

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
FAX (415) 904-5400  
TDD (415) 597-5885



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## ADDENDUM

October 30, 2020

TO: Coastal Commissioners and Interested Parties

FROM: Kate Huckelbridge, Deputy Director, Energy, Ocean Resources, and  
Federal Consistency  
Alexis Barrera, Environmental Scientist

SUBJECT: Addendum to staff report for Administrative Permit 9-20-0500, Los  
Cerritos Wetlands, LLC

This addendum provides the following additions to the October 15 staff report for Administrative Permit 9-20-0500 regarding the proposed replacement of shallow contaminated sediment with clean sediment at two locations on approximately 0.47 acres of the Synergy Oil Field. These revisions do not change staff's recommendation in the staff report, which is that the Commission conditionally approve Administrative Permit 9-20-0500. This addendum also responds to public comments received since publication of the staff report. The correspondence received is included under the correspondence tab for this item on the Commission's website.

- I. **Additions to Findings:** Staff recommends modifying the staff report to include the below information.

Page 3, delete second paragraph from Project Description and replace with the following:

The applicant is proposing sediment remediation at two discrete locations, HA9 and HA12 ([Exhibit 3](#), [Exhibit 4](#)), both degraded remnant wetland areas cut off from tidal influence. To evaluate the potential presence of anthropogenic chemicals in the project area, initial sampling was conducted in 2016 and 2017 to test for a limited number of contaminants, including TPH as carbon chain, VOC's, and Title 22 metals. Sampling

locations were selected based on analysis of historical land use and operations from aerial images (labeled as 'biased' locations). 'Non-biased' sampling locations, or locations where contaminants are not expected due to prior or current operations, were also identified. Sampling results showed elevated concentrations in two locations known as HA-9 and HA-12. The IRT reviewed the 2016/2017 sampling results and identified additional sampling locations, additional contaminants to be tested, and determined a -2 feet below surface grade sampling depth for additional sampling. This additional sampling was included in a Sampling and Analysis Plan (SAP), approved by the IRT in 2018. The SAP also describes the methodology used for collecting and adequately characterizing sediment at the project site and evaluates the compatibility of sediment for its proposed final use and location. Per the SAP, sampling in 2019 included further testing of previously tested areas and contaminated areas to clearly identify the lateral and horizontal extent of contamination. In 2019, the applicant tested sample areas for contaminants including volatile organic compounds, metals, and pesticides in accordance with the SAP. Samples were collected using a hand auger to advance borings to an upper stratum depth (1 to 1.5' below ground surface) and lower stratum depth (1.5' to 2-2.9' below ground surface). Testing results showed levels of chlorinated pesticides, PCBs, arsenic, copper, zinc, lead, and nickel in excess of the National Oceanic and Atmospheric Administration (NOAA) Effects Range Low level at HA9 and HA12. Levels of chlorinated pesticides and PAHs exceeded the NOAA Effects Range Medium level. The IRT analyzed the sampling results and requested further sampling be done in HA-9 and HA-12, in addition to new locations to thoroughly explore and characterize the project area. Additional sampling in 2019 confirmed that only the areas within HA-9 and HA-12 required sediment remediation. The SAP, including the final 2019 sampling results, were also reviewed by the Dredged Material Management Team (DMMT), an interagency team that reviews sediment sampling plans and results and makes recommendations regarding the suitability of dredged material disposal depending on contaminant levels and grain size. As a result of the second 2019 sampling event, the DMMT recommended that the top two feet of material below the proposed grade be removed from within HA-9 and HA-12.

A total of 1,600-cubic yards of contaminated sediment from approximately 0.47 acres will be excavated from the two locations and replaced with the same amount of clean sediment using a light rubber-tired backhoe and front loader. Removal of contaminated sediment and fill of clean sediment will be completed in individual 20' x 20' sections. After the clean sediment is filled in, the site will be recontoured to the pre-construction topography and replanted with native vegetation. The entire project, including staging and breakdown, is expected to take two weeks. Post-excavation testing will be conducted to confirm that all contamination was successfully removed.

Page 5, Environmentally Sensitive Habitat Areas, add the underlined sentence to the beginning of the paragraph:

Special-status plants, including isolated patches of southern tarplant, woolly seablite, and estuary seablite have been previously documented in the project area and could be impacted by the proposed project. These areas were identified as Environmentally Sensitive Habitat Areas (ESHA) in the findings of CDP 9-18-0395. Individual woolly

seablite and estuary seablite have been identified on the berm, and patches of dispersed southern tarplant have been identified on the eastern side of the HA-12, outside of the excavation area.

Page 6, Environmentally Sensitive Habitat Areas, add the underlined section to the middle of the paragraph.

However, ESHA must still be protected against any significant disruption of habitat values by siting and designing development to avoid ESHA impacts to the extent feasible and otherwise by fully mitigating those impacts. Consistent with this requirement, proposed staging activities and ingress/egress to the excavation area will avoid any sensitive species and ESHA. Specifically, southern tarplant will be identified and flagged for avoidance throughout the project area.

## **II. STAFF'S RESPONSE TO CORRESPONDENCE**

The Commission has received several emails from individuals and organizations in opposition to the sediment remediation administrative permit. The issues raised in the emails generally fall into the following categories: 1) an administrative permit is an inappropriate authorization for this project, 2) the permit should include special conditions regarding oil facility fumes, 3) adverse impacts to the environment and tribal resources, and 4) dissatisfaction with the previously approved CDP 9-18-0395.

- 1) Commenters state that the applicant, Los Cerritos Wetlands, LLC, by applying for an administrative permit for this sediment remediation, is "seeking to violate the terms of the conditions mandated by the Coastal Commission under CDP 9-18-0395." This is incorrect, as the proposed permit will not modify or delete any of the terms and conditions of CDP 9-18-0395, all of which remain in effect and will have to be met either prior to or after issuance of that permit, depending on the particular condition. CDP 9-18-0395, approved by the Commission in 2018, did authorize the remediation work that is the subject of this administrative permit as one small component of a much larger project, subject to additional sampling and development of a remediation plan. The applicant has not yet satisfied the substantial number of prior to issuance conditions required by CDP 9-18-0395, and thus, the permit has not yet been issued. The applicant is also developing a mitigation bank to support the wetland restoration work authorized under CDP 9-18-0395. In developing the mitigation bank, the Interagency Review Team (including Commission staff) included a requirement that the applicant complete the remediation proposed in this project before credits could be issued from the bank. Staff advised the applicant that to accelerate the timing for conducting the remediation work, the applicant would need to seek a separate, stand-alone approval for the remediation work. The resulting administrative permit is solely for the purpose of remediating less than half an acre (0.47 acres) within Synergy Oil Field, by removing shallow contaminated sediment from a historic wetland area and replacing it with clean sediment. No other development is being proposed as part of this remediation, and all requirements and conditions of CDP 9-18-0395 remain in force.

The proposed remediation involves disturbance and restoration of a small footprint within a disturbed wetland area that is currently part of an oil field. Impacts to coastal resources will be temporary, minor and will be fully mitigated. Removal of existing contamination will result

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in an overall ecological benefit to the site, regardless of whether the larger restoration project ever occurs. Furthermore, this proposed remediation will not exceed \$100,000 in cost and thus, qualifies for an administrative permit. For these reasons, staff determined that an administrative permit was the appropriate vehicle for the proposed project. The fact that this is being processed as an administrative permit does not in any way lessen the opportunity for the public to weigh in on the project, does not eliminate or modify the requirement for a public hearing in front of the Commission, and does not alter CDP 9-18-0395.

- 2) Commenters request that the Commission include special conditions requiring the applicant to cease emissions from oil facilities and install air quality monitors to monitor toxic fumes from oil operations. The Commission does not have the authority to require installation of pollution control devices as a condition of the proposed project, as this project involves sediment remediation and does not have adverse air quality impacts that must be mitigated by requiring air quality monitors or the cessation of unrelated emissions. The California Air Resources Board, Air Pollution Control Districts, and Air Quality Management Districts are responsible for controlling air pollution and addressing emissions through permits and local rules. Per Coastal Act Section 30414, the Coastal Commission may not establish emission standards or modify standards or air pollution control programs of those agencies.
- 3) Commenters state that the proposed project will adversely impact ESHA, wildlife, and cultural resources. As described above (and in more detail in the staff report), staff evaluated potential impacts to ESHA, wetlands and cultural resources and determined that impacts were temporary, minor and/or adequately mitigated. Furthermore, removal of existing contamination will result in an overall ecological benefit to the site. In response to concerns regarding environmental impacts to ESHA, we have added language to further explain how the proposed project will avoid dispersed patches of southern tarplant on the eastern edge of the project site. In addition, staff sent out nine letters to tribes offering to consult on this project. We did not receive any responses. Cultural resource mitigation measures and monitoring, including requirements for an archaeological consultant and Native American monitors for all areas of ground disturbance; significance testing for any potential cultural deposits found during excavation; and a post-excavation report detailing any cultural resources discovered on the project site are included in the proposed project and required conditions. Most comments raise concerns regarding the impacts to ESHA, wetlands, and cultural resources associated with the larger restoration project, authorized under CDP 9-18-0395, rather than impacts from the proposed project. The Commission has already considered these impacts when approving CDP 9-18-0395, and there is no basis for the Commission to reanalyze these impacts now as a part of this project.
- 4) Commenters included several comments regarding previously approved CDP 9-18-0395. The commenters describe special conditions of that CDP, state that the CDP is inconsistent with the Coastal Act, reference ongoing court proceedings, and argue against the term "restoration" in CDP 9-18-0395. None of these statements are in relation to the proposed administrative permit currently being proposed to the Commission. Some comments also claim that approval of this project is inappropriate because it will chop up the larger project into smaller pieces and allow for separate approval of them, rather than looking at the overall project as a whole. However, the Commission already analyzed and approved the whole restoration project, so separate re-authorization for this particular development does not amount to inappropriate piecemealing of the whole project, nor is it an attempt to hide or minimize the impacts of the whole project.

