarily with an assortment of residential, retail commercial, and civic uses. Along the waterfront to the east and west of the project site are beach areas primarily in open space uses. These include Indian Beach, the site of the Yurok village of *t'surai*, located approximately 1/8 mile to the east, and Trinidad State Beach, located approximately ¼ mile to the northwest of the project site.

The project site is situated on a graded flat at an elevation of approximately +20 feet above mean sea level (msl) referenced from the National Geodetic Vertical Datum (NGVD). As such, all portions of the proposed project, including its excavations-at-depth would be located above the mean high tide line (+3.18 msl NGVD) and do not involve activities within coastal waters delineated by that elevation. The adjacent pier, while privately owned, is constructed on trust lands transferred by legislative grant in 1986 to the City of Trinidad. The project site is within an area of deferred certification, not included within the City of Trinidad's LCP. Consequently, the project area is within the Commission's coastal development permit jurisdiction. The project does require design review by the City. On May 31, 2000, the City of Trinidad's Design Assistance Committee approved Design Review Permit No. 2000-04 finding the proposed remediation work consistent with the view preservation standards of its Zoning Ordinance. The Committee's action was not appealed to the City Council and became effective on June 12, 2000.

C. Public Access, Recreation, and Commercial Fishing.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions.

Section 30210 states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 states:

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

Section 30212 states:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
>
> *(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
>
> *(2) adequate access exists nearby, or,*
>
> *(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying Sections 30211 and 30212, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

Several policies within the Coastal Act also address the protection of oceanfront recreational opportunities.

Section 30222 states:

> *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30223 states:

> *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30224 states:

> *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.* (emphasis added)

With regard to commercial fishing, Section 30234 provides:

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The project site is located at Trinidad Harbor. Within ¼ mile to the east, west, and north of the project area are public coastal access facilities, comprising the shoreline trails and beaches along Trinidad Bay, Trinidad Head and Trinidad State Beach, respectively. As discussed in the preceding findings section, the project site is within the privately owned Bob's Boat Basin complex, which includes the Trinidad Pier, Seascape Restaurant, bait shop, and boat launch facilities.

The Trinidad harbor area receives heavy seasonal use by a combination of commercial fishermen, recreation boaters, beachcombers, hikers, and other coastal visitors. The site is a popular embarking point for private and chartered ocean fishing excursions, especially during the summer salmon and groundfish (e.g., ling-cod, rockfish) seasons. Commercial fishing is also prevalent, especially during the fall-winter Dungeness crab season, commencing on December 1. During the peak boating season (May through mid-September), much of the Harbor Upland Support Area is utilized by restaurant, pier and launch ramp patrons for parking of vehicles and boat trailers.

Beginning after the Labor Day holiday, coinciding with the end of season for several fish species and the onset of rougher seas, sports fishing use of the harbor area begins to decrease. Some harbor amenities, such as floating docks and mooring buoys, are removed from the bay, relegating support services primarily to year-round occupants and the commercial fishing fleet. By November, the harbor support area again comes under heavy use, with much of the parking lot areas taken up with the storage of crab pots and riggings for their eventual loading onto commercial fishing vessels operating out of the port.

The proposed remediation project has the potential to significantly impact coastal access and recreational facilities if conducted during a time period when access and recreational uses are heavy. Similarly, since the extent of excavation work associated with the clean-up efforts is unknown, the project could result in substantial interference with access to the Trinidad Pier for both recreational and commercial coastal-dependent users. Pedestrian and motorized access onto the pier is necessary for transporting commercial fishing and recreational equipment to and from vessels moored in Trinidad Bay. Maintaining emergency vehicular access onto the pier is also crucial in the event of a fire, injury, sea rescue, or other calamity. It is currently estimated that excavation at the former tank site would encroach by as much as six feet into the 20-ft.-wide paved accessway leading onto the Trinidad Pier, leaving only a travelway width of about 14 feet.

The project involves activities that would take place in areas that receive intensive seasonal access and recreational use, namely the boat launch, parking lot, and beaches in the harbor vicinity. Remedial work conducted during high use periods could interfere and substantially frustrate other coastal-dependent uses in the area. Moreover, if soil and groundwater contamination is found to extend further than currently estimated, removal of additional impacted materials could involve further encroachment into the pier accessway. This could eventually affect the structural stability of the roadway or necessitate closure of vehicular access to the pier until the supplement removal of materials is completed. Similar stability concerns are present with respect to further excavation in closer proximity to the revetment and pilings beneath the base of the pier.

Accordingly, to ensure minimal interference to access for prioritized coastal-dependent uses, it is necessary to restrict the timing of the project. Although the pier area receives

the least use during the winter-spring months prior to the onset of the summer fishing and tourist season, delaying clean-up until the spring could result in the spread of contamination. If so restricted, the former tank site would be exposed to another wet weather season. During this time, further migration of contaminants through the soil would likely result in expanding the impact plume. Such inaction could result in more extensive clean-up work being undertaken affecting a larger area, causing even greater disruption of coastal access, recreational opportunities, and commercial fishing in the project area.

Therefore, in the interests of facilitating the clean-up of the contaminated area such that further impacts to coastal waters are avoided while minimizing access impacts, the Commission attaches Special Condition No.1. This special condition establishes two 6-week period running from September 15 through October 31 and April 15 through May 31 in which all remedial clean-up work affecting is to be completed. These periods represents relative lulls in harbor activity between the end of the summer tourist and boating season and the start of commercial crabbing, and the end of the winter wet weather season and the start of the summer salmon season, respectively. During these dry-weather periods, work to stabilize site contamination may be undertaken with minimal disruption of ocean access and recreational uses in the pier and Harbor Upland Support Area.

With respect to excavation work involving the pier accessway, the Commission attaches Special Condition No. 2, requiring the approval of an engineered excavation plan prior to permit issuance to ensure that an adequately wide, structurally sound vehicular pier accessway is maintained during the remediation work. The plan will address: (1) requisite vehicular travel widths for the accessway, especially for emergency vehicles; (2) delineate structural "redlines" of the pier roadway, pilings, and revetment past which excavation cannot occur without supplemental structural engineering; (3) provide for lateral shoring of the excavation walls as needed; and (4) detail traffic safety features (i.e. barriers, warning signage) to be used to keep vehicles and persons from entering the excavation pit.

To ensure that the Commission would have the opportunity to review any future proposals by the applicants to change the scope and timing of the project that could affect coastal access, recreational opportunities, or commercial fishing uses in their conformity with Coastal Act policies, the Commission attaches Special Condition No. 3. The condition states that any substantial changes to the proposed operation shall require an amendment of the permit.

Therefore, the Commission finds that the proposed project as conditioned, which does not include substantial new public access, is consistent with the public access policies of the Coastal Act. In addition, by setting the specific time periods for conducting remediation work coinciding with times of relatively low harbor activity, commercial fishing and recreational boating harbor space will not be reduced and adequate upland support areas

will be protected consistent with Sections 30222, 30223, 30224, and 30234 of the Coastal Act.

D. Protection of Marine Resources and Coastal Water Quality.

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

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

The project site is located adjacent to both Trinidad Bay and the open shoreline of the Pacific Ocean. The proposed excavation area and groundwater storage tank would be situated within approximately 15 feet of coastal waters beneath the Trinidad Pier. The proposed stockpiling site for the contaminated soil materials is approximately 50 feet from the open ocean waters along the west side of the project site. Both the proposed removal and storage of excavated materials could cause polluted runoff to enter coastal waters if not adequately mitigated.

Effects of Contaminated Soil Removal

The excavation area is located at the beginning of the Trinidad Pier on Trinidad Bay. The excavation, estimated to require removal of up to 550 cubic yards of materials, would entail trenching of an approximately 20-ft. x 60-ft. area to a depth of 7 to 9 feet. Although the work is anticipated and conditioned to occur during the dry season, polluted runoff from the site into the waters of Trinidad Bay is a concern. While uncommon, storm events do occasionally take place during the late summer / early fall. Polluted runoff could also occur during the lifting of groundwater-saturated contaminated soils into the dump trucks. Contaminated groundwater within the excavated soil could drain out onto the surrounding ground and sheet flow into the bay adversely affecting water quality. Similarly, pumped contaminated groundwater could also enter the bay if a release were to occur in the line between the excavation pit and storage tank, or if the tank were over-topped.

As a spill prevention measure, the project description includes a provision for using a petroleum-absorbent boom around the down-gradient side of the excavation to intercept potential contaminants before they leave the site. However, the project description did

not address the other potential accidental releases identified above. Accordingly, the Commission attaches Special Condition No. 3, requiring approval of a spill prevention plan prior to permit issuance. The plan is required to address and identify a variety of best management practices to address spill prevention and source control contingencies in light of unexpected precipitation or groundwater pumping and storage mishaps. The plan will serve to further prevent and reduce potential releases of hazardous materials into coastal waters.

Effects of Contaminated Soil Stockpiling and Groundwater Storage

Prolonged on-site storage of the contaminated soils materials similarly has the potential for polluted runoff entering coastal waters. As discussed under Findings Section IV. A above, current UST upgrade and closure standards allow for the on-site storage of some contaminated materials for up to one year. Although the storage facility is designed to provide a competent enclosure in which hazardous substances could be prevented from further polluting land and water resources, there are some practical limitations to such temporary facilities.

According to DEH staff, allowing storage of the materials for the maximum term provided under leaking storage tank provisions is not the most prudent course of action. Exposure to solar ultraviolet radiation, salt spray, and weather will eventually cause the integrity of the black plastic liner to deteriorate. Over time, openings within the barrier may form allowing precipitation to enter the stockpile. This moisture can leach contaminants out of the soil material that could leak from the stockpile onto the surrounding ground and surface runoff, and in-turn enter coastal waters. In addition, contaminated materials stockpiles are "attractive nuisances," often becoming the target of vandalism.

Similar concerns relate to the proposed storage tank for contaminated groundwater encountered during excavation of the impacted soils. While the tank would have superior structurally integrity with regard to leakage, the longer these materials are permitted to be stored on-site, the greater the probability for potential releases of hazardous materials. In response to these concerns, DEH administratively holds on-site stockpiling of waste materials associated with hazardous materials clean-up work to a 90-day limit.

In approving the project, measures have been included to ensure that the proposed stockpiling of contaminated soil materials and groundwater would not contribute to coastal water quality impacts. Consistent with the DEH's actions, the Commission includes within Special Condition No. 1, a 90-day limitation on the period for on-site storage of the contaminated soils and groundwater.

To ensure that the Commission would have the opportunity to review any future proposals by the applicants to change other aspects of the project that could affect marine resources or coastal water quality in their conformity with Coastal Act Section 30231, the

Commission attaches Special Condition No. 3. The condition states that any substantial changes to the proposed operation shall require an amendment of the permit.

The proposed project would stabilize soil and groundwater contamination at the site and prevent further releases of hazardous materials into coastal waters. Special Conditions have been recommended which will address the excavation and storage of the berm materials such that other water quality impacts do not result. These conditions include measures to: (a) limit the excavation period to dry weather season, (b) limit the period for storage of contaminated soil and groundwater to reduce risks of accidental releases of hazardous materials, and (c) require the approval of a spill prevention and response plan and mandating containing specific best management practices to be used to prevent stormwater runoff related impacts. Together as an overall management program, these measures will eliminate or reduce potential situations where contaminants could be released and/or reach coastal waters. These measures have been tested and developed by the U.S. Environmental Protection Agency, the State Water Quality Control Board and other resource agencies, and their inclusion as project conditions are supported by the DEH.

These actions will ensure that the biological productivity and quality of coastal waters will be maintained. Therefore, as conditioned, the project is consistent with Section 30231.

E. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Furthermore, in designated highly scenic coastal areas, permitted development must be subordinate to the character of its setting.

The project site is located along the shoreline of Trinidad Bay. The presence of striking natural landforms in the harbor, sweeping coastal vistas, and its small coastal town ambience make Trinidad one of the most picturesque areas along the Northcoast. Although not the standard of review for the project, the City of Trinidad's LCP (partially certified 7/9/80) does provide some guidance with respect to visual resources in the project area. While not formally designating highly coastal scenic areas, the LCP acknowledges the general environs of the harbor area as being highly scenic. For example, in describing the recreational setting of the community, the LCP states:

> The coastal bluffs behind the beaches are generally unstable and provide a scenic backdrop for the beachfront environment... Protection of open spaces and retention of scenic and natural characteristics along the

> Trinidad shoreline is a matter of continuing public concern. [Recreation, p. 38]

In describing residents' and visitors' impressions of the City's character, the LCP observes:

> In Trinidad they experience rugged coastal headlands and islands, beaches and surf, the vast expanses of ocean, the sound of the whistler buoy, the cozy harbor with fishermen unloading their salmon, children poking among tidepools, seals barking in the distance, homes tucked into the hillside looking out over each other at the scenery, and boats, burls driftwood and crab pots in the yards. [Community Design, p. 40]

In recommending policies for establishing development preferences, Policy 73 states:

> Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, shall be preserved in their present state. These marine areas offer two of the most uniquely beautiful views, combining ocean, islands, bay and rugged, timber shorelines, that can be found anywhere along the California coast. The islands provide habitats for marine organizations (*sic*) and serve as refuges or rookeries for birds and marine mammals, including sea lions and harbor seals. A breakwater, mooring expansion, or other harbor development should be visually compatible with the bay vista. [Community Design, p. 41]

In implementing the LCP, the City established a Design Assistance Committee (DAC) responsible for reviewing and approving the design of all development proposals including the proposed project. Design review criteria within the City's zoning ordinance included the following:

> Structures including fences over 3 feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Head, Trinidad Head, or the ocean from public roads, trails, and vista points... [Section 6.19.D, City of Trinidad Zoning Ordinance]

The project components that affect coastal visual resources relate to the on-site storage of contaminated soils and groundwater. Approximately 550 cubic yards of impacted soil materials would be stockpiled under a black plastic liner behind a chain-link fence along the southwestern side of the Harbor Upland Support Area (parking lot), near the base of Trinidad Head. The stockpile dimensions are stated as 60-ft.-length x 30-ft.-depth x 8-ft.-height. In addition, approximately 10,000 gallons of contaminated groundwater is anticipated to be pumped from the excavation into a 9-ft.-height temporary holding tank placed near the excavation site, between the boat hoist and the Little Head landform. These sites were selected for both utilitarian and aesthetic reasons, namely, to avoid the

blocking of coastal views and to minimize the visual expression of the storage facilities relative to their surroundings.

The site selected for contaminated soils storage occupies a location within the harbor area that is relatively innocuous with respect to coastal visual resources in the area. The proposed stockpile area is located on a graded flat at the edge of the harbor parking lot, nestled against the base of the Trinidad Head landform. Although views of a small portion of the headland may be obscured by the stockpile, views from the parking lot westerly to the ocean would not be affected. Similarly, views from the Trinidad Head Trail of the ocean and surroundings would not be impacted as the pile would be below the grade of the trail at the point where coastal vistas come into view.

With respect to compatibility with the visual character of the surrounding area, the periphery of the parking lot where the soil materials would be stored is routinely utilized for the long-term storage of harbor and commercial fishing equipment. An esoteric assortment of netting, floats, trawling winches, docking components, and other maritime apparatus are routinely stored nearby. In addition, as discussed in Findings Section IV.D above, the stockpile would be limited to a 90-day period, consistent with the requirements of the UST clean-up oversight agency. Given the character of the setting for the proposed stockpile and the temporary nature of the use, on-site storage of contaminate soils at the location proposed would be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

A comparable situation exists with respect to the proposed location for the temporary above-ground contaminated groundwater storage tank. The tank would be located next to a cluster of structures associated with the boat basin's functions. These include the boat launch hoist and tracking, raised decking, a storage shed, and a utility pole and electrical transformer. This area is located along the corridor leading to the Trinidad Pier, between the Seascape Restaurant and the landform known as "Little Head," where views are already restricted by these structures. Similar to conditions related to the soils stockpile, the proposed tank location would be outside of the primary coastal view sight-lines in the vicinity. While a small portion of Little Head at its base may be obscured by the tank, views to and along the pier and the bay would not be affected. As with the soils stockpile, the storage tank will be limited to a 90-day period. Given the commercial-industrial character of the setting for the proposed storage tank and the temporary nature of the use, on-site storage of contaminate groundwater at the location proposed would be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

To ensue that the Commission would have the opportunity to review any future proposals by the applicants to change other aspects of the project that could affect visual resources in their conformity with Coastal Act Section 30251, the Commission attaches Special

Condition No. 3. The condition states that any substantial changes to the proposed operation shall require an amendment of the permit.

The Commission thus finds, that as conditioned, the proposed project will: (a) include adequate measures to insure that the scenic and visual qualities of coastal areas are considered and protected; (b) insure that permitted development is sited and designed to protect views to and along the ocean and scenic coastal areas; (c) minimize the alteration of natural land forms; (d) be visually compatible with the character of surrounding areas; and (e) be subordinate to the character of its setting.

F. Alleged Violation.

The removal of the underground fuel storage tanks was performed without benefit of a coastal development permit. The proposed project is intended to resolve this alleged Coastal Act violation by authorizing their removal as part of the permit for the subsequent site clean-up. Although tank removal occurred without required authorizations, consideration of this permit application by the Commission for its removal has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. California Environmental Quality Act.

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned to be consistent with the policies of the Coastal Act. Special condition(s) have been attached to require mitigation measures which will minimize all adverse environmental impacts. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Assessors Parcel Map
4. Project Site Plan
5. Excavation and Monitoring Well Location Map
6. Monitoring Well Construction Diagram
7. Review Agency Correspondence

APPENDIX A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. 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 amount of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

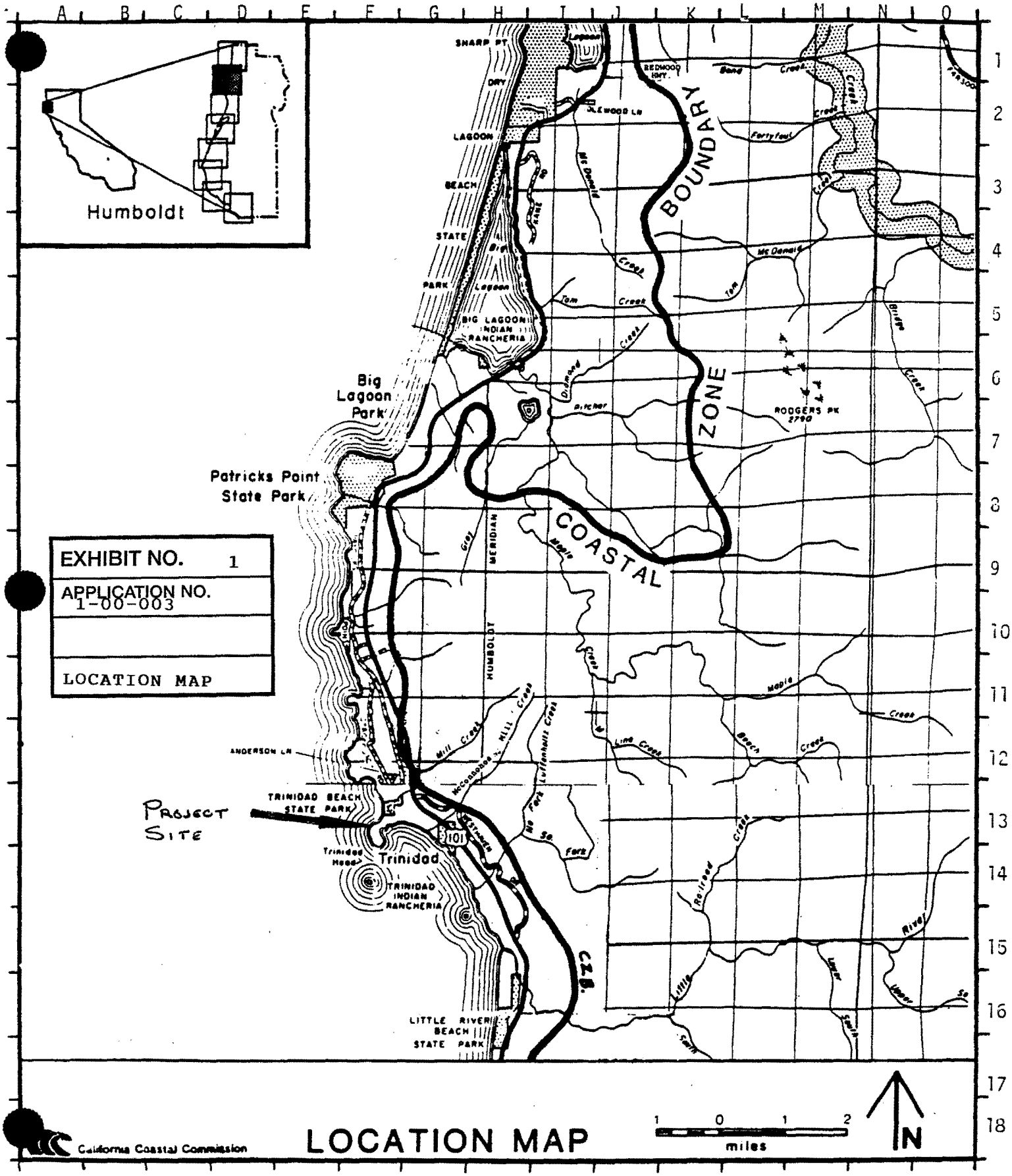


EXHIBIT NO. 1

APPLICATION NO. 1-00-003

LOCATION MAP

California Coastal Commission

LOCATION MAP

County of Humboldt

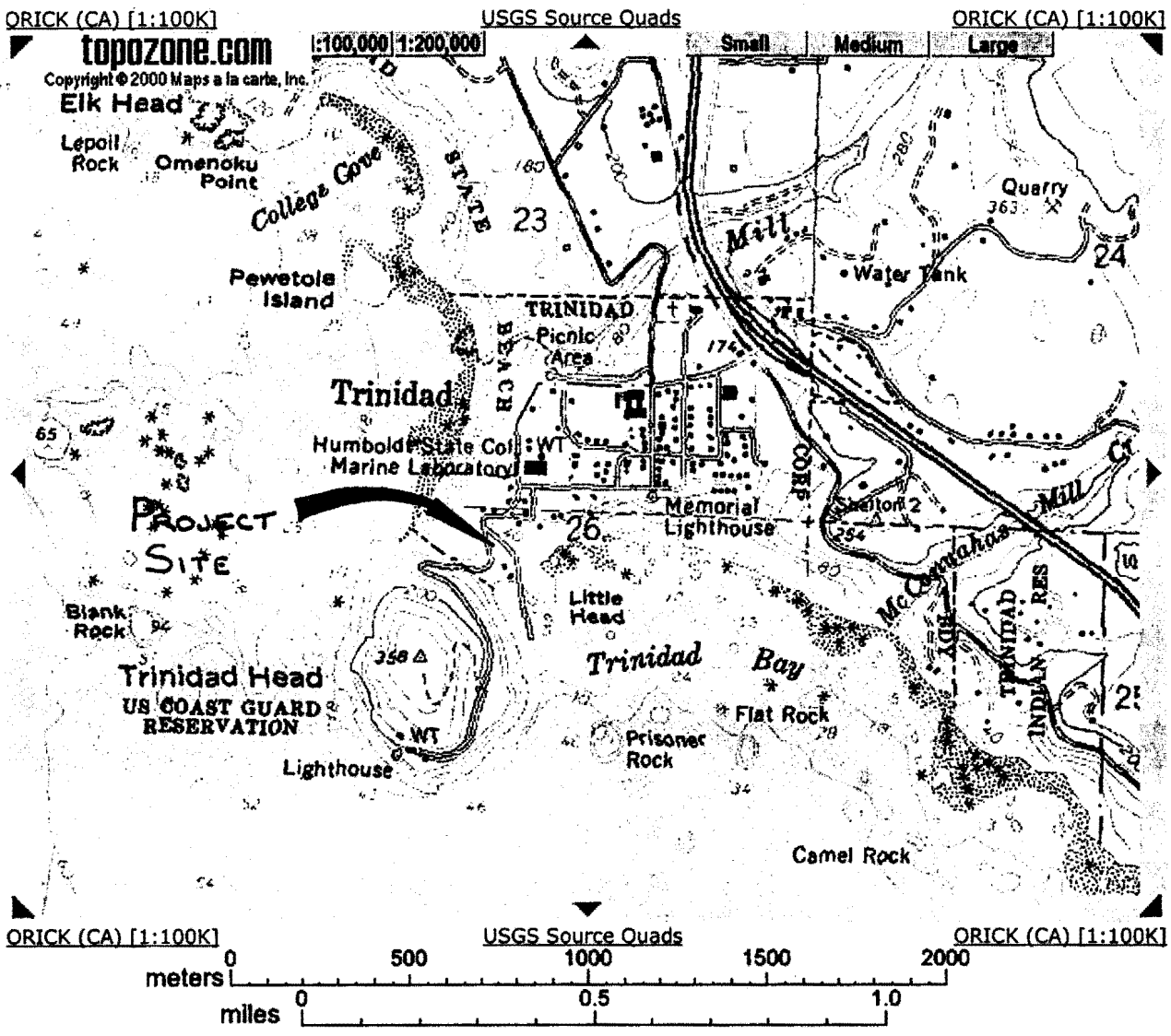


EXHIBIT NO. 2
APPLICATION NO. 1-00-003
VICINITY MAP

FILE:

TOWN OF TRINIDAD

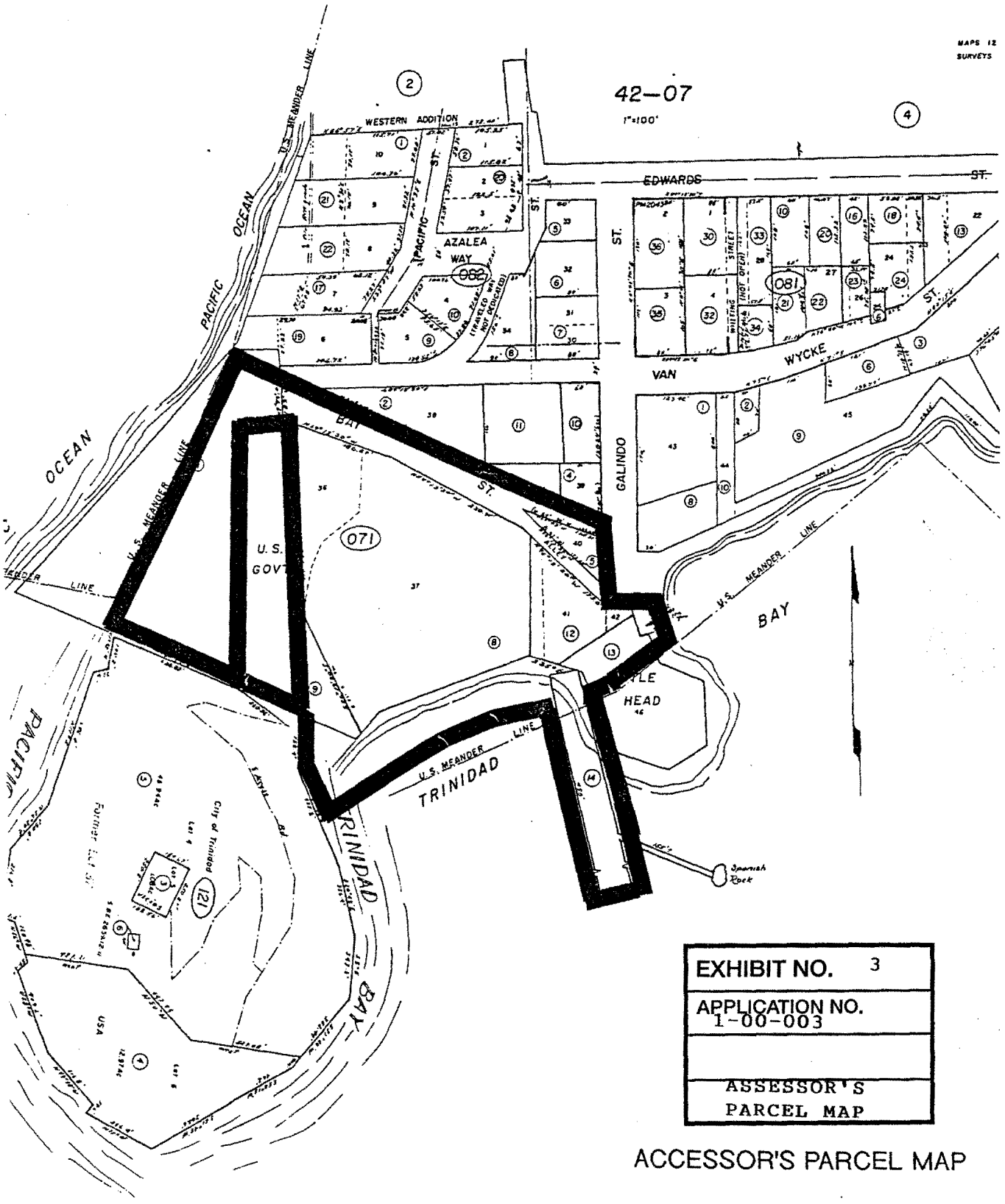


EXHIBIT NO. 3
APPLICATION NO. 1-00-003
ASSESSOR'S PARCEL MAP

ACCESSOR'S PARCEL MAP

FIGURE 3

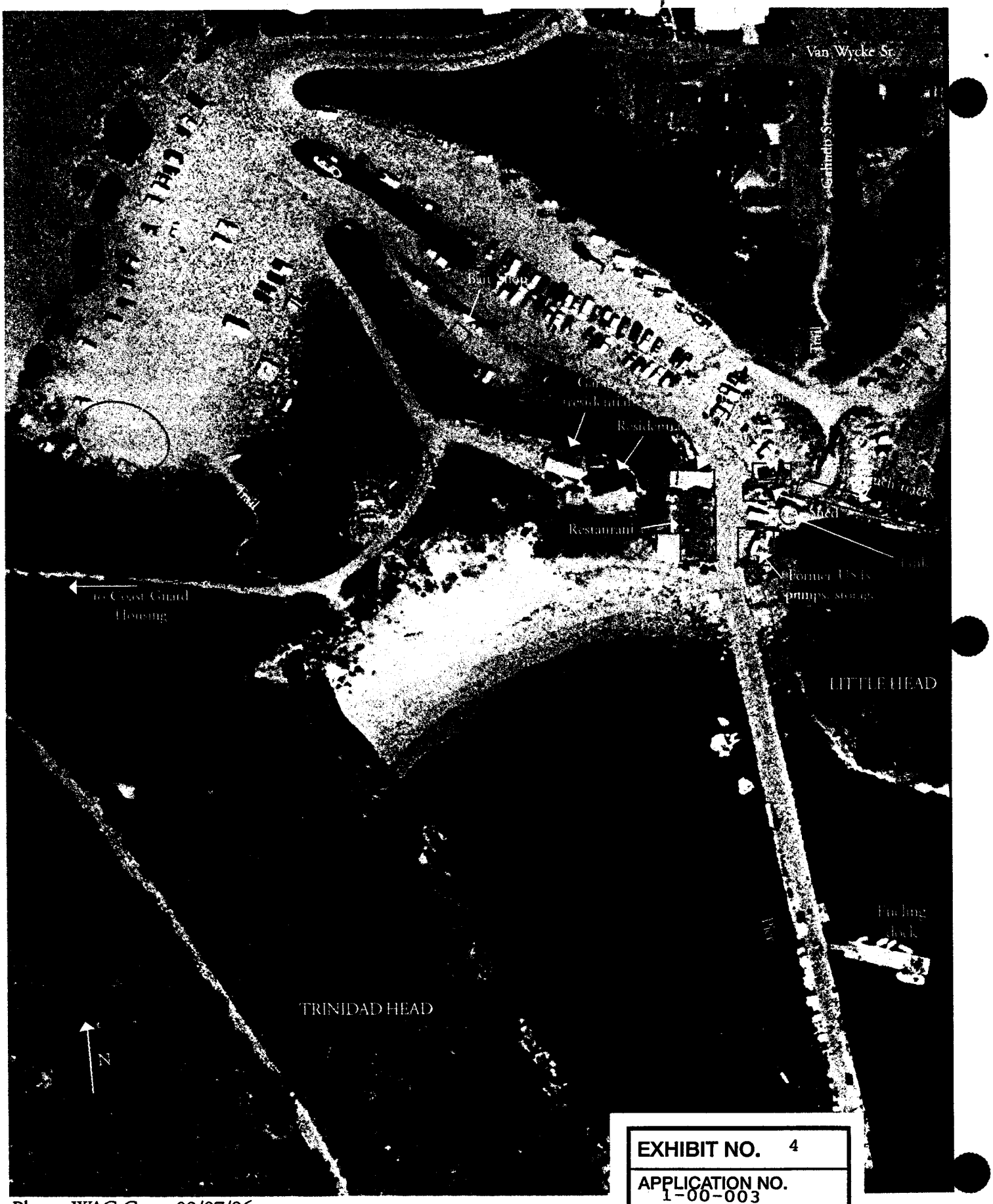
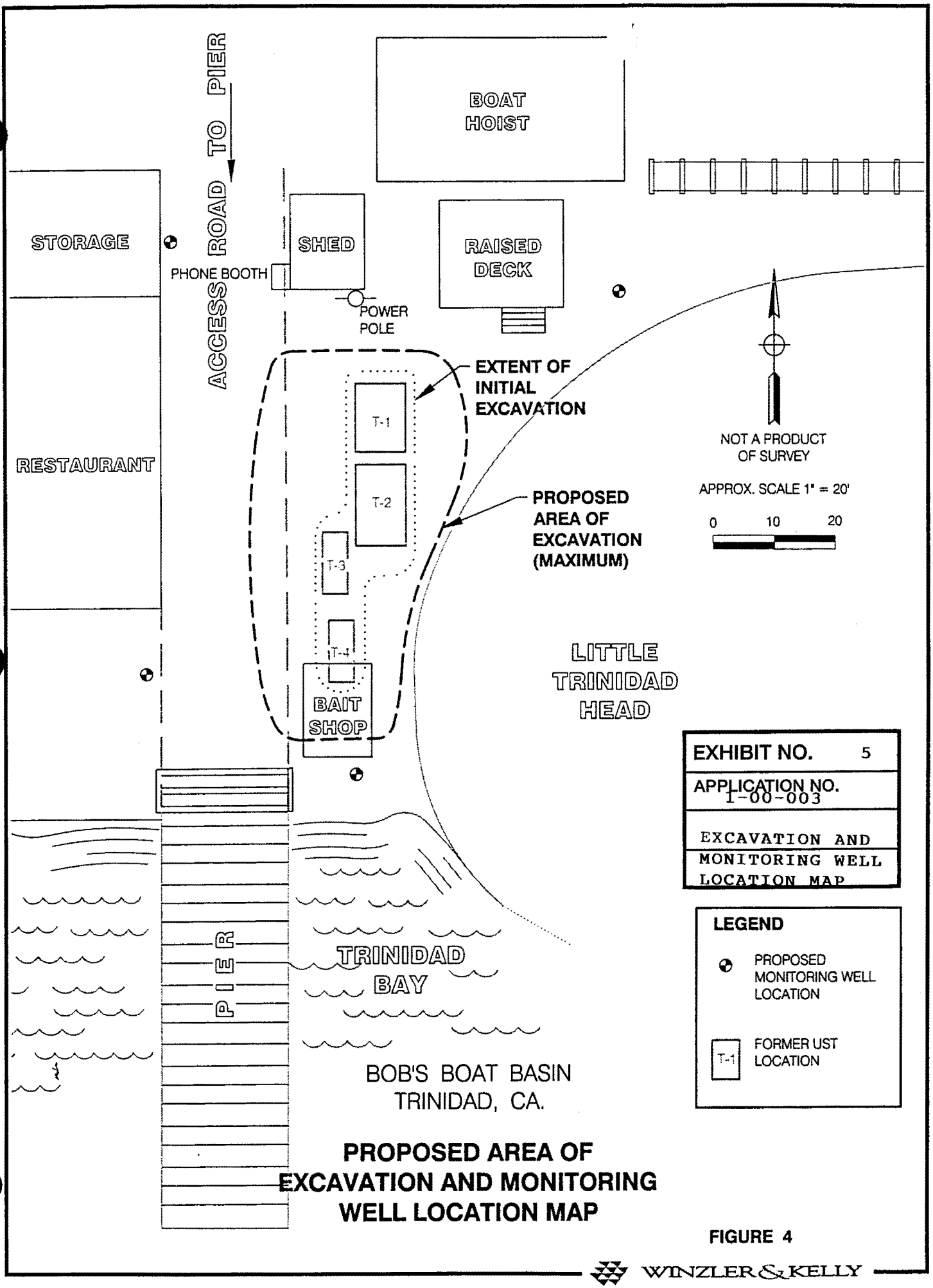


Photo: WAC Corp. 09/07/96
Scale: 1 inch = ± 100 feet
99-1606-01003

EXHIBIT NO. 4
APPLICATION NO. 1-00-003
SITE PLAN

ifornia

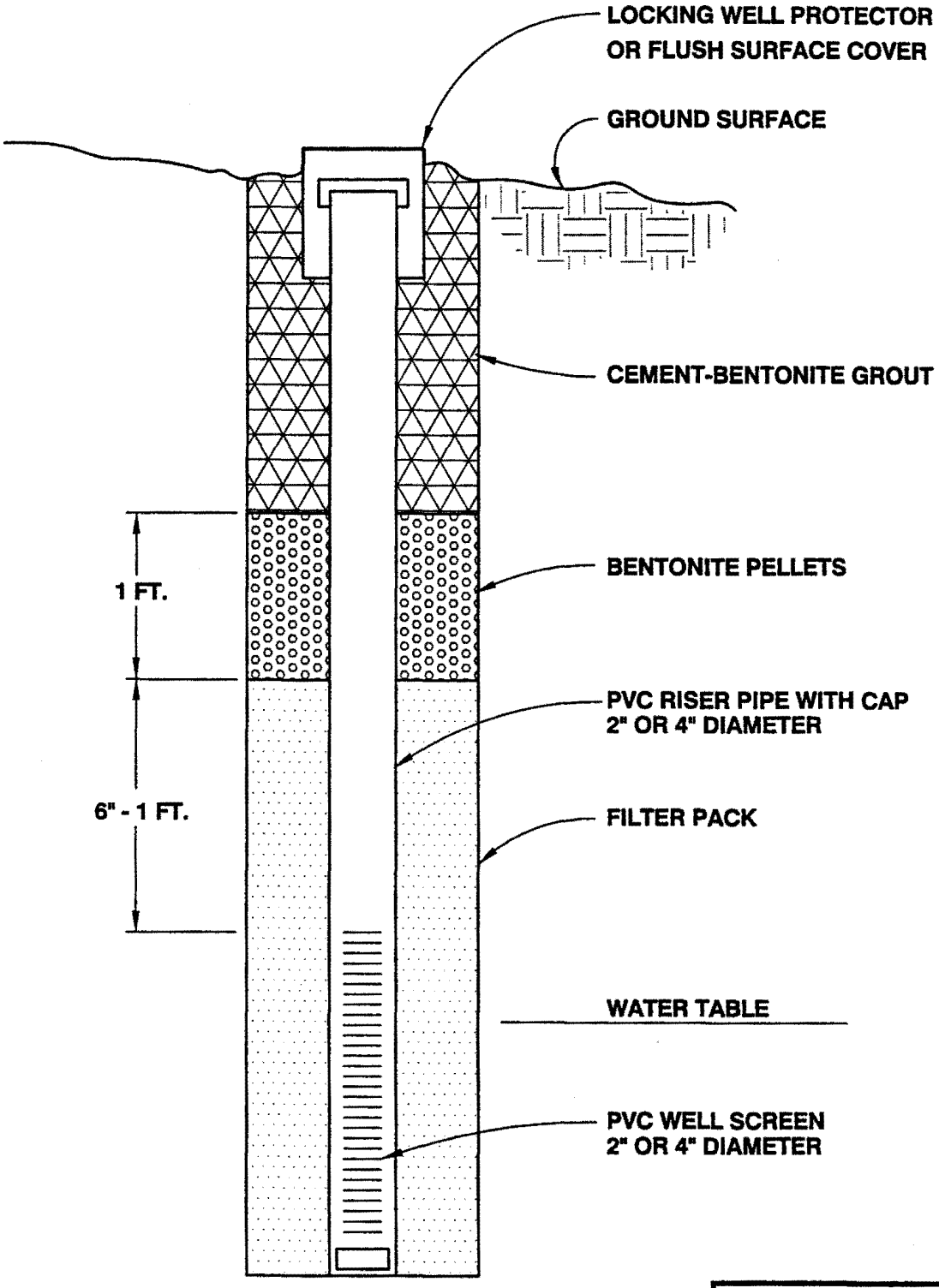


99/99160601/003/606a-f04.dwg D... 06/12/99 @ 7:30 pm

PROPOSED AREA OF EXCAVATION AND MONITORING WELL LOCATION MAP

FIGURE 4

WINZLER & KELLY



BOB'S BOAT BASIN
TRINIDAD, CA.

TYPICAL MONITORING WELL CONSTRUCTION DIAGRAM

NOT TO SCALE

EXHIBIT NO. 6
APPLICATION NO. 1-00-003
MONITORING WELL CONSTRUCTION DIAGRAM

FIGURE 5

WINZLER & KELLY

Humboldt County Department of Public Health
DIVISION OF ENVIRONMENTAL HEALTH
100 H Street, Suite 100, Eureka, CA 95501

(707) 445-6215
FAX (707) 441-5699

Toll Free 1-800-963-9241
envhealth@co.humboldt.ca.us

24 February 2000

Bob's Boat Basin
Bob Hallmark
PO Box 123
Trinidad CA 95570-0123

RE: Bob's Boat Basin,
1 Bay St., Trinidad, CA
LOP Case #12700

Dear Mr. Hallmark:

Thank you for the 18 January 2000 *"Tidal Study"* and the 21 January 2000 *"Community Health and Safety Plan"* prepared by Winzler & Kelly (W&K). The workplan and Community Heath & Safety Plan are approved as amended by the documents with the following understandings.

- A minimum six-inch layer of sand shall be placed beneath and on top of the plastic liner to protect from puncture by debris or equipment.
- Proximity to the pier and restaurant may represent a potential hazard from site operations and exposure to contaminants during the interim remedial action. Air monitoring may be necessary within the restaurant and adjacent areas.
- We note that the proposed excavation will extend near the riprap at the bay margin. We are concerned that the removal of soil will weaken the southern sidewalls that may collapse. Engineering precautions such as sheet piling or other shoring should be used to prevent collapse. An engineer should evaluate site conditions in this regard.

Please submit an updated workplan implementation schedule by 25 April 2000. We look forward to working with you and receiving the requested information. Please contact me at (707) 441-5690 if you have any questions.

Sincerely,

Dale R. Dell'Osso, RG
Geologist
Hazardous Materials Unit

DRD:nc

EXHIBIT NO. 7
APPLICATION NO. 1-00-003
REVIEW AGENCY
CORRESPONDENCE (1 of 4)

cc: Tuck Vath, North Coast Regional Water Quality Control Board
Misha Schwarz, Winzler & Kelly
Dave Steinberg, 16894 Golden Ridge Road, Applegate, California 95703
Jim Baskin, Coastal Commission, North Coast District Office, PO Box 4908, Eureka, California 95502-4908

12700.005 / 584L

HUMB LDT COUNTY
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
100 H STREET, SUITE 100, EUREKA, CA 95501
(707) 445-6215
FAX (707) 441-5699

February 24, 1999

CERTIFIED MAIL
Z 552 431 532

Bob's Boat Basin
Bob Hallmark
PO Box 123
Trinidad CA 95570-0123

Subject: Soil / Groundwater Contamination, Bob's Boat Basin,
1 Bay St., Trinidad, CA 95570 LOP Case #12700

Dear Mr. Hallmark:

Field observation indicates the presence of petroleum contaminated soil or groundwater at, or adjacent to, the above referenced underground storage tank facility. This contamination may be a result of a spill or leakage from one or more underground storage tanks at the facility. Accordingly, an unauthorized release report is required to be filed with this department within five (5) working days of discovery (California Code of Regulations, section 2652).

Please complete and sign the enclosed *Underground Storage Tank Unauthorized Release (Leak)/ Contamination Site Report* as completely as possible and return all but the last copy to this department.

The subject underground storage tank facility is of a category which is under the jurisdiction of the Local Underground Storage Tank Cleanup Oversight Program administered by the Humboldt County Health Department under contract with the State Water Resources Control Board.

The possible levels of contamination present in the soil indicate that further assessment will be needed to determine the threat and/or impact to groundwater. Enclosed for your information and use is a copy of the *Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tanks* (Tri-Regional Recommendations). This document describes the necessary work to investigate releases from underground tanks.

Specifically, you will need to submit, as soon as possible, all current information on the underground tank removal/sampling. You will also need to review the initial soil or water sample results to determine if:

a. Water in the excavation has any level of contamination;

OR

b. Soil samples were contaminated with levels of petroleum hydrocarbons in excess of 100 parts per million (ppm).

If either of these conditions were present, then a hydrogeologic assessment will be needed to determine the threat and/or impact to groundwater. A workplan prepared by a California registered engineer or geologist will be needed.

However, if there were no detectable constituents in water and the initial soil samples were less than 100 ppm, then please review Table 3 and page 9 of the enclosed *Tri-Regional Recommendations* to determine whether a Case Number 2 evaluation is possible for your site. If so, please submit all the available information described in Table 3.

The required workplan or information will need to be submitted pursuant to Section 13267 of the California Water Code and be received by our office by **April 30, 1999.** Duplicate copies of all information must be submitted to the North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

My staff and I look forward to working with you in this matter. Please contact Dale Dell'Osso at (707) 441-5690 if you have any questions.

Sincerely,

James W. Clark, R.E.H.S.
Contract Project Director

JWC:nh

cc: Tom Dunbar, North Coast Regional Water Quality Control Board

12700.001 / 584L

COUNTY OF HUMBOLDT
UST Local Oversight Program
NOTICE OF RESPONSIBILITY

Site Code: 12700 Date First Reported: 02/19/99

Site Name: Bob's Boat Basin Substance: gasoline / diesel

Address: 1 Bay St Funding: Federal (X) State ( )

City/State/Zip: Trinidad CA 95570 Certified Mail: Z 552 431 532

Responsible Party: Bob Hallmark

Responsible Party Contact: Bob's Boat Basin

Address: PO Box 123

City/State/Zip: Trinidad CA 95570-0123

Multiple Responsible Parties: Yes ( ) No (X)

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has(have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Bob Hallmark as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice which identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Resources Control Board at (916) 227-4349 or telephone (916) 227-4408.

Pursuant to Section 25299.37(c)(7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the site designation.

Contract Project Director: James W. Clark, R.E.H.S.

James W. Clark, REHS — (707) 441-2002 — 02/24/99

Signature | Telephone Number | Date

Add: X Soil contamination discovered during permitted underground storage tank removal

Delete: ____

Change: ____