COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Phillips 66 (NIWS Remediation) Minor Use Permit ED20-098 (DRC2019-00231)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☐ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Katie Nall

Digitally signed by Katie Nall
DN: C=US, E=kinall@co.slo.ca.us, O=County of San Luis Obispo, OU="Planning and Building ", CN=Katie Nall
Reason: I am the author of this document
Date: 2020.07.16 16:25:54-07'00'

Prepared by (Print)	Signature		Date
Steven McMasters	Steven McMasters (Digitally signed by Steven McMasters DN: C=US, E=smcmasters@co.slo.ca.us, O=County of San Luis Obispo, OU=Planning & Building, CN=Steven McMasters Date: 2020.07.16 16:01:15-07'00')	Steve McMasters, Principal Environmental Specialist	7/16/20
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: Request by Phillips 66 for a Minor Use Permit to allow for the remediation of the Northern Inactive Waste Site (NIWS) comprised of approximately 14,520-cubic-yards of hydrocarbon and asbestos impacted soil, and domestic waste. The excavated material and impacted soil would be loaded onto rail cars at the Santa Maria Refinery and transported by rail to a waste receiving facility in Utah. The project would result in 1.38-acres of disturbance of an approximate 560 acres site. The proposed project within the Industrial land use category and is located at 2555 Willow Road, approximately 600 feet south of Willow Road, south of the village of Callendar-Garrett, in the South County Coastal Planning Area.

Project History: The project area is located near the entrance of the Santa Maria Refinery (SMR), which was constructed in 1955 by Unocal and currently occupies approximately 2.5-square-miles. The SMR receives crude oil from various source, and produces gas, oil, and pressure distillate, which is sent via a 200-mile pipeline to the San Francisco (Rodeo) Refinery for additional refining into finished petroleum products. The project site is known as the Northern Inactive Waste Site (NIWS) and was operated as part of the (formerly Unocal) SMR from approximately 1955 to 1974. It was reportedly used for the disposal of refinery byproducts and domestic waste, including petroleum hydrocarbons and potential asbestos containing materials. In support of the closure and remediation of the NIWS, the applicant has submitted a Conceptual Closure Plan (CCP) to the Regional Water Control Board (RWQCB) to remediate the site. The CCP among other actions, recommends the excavation of impacted soils to depths ranging from 3 to 10 feet below ground surface as required to meet the proposed soil cleanup goals.

Remediation activities will include excavating 14,520-cubic-yards of material, transportation of the soil via trucks and rail cars, and revegetation. Trucks used to transport contaminated soil from the excavation site will use existing onsite roadways delivery the materials to the covered bins at the Union Pacific Railroad Rail Spur onsite. The contaminated material will then be taken to a waste receiving facility in Utah. A total of 13 Roundtrips, or 26 one-way trips will be made to rail the soils from the project site to the waste receiving facility. Standard air quality control measures are proposed to ensure low dust emissions from the trucks and construction activities onsite. Once excavation activities are complete, a final round of testing will take place to ensure all soil contaminated has been completely removed. No fill is proposed, the bottom of the excavation will be the final grade. Proposed slopes of 2:1 have been reviewed and are determined to be

appropriate for the project. Hydroseeding will take place over the entire area of disturbance including the resulting slopes.

ASSESSOR PARCEL NUMBER(S): 092-401-011

Latitude: 35 ° 2 ' 43.84 " W **Longitude:** 120 ° 35 ' 29.83 " W **SUPERVISORIAL DISTRICT #** 4

B. Existing Setting

Plan Area: South County Coastal **Sub:** N/A **Comm:** N/A

Land Use Category: Industrial

Combining Designation: Coastal Zone, Flood Hazard Area

Parcel Size: 564-acres

Topography: Gently to steeply sloping

Vegetation: Coastal Dune Scrub

Existing Uses: Santa Maria Refinery

Surrounding Land Use Categories and Uses:

North: Residential Suburban; Single Family Residences ***East:*** Industrial; Storage yard

South: Industrial; Santa Maria Refinery / Agriculture; Strawberry fields ***West:*** Open Space; Dunes/Pacific Ocean

C. Environmental Analysis

The Initital Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

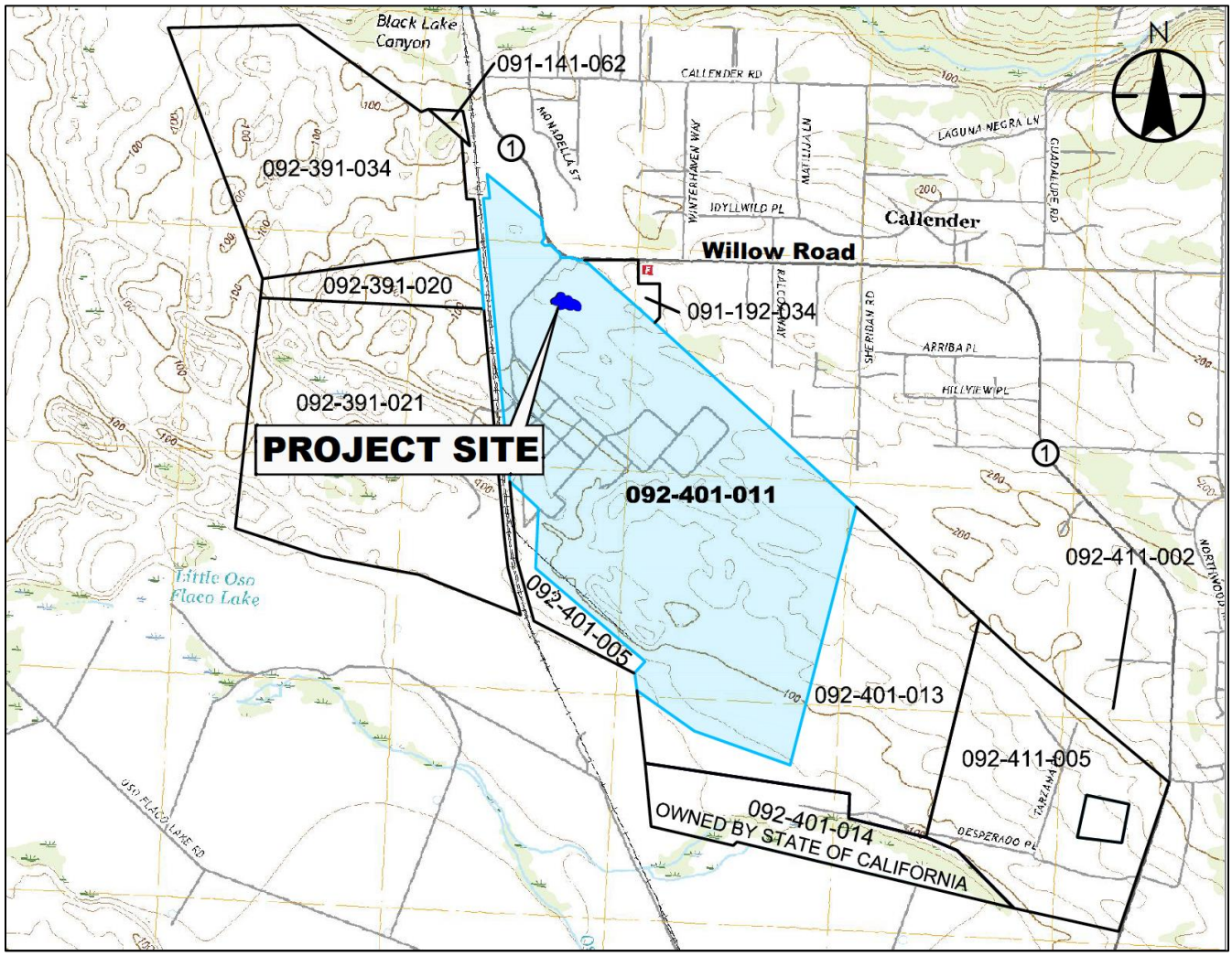


Figure 1. Project site vicinity map.

Initial Study – Environmental Checklist

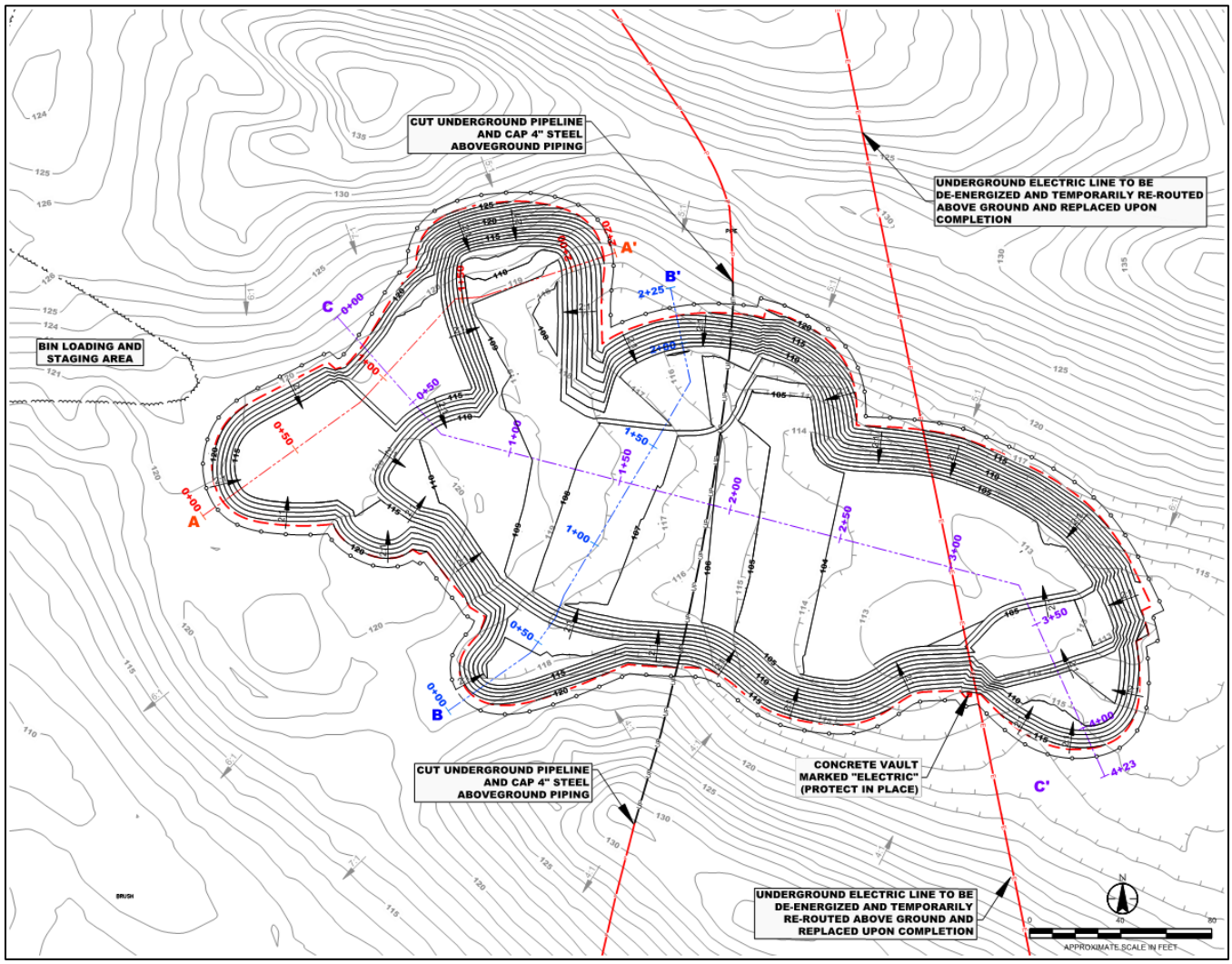


Figure 2. Remedial excavation grading plan.

Initial Study – Environmental Checklist

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Setting

The proposed project is located in unincorporated San Luis Obispo County, in a predominantly rural area directly south of the village of Callendar-Garrett, west of the community of Nipomo. The project site is located on sandy dune soil with slopes ranging from gently to steeply sloping, and the area predominantly consists of degraded and grazed central dune scrub habitat. The Union Pacific Railroad runs along the western side of the project parcel and through the open space uses of the area. Off-road activities associated with the Pismo Dunes State Vehicular Recreation Area and the beach are located west of the rail line. This area includes more moderate slopes and is comprised of high-quality central dune scrub vegetation supporting a variety of sensitive plant species. This area west of the site is within the Sensitive Resource Area (SRA) combining designation and is also a designated Environmentally Sensitive Habitat Area (ESHA).

Existing on-site uses include industrial activities associated with the Santa Maria Refinery (SMR) as well as cattle grazing in the eastern portion of the site. Areas west of the railroad consist of undeveloped open space. Surrounding land uses include intensive agricultural production to the south, recreation and open space to the west, and more urbanized residential and light industrial uses within the communities of Nipomo and Callendar-Garrett to the east and northeast.

No fill material is being proposed, which will result in the bottom of the excavation being the final grade. This is a maximum of 10 feet lower elevation than existing grade. The project site is sporadically visible from

locations along State Route 1 and other local roads. However, existing topography, structures and roadside vegetation largely obstruct public views of the SMR.

Discussion

(a) Have a substantial adverse effect on a scenic vista?

Although no fill material is being proposed, resulting in the excavation site being a maximum of 10 feet lower than existing grade, this deep valley is common in the sandy dune landscape of the project site. The site would use 2:1 slopes, an appropriate slope for the area and would be restored with native vegetation. When it is complete there should be no noticeable difference in pre and post project conditions. The project is not within a dedicated scenic vista and will therefore not cause any substantial adverse effects on a scenic vista. Therefore, project impacts would be *less than significant.*

(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project is not located within a state scenic highway design corridor. Highway 1 runs along the parcel boundaries, however the project site is within a low lying area within the dunes and will not be visible from Highway 1 or other local roads. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and impacts would be *less than significant.*

(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is within an industrial area east of the dunes and south of the Callender-Garrett village reserve line. The project is the remediation of impacted soils within a low-lying area within the open space area north of the Phillips 66 SMR. Although the site will not be visible from public views, the site will be restored through vegetation replacement (See mitigation measure BR-6 in Section IV. Biological Resources). Therefore, the project will not degrade the existing visual character or quality of public views within the area and impacts will be *less than* significant.

(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project does not propose night lighting and will therefore have *no impact* to nighttime views in the area.

Conclusion

The proposed grading of 1.38-acres of soil will not cause any impacts to visual resources in the area because the remediation is within a low-lying, open space dune area and will therefore not be visible from the neighboring Highway 1 or other local roads. No permanent structures will be constructed as a result of the project.

Mitigation

No mitigation measures beyond what is required by ordinance are required.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Initial Study – Environmental Checklist

Setting

The remediation project includes the removal of contaminated soils within coastal dune shrub habitat. The project parcel is approximately 654 acres, within the Industrial land use category and is not under a Williamson Act contract. Additionally, the site does not support any agricultural activities, besides cattle grazing on the eastern portion of the parcel, and no historic crops exist on-site. The project parcel is not known to contain any forestland and does not support any timberland activities.

The project area currently supports grazing activities and is bordered on the northeast, south, and southwest by intensive agricultural uses that are under Williamson Act contracts. Dune land, which encompasses the majority of the project site is not well suited for agricultural uses. However, other soils located elsewhere on-site are designated as Prime Farmland, Farmland of Statewide Importance, Other Productive Soils, or Highly Productive Rangeland Soils by the County's Conservation and Open Space Element (COSE).

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project site contains Prime Farmland if Irrigated. The soil type(s) and characteristics on the subject property include:

Oceano sand (0 - 9 % slope). This nearly level to gently sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

Oceano sand (9 - 30 % slope) . This moderately sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities, steep slopes. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Discussion

(a) *(Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The project parcel is currently zoned Industrial with the Phillips 66 SMR located onsite. Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the Oceano sand (0 – 9 % slope) are considered farmland of statewide importance, and Oceano sand (9 - 30 % slope) is not considered prime farmland. The project includes removing the contaminated soils in the area and therefore will not impact potential farmland soils. Impacts to farmland of statewide importance will be *less than significant*.

(b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The parcel is not zoned for agricultural use, nor is it under a Williamson Act contract, *therefore no impact* would occur.

(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The project would not be located in an area that is zoned as forest land, timberland, or timberland zoned Timberland Production, nor would the project cause the rezoning of such lands. Therefore, *no impact* would occur.

(d) Result in the loss of forest land or conversion of forest land to non-forest use?

The project would not be located in an area that is considered forest land and would therefore not result in the loss of forest land or conversion of forest land to a non-forest use. Therefore, *no impact* would occur.

(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. *No significant impacts* to agricultural resources would occur.

Conclusion

The project is located on an Industrial zoned parcel with the Phillips 66 SMR located onsite. No agricultural activities currently occur on the property besides cattle grazing on the eastern portion of the parcel. The parcel is not under a Williamson Act contract and is not within an area zoned for agricultural uses. There are no areas identified as forest land or timberland which will be disturbed by the project. Because the project would not introduce a new permanent use, no significant impacts to agricultural resources are anticipated.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

Regulatory Agencies and Standards

San Luis Obispo County is part of the South Central Coast Air Basin, (SCCAB) which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The California ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The California ARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM_{10} and $PM_{2.5}$), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO_2, ozone, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

SLOAPCD Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result.

The APCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG) and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators and other heavy equipment. SLOAPCD has established thresholds of significance for each of these contaminants.

General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the APCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within ten percent (10%) of exceeding the screening criteria.

San Luis Obispo County Clean Air Plan

San Luis Obispo County is currently in attainment of all state and federal standards for criteria air pollutants, except state standards for ozone (O_3) and Respirable Particulate Matter (PM_{10}). The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{10}. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout the county and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located near any serpentine and other ultramafic rocks sites. However, the site consists primarily of soils impacted with Asbestos Contaminated Materials (ACM) and petroleum hydrocarbons.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The closest sensitive receptors to the project site is a neighborhood with single-family residences located northeast of State Route 1, the closest being approximately 730 feet from the proposed project site.

The project is located in an area that has historically been subject to poor air quality conditions due to high northwesterly winds and off-road vehicle use blowing sand and dust across the dunes. While the PM10 standard is rarely exceeded elsewhere in the County, the Nipomo Mesa has regularly experienced state and federal standard exceedances, including over 60 state standard exceedances per year. The SLOAPCD has undergone significant air quality monitoring and analysis in the project vicinity. The proposed project is in the

CDF zone, which currently receives roughly 45-95 exceedance days of the state PM10 standard annually. The greatest impacts occur when the strong winds blow from the northwest which direct the dust plume inland over the Nipomo Mesa. Outdoor activities and exercise should be planned in late evenings and mornings due to lower particulate matter concentrations. Airborne particulate matter can cause significant health impacts, including respiratory problems, heart attacks and other cardiac conditions, impaired lung development in newborn children, and premature death.

The proposed project would result in the disturbance of approximately 1.38 acres and would result in approximately 14,520 cubic yards of cut earthwork, which would be removed from the site. Once grading activities are complete, no additional activities will take place onsite and there will be no operational impacts from emissions associated with the remediation project.

Discussion

(a) Conflict with or obstruct implementation of the applicable air quality plan?

Construction Impacts

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 1 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	**Threshold** (1)		
	Daily	**Quarterly Tier 1**	**Quarterly Tier 2**
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO_X)	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust (2)	-	2.5 tons (2)	-

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

Earthwork for the remediation would involve placing the cut material directly onto trucks to be transported to railcars and taken to a facility in Utah. As proposed, the project would result in the total disturbance of approximately 1.38 acres, including approximately 14,520 cubic yards of material moved.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The APCD's CEQA Handbook also clarifies that any project that would require

grading of 4.0 acres or more can exceed the 2.5-ton PM_{10} quarterly threshold listed above will have an impact.

Table 2. Standard Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO_X)	42.4	0.0935
Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

Based on the cut estimates and the standard construction emission rates shown in Table 2, construction-related emissions that would result from the project were calculated and are shown in Table 3 below.

Table 3. Proposed Project Estimated Construction Emissions.

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Threshold Exceeded?
		Quarterly		
		Tier 1	Tier 2	
ROG + NO_X (combined)	0.83 tons	2.5 tons	6.3 tons	No
Diesel Particulate Matter (DPM)	0.04 tons	0.13 tons	.32 tons	No
Fugitive Particulate Matter (PM_{10})	3.11 tons	2.5 tons	-	Yes

As shown above, the project would exceed SLOAPCD's Tier 1 thresholds for PM_{10}. For projects that exceed the 2.5 tons/quarter PM10 threshold, the SLOAPCD requires Fugitive PM10 Mitigation Measures.

A total of 13 Roundtrips, or 26 one-way trips will be made to rail the soils from the project site to the disposal facility in Utah. The emissions associated with this process were calculated and determined to be below the SLO APCD threshold as identified in the 2012 Handbook. The export of material will be included in normal operations of the refinery. Therefore, they will not be considered 'new' trips that would not take place without the project.

Based on the volume of proposed grading, area of project site disturbance, estimated duration of the construction period, and the APCD's screening construction emission rates identified above, the project would result in the emission of criteria pollutants that would exceed construction-related thresholds established by the SLOAPCD. The applicant shall implement standard Air Pollution Control District measures to control dust. Implementation of Mitigation Measures **AQ-1 and AQ-2** would reduce these impacts to less than significant.

Operational Impacts

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed APCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Based on Table 1-1 of the CEQA Handbook, the project does not propose a use that would have the potential to result in operational emissions that would exceed APCD thresholds. The project would not generate substantial new long-term traffic trips or vehicle emissions and does not propose construction of new direct (source) emissions. the project would not generate substantial operational emissions or increased energy demands. Therefore, potential operational emissions would be less than significant.

Based on the above analysis and comments received from SLO County APCD, with implementation of **AQ-1 through AQ-6**, the project would not conflict or obstruct implementation of the applicable air quality plan and the project would be generally consistent with the San Luis Obispo County CAP. Therefore, project impacts related to implementation of an air quality plan would be *less than significant with mitigation*.

(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Project activities will take place onsite 0.3 miles northwest of the Phillips 66 SMR. Short-term grading activities would utilize gasoline and diesel fuels for grading equipment, and the project proposes to transport polluted soil contaminated with ACM and petroleum hydrocarbons from the project location to a waste receiving facility in Utah by licensed haulers. This transportation will only last until the contaminated soil is completely removed. The project would require approximately 14,520 cubic yards of soil removed and exported. Mitigation measures **AQ-3, AQ-5 and AQ-6** will mitigate any impacts associated with construction equipment emissions.

San Luis Obispo County is currently designated as non-attainment for ozone and PM_{10}. Project-related construction disturbances would further contribute to existing PM_{10} daily exceedances. New emissions associated with the proposed project would be almost entirely limited to temporary construction activities. The project would result in construction-related PM_{10} emissions that exceed the APCD's threshold of significance and would generate disturbance within 1,000 feet of a sensitive receptor (residence). Exceedance of the 2.5 tons/quarter PM_{10} threshold and disturbance within 1,000 feet of a sensitive receptor requires standard Fugitive PM_{10} and DPM mitigation measures to reduce potential impacts to less than significant. These standard mitigation measures are outlined in mitigation measures **AQ-1 and AQ-2** for fugitive dust control. Therefore, the project would result in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment, but impacts would be *less than significant with mitigation.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project site is located in an open space area next to the Phillips 66 SMR and the nearest sensitive land use to the project is a residence neighborhood located approximately 730 feet to the north. The project would result in temporary increases in air emissions, including emissions of fugitive dust (PM10) and diesel-exhaust particulate matter during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor; therefore, due to the proximity of sensitive receptors near the remediation site, this impact is considered potentially significant. As discussed above, the project would require ground disturbance within 1,000 feet of a sensitive receptor and standard dust control mitigation has been identified to reduce fugitive dust and PM10 emissions during construction activities. In addition, the project would be subject to standard mitigation measures for construction equipment and emissions. Implementation of Mitigation Measures **AQ-1 through AQ-6** would reduce potentially significant impacts resulting from cumulative net increases of pollutants. Therefore, impacts would be *less than significant with mitigation*.

(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Construction could generate odors from heavy diesel machinery and materials used for excavation and construction of the project. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with typical construction equipment and activities, and would dissipate within a short distance from the active work area. The project site is covered by shrubs and dunes and no significant long-term operational emissions or odors would be generated by the project. Therefore, impacts related to other emissions adversely affecting a substantial number of people would be *less than significant.*

Conclusion

The project would have the potential to result in PM_{10} emissions that exceed the quarterly thresholds established by SLOAPCD for construction emissions and be located within 1,000 feet of a sensitive receptor. Mitigation Measures AQ-1 and AQ-6 have been identified to reduce construction-related emissions. With implementation of these measures, potential impacts to air quality would be less than significant.

Mitigation

AQ-1 **Prior to issuance of construction permits,** the following measures related to fugitive dust emissions shall be incorporated into the construction phase of the project and shown on all applicable construction plans:

a) Reduce the amount of the disturbed area where possible;

b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that when water use may be a concern due to drought conditions, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants: Products Available for Controlling Dust; All dirt stock pile areas should be sprayed daily as needed;

c) All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j) "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified; Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m) In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's limit of 20% opacity (Rule 401) for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of

such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

n) The APCD recommends construction activities that will generate dust should be limited to periods when good air quality is forecasted. The 6-day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.

o) Provide training to all site workers regarding dust control policies and practices and maintain records of training; and

p) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 Limits of Idling. State law prohibits idling diesel engines for more than 5 minutes. During project construction, all projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

In addition, because this project is within 1,000 feet of sensitive receptors residential dwellings, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;

3. Use of alternative fueled equipment is recommended; and

4. Signs that specify no idling areas must be posted and enforced at the site.

AQ-3 The applicant will be required to notify the APCD **prior to any ground disturbing activities**, such as any dirt moving, dust creation and/or excavation activities would commence. Specifications of this condition would be outlined in the APCD permit required to begin excavation. This information would be used to maintain the APCD's AirAware community alert notification program and help the APCD differentiate dust emissions from the project's activities and blowing dust from the Oceano Dunes.

AQ-4 Asbestos in Soil. This project would be excavating asbestos contaminated soil, indicating this project is subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). Additionally, asbestos-containing material could be encountered in the demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). NESHAP requirements include but are not limited to:

1) Written notification to the APCD, within at least 10 business days of activities commencing.

2) Asbestos survey report conducted by a Certified Asbestos Consultant.

3) Written work plan addressing asbestos handling procedures in order to prevent visible emissions.

AQ-5 APCD Permitting of Hydrocarbon Contaminated Soil Processes. This Remediation project shall require an APCD permit to address proper management of the hydrocarbon contaminated soil **prior to the start of any ground disturbing activities**. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division at 805-781-5912 within 120 days before the start of excavation to begin the permitting process.

AQ-6 Construction Permit Requirements. Based on the information provided, the APCD is unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
(c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Setting

Existing Conditions

The Northern Inactive Waste Site (NIWS) Remediation Project (proposed project) is situated within the Phillips 66 Santa Maria Refinery (SMR), located at 2555 Willow Road, Arroyo Grande, California 93420. SMR was constructed in 1955 and occupies approximately 2.5 square miles on the Arroyo Grande Mesa. The parcel is zoned for industrial use and currently includes an operating refining facility plus areas of coastal dunes supporting coastal dune vegetation. The NIWS is located inside the fenced portion of the refinery property and is situated at the northeastern region of the property. Bordering the SMR property are agriculture fields to the south, residential development to the north and east, and undeveloped coastal dunes to the west.

The surface of the NIWS is at an approximate elevation of 120 feet above mean sea level and is covered in sparse vegetation. Occasional pieces of trash and debris (i.e., glass bottles, metal scrap and other debris) are present on the surface. The surrounding dunes are covered by vegetation typical to the coastal dune environment.

The proposed project site and the surrounding vicinity have a coastal Mediterranean climate, with long, dry, summers and short, wet, mild winters. During the late spring and summer months, dense fog is common in the morning and acts to moderate summer temperatures. Average daily high temperatures during the summer months are in the mid-60s°F and average daily lows in the low to mid-50s°F. Average daily winter temperatures range from highs in the low 60s°F to lows in the mid-40s °F. Average monthly temperatures in the site vicinity are around 61°F during the summer months and 53 °F during the winter months. On average, the warmest month is September and the coolest month is December. Rainfall is highly variable within and between winter seasons with an average of 44 days with measurable precipitation annually (Western, 2005). Annual precipitation ranges from 13 to 17 inches with an average annual precipitation of 15 inches per year (CDWR, 2004).

Biological surveys were conducted within the proposed project site (landfill area) and a 300-ft buffer, defined as the Biological Survey Area or BSA. This included a total of two habitat assessments and biological resource surveys, conducted within the BSA on July 12, 2019 and September 12, 2019. A literature search focused on the BSA was conducted prior to the field surveys. The BSA is located within the U.S. Geological Survey's (USGS) Oceano, California, 7.5-minute topographic quadrangle. Queries of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) was conducted for this quadrangle to determine special-status plants, wildlife, and vegetation communities that have been documented in the vicinity of the Project Area (CDFW, 2020a).

Biological resources observed within the BSA during the field survey were comprised primarily of common plant species and vegetation communities characteristic of the coastal dunes of Central California. Habitat conditions within the BSA were noted to be of good quality, with well-established communities comprised primarily of native shrub and non-native grasslands. Unmapped Environmentally Sensitive Habitat Areas (ESHAs) were documented within the BSA and are discussed further below.

Vegetation Communities

Within the BSA, biologists mapped one defined plant community, one undefined community, and one additional land cover type. These are described further below and summarized in Table 4. (See the Biological Resources Technical Report (BRTR), Figure 2 in Appendix A for the full list.)

***Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association (silver dune lupine - mock heather scrub)**

Approximately 20.31 acres of this community occurs throughout the BSA. This shrub community is dominated with mock heather (*Ericameria ericoides*) with the occasional silver dune lupine *(Lupinus chamissonis*) present in some locations. The understory of this community is solely dominated by the non-native veldt grass (*Ehrharta calycina*). Although not observed during the surveys, this community within the BSA is known to support Nipomo Mesa lupine (*Lupinus nipomensis*), a federally listed species.

Disturbed *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association (silver dune lupine - mock heather scrub)

Approximately 1.38 acres of this community occurs within the NIWS footprint in the central portion of the BSA. This shrub community is dominated with mock heather, albeit in much lower numbers than the surrounding undisturbed habitats; more than half of the area mapped as Disturbed *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance*, Ericameria ericoides* Association is unvegetated. The understory of this community, where vegetated, is dominated by the non-native veldt grass (*Ehrharta calycina*). The entire footprint of this community is underlain by a historic waste site which is the root cause of the disturbed title for the community.

Disturbed/Developed

This classification was used to map portions of the BSA that are developed, primarily including the existing paved roadways and road shoulders and unvegetated earthen areas. The paved areas are limited to the refinery entrance road in the western portion of the BSA. The remaining areas mapped as disturbed/developed, are located within the fenced parcel containing the NIWS, and include an unvegetated earthen access road and unvegetated staging/open area west of the NIWS itself. Approximately 1.21 acres of this land cover type occur within the BSA.

Table 4. Vegetation Communities and Land Cover Types Occurring within the BSA

Vegetation Community/Land Cover Types	Area within BSA (acres)	Proposed Temporary Impacts (acres)
Lupinus chamissonis - Ericameria ericoides Shrubland Alliance, Ericameria ericoides Association	20.31	0.00
Disturbed Lupinus chamissonis - Ericameria ericoides Shrubland Alliance, Ericameria ericoides Association	1.38	1.38
Disturbed/Developed	1.21	0.15
Totals	22.90	1.53

See Figure 3 on the following page for the vegetation communities and land cover types map.

Common Wildlife

Within the BSA, 31 special-status species were identified as having a potential to occur onsite. See the Biological Resources Technical Report (BRTR) for the full list in Appendix D.

Invertebrates and Gastropods

A focused insect survey within the boundaries of the BSA was not performed during the two survey events; however, a variety of common insects are known to occur in the area. The reconnaissance surveys of the BSA detected a variety of common and non-native invertebrates. Some of the orders identified in the BSA included *Odonata* (dragonflies, damselflies), *Hemiptera* (true bugs), *Coleoptera* (beetles), *Diptera* (flies), *Lepidoptera* (moths and butterflies), *Hymenoptera* (wasps, bees and ants), and *Orthoptera* (grasshoppers).

Amphibians

Amphibian species were not observed during the reconnaissance surveys within the BSA. Species not observed in the BSA but known to occur in the general area include the Pacific treefrog [chorus frog] (*Pseudacris regilla*), western toad (*Anaxyrus boreas*), and the non-native bullfrog (*Lithobates catesbeiana*). These species all require aquatic habitat for all or part of their life cycle, which is not present in the BSA. Downed logs, bark, and other woody material, which provide shelter and feeding sites for a variety of wildlife including amphibians and reptiles, was generally lacking within the BSA.

Reptiles

Weather conditions were favorable during the surveys for reptile activity. Western fence lizard (*Sceloporus occidentalis*) and coast horned lizard (*Phyrnosoma blainvilli*) were the only reptile species observed in the BSA during the surveys. Several other common reptiles likely occur within the BSA, although not observed during surveys. These include California alligator lizard (*Elgaria multicarinata multicarinata*), California kingsnake (*Lampropeltis getula californiae*), Pacific gopher snake (*Pituophis catenifer catenifer*), and side-blotched lizard (*Uta stansburiana elegans*).

Initial Study – Environmental Checklist

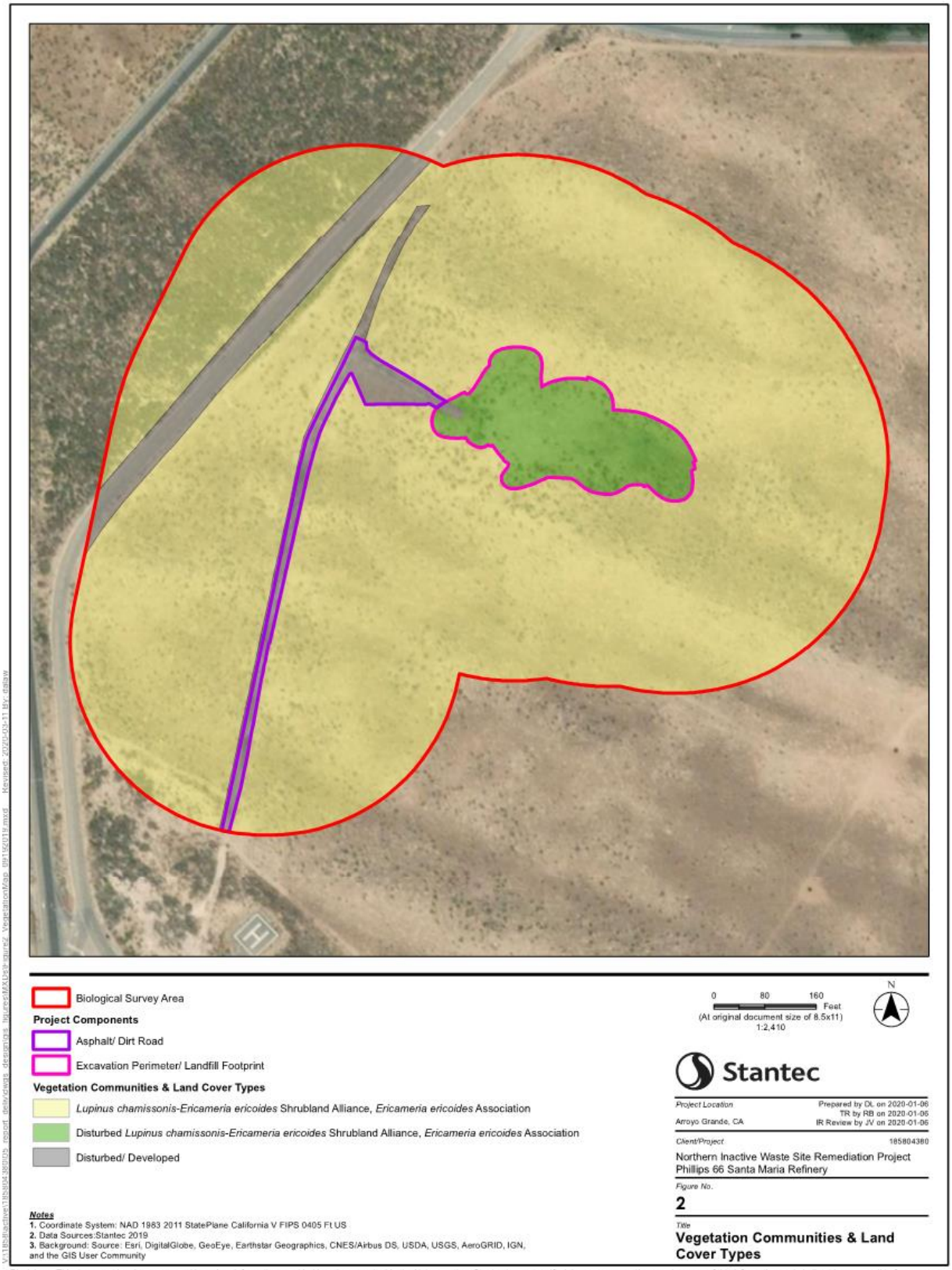


Figure 3. Vegetation communities and land cover types.

Birds

Birds were identified by sight and sound and were observed throughout the BSA. Some of these included mourning dove (*Zenaida macroura*), California gull (*Larus californicus*) and turkey vulture (*Cathartes aura*). All avian species identified in the BSA during the 2019 surveys are listed in BRTR. It is possible that many other birds use the BSA either as wintering habitat, seasonal breeding, or as occasional migrants. Although the following species were not detected in the BSA during the surveys, suitable habitat conditions were observed within the BSA for a number of common birds including black phoebe (*Sayornis nigricans*), Brewers blackbird (*Euphagus cyanocephalus*), American crow (*Corvus brachyrhynchos*), and lesser goldfinch (*Spinus psaltria*) .

Mammals

Black-tailed jack rabbit (*Lepus californicus*) and coyote (*Canis latrans*) were detected in the BSA during surveys in 2019; coyotes were detected by sign (scat). Given the habitat conditions within the BSA, other mammal species including California ground squirrel (*Spermophilus beecheyi*), Audubon's cottontail (*Sylvilagus audubonii*), Virginia opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*), while not detected, may occur within the BSA. No special-status mammal species were observed in the BSA.

Although bats were not detected in the BSA, they likely forage and roost within the riparian areas located north and south of the BSA. Many bats tend to concentrate foraging activities in riparian habitats similar to those likely present within these areas, outside the BSA, where insect abundance is high (CDFW, 2000).

Jurisdictional Waters/Wetlands

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California: the USACE Regulatory Program regulates activities pursuant to Section 404 of the federal CWA; the CDFW regulates activities under the Fish and Game Code Section 1600-1607; the California Coastal Commission (CCC) under the Coastal Act of 1976; and the RWQCB regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. A formal delineation was not conducted as part of the surveys within the BSA. During the two survey events, biologists did not observe any aquatic features within or adjacent to the BSA that would meet the jurisdictional requirements of the above noted agencies.

Special-Status Natural Communities

Special-status natural communities are defined by CDFW (2009) as, "…communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation within the state is ranked with an "S" rank, however only those that are of special concern (S1-S3 rank) are generally evaluated under CEQA. *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association is listed with a rank of S3 and approximately 20.31 acres of this habitat type occur within the BSA; and a rank of S3 which means it is vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. This ranking was not afforded to the disturbed portions of this community (limited to the NIWS footprint) due to the lack of substantial vegetation and less suitable soil conditions due to the underlying waste site.

Environmentally Sensitive Habitat Areas (Unmapped ESHA)

ESHA is defined in Title 23 of the San Luis Obispo County Code, Coastal Zone Land Use Ordinance (Title 23) as: "A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily disturbed or degraded by human activities and development. They include wetlands, coastal streams and riparian vegetation,

terrestrial and marine habitats and are mapped as Land Use Element combining designations". The existence of Unmapped ESHA is determined by the County at or before the time of application acceptance and shall be based on the best available information. Unmapped ESHA includes but is not limited to:

a. Areas containing features or natural resources when identified by the County or County approved expert as having equivalent characteristics and natural function as mapped other environmental sensitive habitat areas;

b. Areas previously known to the County from environmental experts, documents or recognized studies as containing ESHA resources;

c. Other areas commonly known as habitat for species determined to be threatened, endangered, or otherwise needing protection.

Based on the guidelines presented in Title 23, all areas mapped as *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association (silver dune lupine - mock heather scrub), disturbed or not, meet the requirements to be considered unmapped ESHA. Based on the description of proposed Project activities, the Project would be considered a restoration project and would be allowed within an ESHA area as per Section 23.07.170 (e)(1)(v) of Title 23 .

Special-Status Plants

The BSA was assessed for common and rare vascular plants during the 2019 surveys, though a focused, floristic-level survey was not conducted. The survey resulted in the documentation of 26 species of native and non-native plants within the BSA.

Each of the taxa identified in the record searches was assessed for their potential to occur within the BSA based on habitat presents and historical occurrences. Of the 45 identified special-status plants, 9 had a high potential to occur, and 2 were present within the BSA in recent botanical surveys, the Sand Almond and the Nipomo Mesa Lupine.

Sand almond (Prunus fasciculata var. punctata) – California Rare Plant Rank 4 species. This plant is found in sandy soils, scrubland, and oak woodland, between 0-200 meters above mean sea level. Multiple occurrences of this species were observed within the BSA; on the slopes above the NIWS and in areas immediately west. No occurrences were noted within the disturbed areas of the NIWS.

Nipomo Mesa lupine (Lupinus nipomensis) – State and federally listed as Endangered species. This plant is found in Coastal dunes, between 10-50 meters above mean sea level. This species has been observed within the BSA but is outside of any proposed impact areas. See Figure 4 on the following page for the locations of the Nipomo Lupine based on the July and September 2019 surveys. The San Luis Obispo Land Conservancy has conducted surveys for special-status within the general region of the proposed project, including the entirety of the BSA, for the last approximately 10 years.

A records search of the CNDDB, the CNPS Online Inventory, and the CCH was performed for special-status plant taxa and non-protocol plant surveys were conducted within the. This produced a list of special-status plants that have the potential to occur within the BSA due to the presence of suitable habitat and known occurrences within five miles of the BSA or are known to be present within the BSA. Of the 45 identified special-status plants, 9 had a high potential to occur, and 2 were present within the BSA in recent botanical surveys.

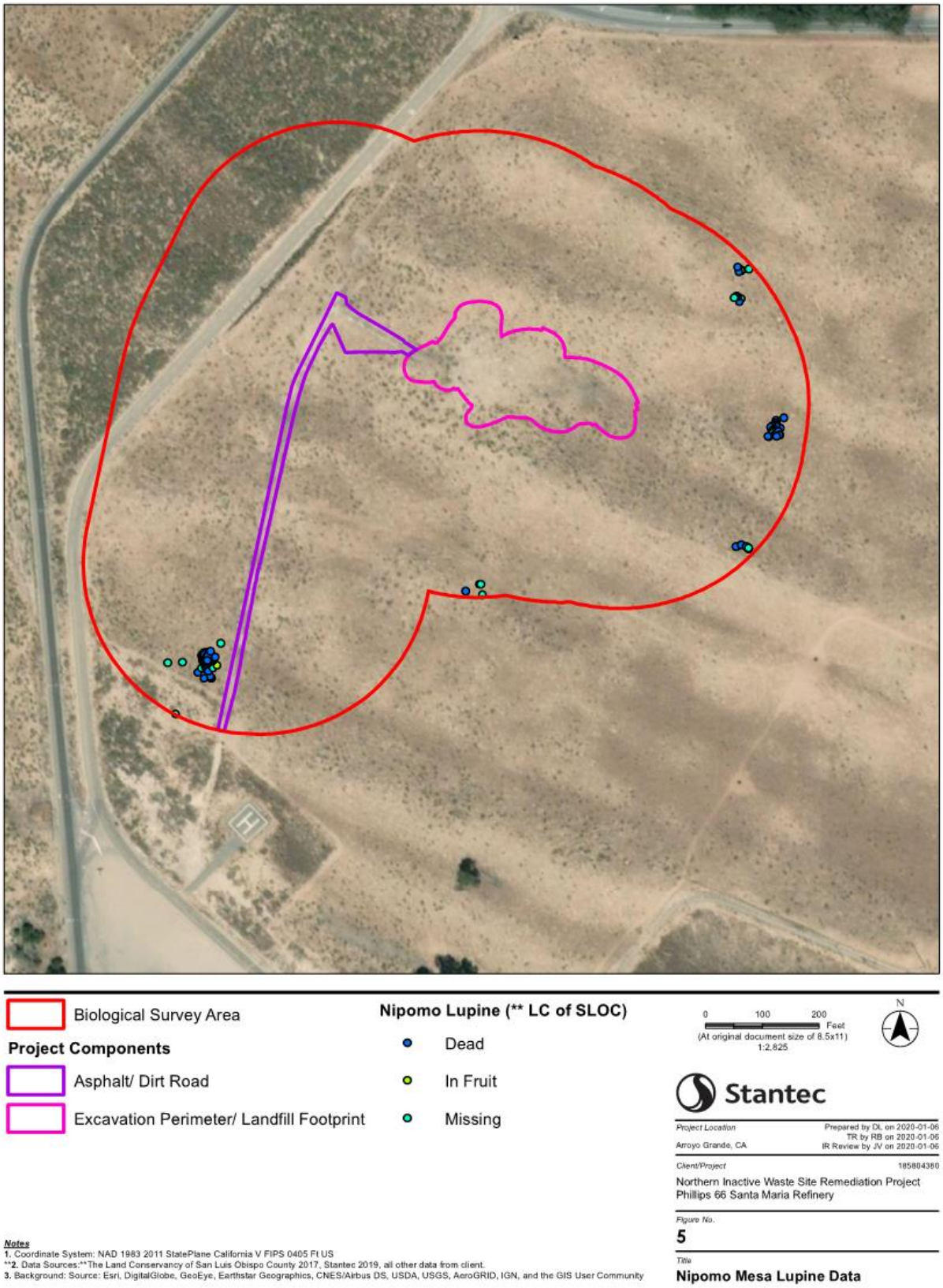


Figure 4. Locations of existing Nipomo Mesa Lupine based on the July and September 2019 surveys.

The Project proposes to excavate and remove soils and debris from within portions of the NIWS and transport them off-site. During construction activities, if present, direct impacts to special-status plants include trampling or crushing from heavy equipment, vehicles, or foot traffic; alterations to the native seed bank due to soil compaction; and modifications to existing hydrological conditions. Indirect impacts could include the disruption of native seed banks through soil alterations, the accumulation of fugitive dust, increased erosion and sediment transport, and the colonization of non-native and invasive plant species. Excessive dust can decrease or limit plant survivorship by decreasing photosynthetic output, reducing transpiration, and adversely affecting reproductive success. Ground-disturbing activities that would occur during the project can result in the proliferation and spread of non-native invasive plants to new areas. Because noxious weeds can permanently degrade rare plant and animal habitats, their proliferation could adversely affect sensitive plant species if they are present.

Special-Status Wildlife

Special-status taxa include those listed as threatened or endangered under the federal or California ESAs, taxa proposed for such listing, Species of Special Concern, and other taxa that have been identified by the USFWS, CDFW, or local jurisdictions as unique or rare and which have the potential to occur within the BSA.

The CNDDB was queried for occurrences of special-status wildlife taxa within and surrounding the BSA. Each of the species identified in the record searches was assessed for their potential to occur within the BSA based on habitat presence and historical occurrences. Of the 31 identified special-status species, 3 had a high potential to occur, and 2 were present within the BSA in recent surveys. The only special-status wildlife species observed within the BSA during the surveys conducted in 2019 were a single coast horned lizard and black-tailed jack rabbit, both California Species of Special Concern.

Construction activities could result in the direct loss of sensitive wildlife. Direct impacts could result from potential mechanical crushing during construction, fugitive dust, and general disturbance due to increased human activity. Indirect impacts could include compaction of soils and the introduction of exotic plant species. Direct impacts to special-status birds, should they occur, include ground-disturbing activities associated with construction, increased noise levels from heavy equipment, increased human presence, and exposure to fugitive dust. Construction during the breeding season could result in the displacement of breeding birds and the abandonment of active nests. Indirect impacts include human disturbance, the spread of noxious weeds, and disruption of breeding or foraging activity. Ongoing weed management could also affect nesting.

Discussion

(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Nipomo Mesa lupine (Lupinus nipomensis), which is federally and state listed as endangered and a CRPR 1B.1 species and sand almond (Prunus fasciculata var. punctate), a CRPR 4.3 species were present in the BSA. Neither species have been documented within the proposed excavation/impact areas nor are they expected to occur due to the disturbed soils associated with the landfill proposed for removal.

Other special-status species such as sand mesa manzanita (Arctostaphylos rudis), Nipomo Mesa ceanothus (Ceanothus impressus var. nipomensis), Coastal goosefoot (Chenopodium littoreum), surf thistle (Cirsium rhothophilum), La Graciosa thistle (Cirsium scariosum var. loncholepis), Pismo clarkia (Clarkia speciose ssp. immaculata), dune larkspur (Delphinium parryi ssp. blochmaniae), beach spectaclepod (Dithyrea maritima), Blockman's leafy daisy (Erigeron blochmaniae), suffrutescent

wallflower (Erysimum suffrutescens), Crisp monardella (Monardella undulata ssp. crispa), San Luis Obispo monardella (Mondardella undulata ssp. undulata), coast wooly-heads (Nemacaulis denudate var. denudata), black-flowered figwort (Scrophularia atrata), and Blochman's ragwort (Senecio blochmaniae) were determined to have a high or moderate potential of occurrence within the BSA (based on the presence of potentially suitable habitat and known occurrences within five miles of the BSA). Although suitable habitat is present and there are known occurrences within five miles, these species have not been observed within the BSA during the July or September surveys or surveys conducted by the San Luis Obispo Land Conservancy within the BSA over the last approximately 10 years. Therefore, they are not expected to occur within the proposed project area or the entirety of the BSA.

Construction of the project would temporarily impact both native and non-native vegetation communities that support a variety of common and sensitive species. Impacts to federally and/or state listed plant species from Project related activities, should they occur, would be significant. Impacts to non-listed, CRPR species, would be significant if proposed project activities would result in impacts to more than 10% of the on-site population of a particular species; conversely, impacts to less than 10% of an on-site population of a CRPR species would not be considered significant.

No special-status wildlife species have been identified within the proposed project area, however, coast horned lizard and black-tailed jackrabbit both California Species of Special Concern, were observed within adjacent habitats within the BSA. Other special-status wildlife species such as Morro Bay blue butterfly (Plebejus icarioides moroensis), northern California legless lizard (Anniella pulchra), burrowing owl (Athene cunicularia), and American badger (Taxidea taxus) were determined to have a high or moderate potential of occurrence within the BSA (based on the presence of potentially suitable habitat and known occurrences within five miles of the BSA). Impacts to special-status wildlife from Project related activities, should they be present during construction, would be significant.

On May 12, 2020 County Staff, Katie Nall, and US Fish & Wildlife Botanist, Kristie Scarazzo discussed the project and its impacts to the Nipomo Mesa Lupine via telephone. Ms. Scarazzo outlined five main concerns regarding the project as well as potential mitigation measures to combat those concerns.

First, the SLO County Land Conservancy is the agency most knowledgeable on the Nipomo Mesa Lupine, therefore, any preconstruction surveys should include a biologist from the Land Conservancy. Second, the USFWS would like to review the Construction Worker Awareness training in order to provide comments and pictures regarding the Nipomo Mesa Lupine and Sand Almond to better inform workers about the species. Third, the USFWS would like to review and provide comments to the Habitat Restoration Plan. It is known that disturbance causes blooming, therefore a restoration plan for a grading project must include language that allows for modifications if necessary. These three requests were added as recommendations in the mitigation measures outlined in Exhibit B, because the ability to complete required mitigation should not be determined by another entity.

The fourth request was to allow a botanist to screen the excavated soil prior to transportation offsite to capture any Nipomo Mesa Lupine or Sand Almond seeds that could potentially be usable. However, due to the Asbestos Containing Materials in the soil, sifting for seeds would be a health safety issue. Finally, the USFWS would like the applicant to restore the access road footprint as part of the post construction work and remediation activities and revegetate the area. However, there is no nexus to require removal and remediation of the existing road up to it.

Mitigation Measures (MM), BIO-1 through BIO-7, would require pre-construction floristic surveys, avoidance of all listed plant species (with a minimum 25-foot no activity buffer), salvage of CRPR species when avoidance is not feasible, compensatory mitigation for impacts to more than 10% of on-site CRPR species populations, pre-construction wildlife surveys, biological monitoring, implementation of wildlife specific best management practices, restoration of impacted habitats, and environmental awareness training. Therefore, impacts to special-status plants and wildlife to a *less than significant level with mitigation*.

(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Based on the results of the field investigation, the BSA supports one native plant community Silver dune lupine - mock heather scrub, considered as a sensitive community by the California Department of Fish and Wildlife (CDFW). The Project is expected to temporarily impact approximately 1.53 acres of land within the BSA, including 1.38 acres of disturbed silver dune lupine – mock heather scrub (Lupinus chamissonis - Ericameria ericoides Shrubland Alliance, Ericameria ericoides Association), and 0.15 acre of Disturbed/developed land. Silver dune lupine - mock heather scrub is known to support Nipomo Mesa lupine, although it was not observed during the surveys. Disturbed silver dune lupine is underlain by a historic landfill which is the root cause of the disturbed title for the community.

Based on the guidelines presented in Title 23, all areas mapped as *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association (silver dune lupine - mock heather scrub), disturbed or not, meet the requirements to be considered unmapped ESHA. Therefore, the project would result in disturbance of ESHA. However, because the project would be considered a restoration project to remove contaminated soils, under Section 23.07.170 (e)(1)(v) of Title 23, disturbance in ESHA is allowable.

Construction of the proposed project would remove vegetation, alter soil conditions, and potentially result in the loss of native seed banks. Construction activities could also result in the spread of noxious weeds within the proposed project site and adjacent habitats. Vehicle travel on access roads could result in increased fugitive dust to native vegetation in adjacent areas. Wind-blown dust can degrade soils and vegetation over a wide area. Fugitive dust can kill plants by burial and abrasion, interrupt natural processes of nutrient accumulation, and allow the loss of soil resources.

The proposed project would directly impact approximately 1.38 acres of unmapped ESHA, and has the potential to directly and indirectly impact special-status natural communities as defined by CDFW, which occur in immediately adjacent areas to the excavation site. Because of the project area's suitability to support several special-status species, especially special-status natural communities and unmapped ESHA, the proposed project would cause a significant adverse impact for which mitigation would be required. Implementation of MM BIO-2, BIO-3, and BIO-6 would require biological monitoring, restoration of impacted habitats including the use of topsoil to maintain the natural onsite seedbank, and environmental awareness training. Therefore, impacts to special-status natural communities would be *less than significant with mitigation*.

(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

During the two survey events supporting the BRTR prepared for the proposed project, biologists did not observe any aquatic features within or adjacent to the BSA that would meet the jurisdictional requirements of the above noted agencies. Therefore, there would be *no impact*.

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

There has been no known widespread analysis on wildlife movement conducted on the proposed project site or larger BSA; additionally, the 2015 Final Environmental Impact Report for the nearby Phillips SMR Rail Project did not identify any wildlife corridors within the vicinity of the SMR. Based on the recent 2019 surveys, terrestrial wildlife, such as coyote and badger, are known from the area and may use portions of the BSA as a pathway around the adjacent development. The presence of larger mammals, such as coyote, within the BSA indicates that wildlife can navigate the existing fencing.

Construction activities may temporarily limit terrestrial wildlife movement within the small proposed project footprint; however, the broad geographic range and habitat that occurs in the region would remain available to wildlife. The proposed project would not substantially interfere with the movement of any native resident or migratory fish, reptile, or amphibian species.

There are no known bird or bat migratory corridors that would be directly impeded by the project. Large concentrations of migrants are not known to utilize any specific portion of the project site and project activities are not expected to preclude use of the area. Migrating birds would have access to native habitat communities within adjacent areas. Although species would be temporarily disrupted during certain activities, impacts to wildlife movement and migratory corridors from the proposed project would be *less than significant*.

(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Proposed project activities would not conflict with local policies and ordinances protecting biological resources such as Title 23 or the Conservation and Open Space element of the San Luis Obispo General Plan. Based on the guidelines presented in Title 23, all areas mapped as *Lupinus chamissonis - Ericameria ericoides* Shrubland Alliance, *Ericameria ericoides* Association (silver dune lupine - mock heather scrub), disturbed or not, meet the requirements to be considered unmapped ESHA. Based on the description of proposed project activities, the project would be considered a restoration project and would be allowed within an ESHA area as per Section 23.07.170 (e)(1)(v) of Title 23. Therefore, the project does not conflict with local biological policies and impacts will be *less than significant*.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The USFWS Habitat Conservation Plan (HCP) Database was queried for HCPs and natural Community Conservation Plans (NCCPs) that occur within the larger BSA; no plans were found. The closest plans were more than 20 miles to the north in the community of Los Osos and City of Morro Bay. Therefore, the proposed project would not conflict with the the provisions of any adopted HCP, NCCPs or other approved local, regional, or state habitat conservation plan and there would be *no impact*.

Conclusion

Impacts of the proposed project are limited to short term temporary impacts during the excavation of the material within the NIWS. The proposed construction activities could result in direct or indirect impacts to special-status species during excavation activities and the transport of material to an off-site location.

Mitigation measures BIO-1 through BIO-7 have been developed to require pre-construction wildlife surveys, environmental awareness training, focused floristic surveys, and habitat restoration. The quality of habitat within the proposed project area will be of a much higher function and value than what is present with the current conditions. The mitigation measures presented below will reduce potentially significant impacts to a less than significant level.

Mitigation

BIO-1 Wildlife Pre-Construction Clearance Surveys and Biological Monitoring

The Applicant shall retain a qualified lead biologist(s) to conduct a pre-construction survey immediately *prior to initial project activities* (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all *initial ground-disturbing* and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. The lead biologist(s) shall have the right to halt all activities that are in violation of special-status species protection measures. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. Work shall proceed only after hazards to special-status species are removed, the species are allowed to leave, or are removed (if allowed) and the species is no longer at risk.

The biologist will place clearly marked boundaries of the proposed work area before construction with highly visible flagging or fencing to avoid expanding the work area into any adjacent vegetation or buffer areas. All established buffers shall remain in place until the biologist has determined that the nest is inactive; when buffers are needed a highly visible fence/material shall be installed (and kept in good working order) to mark the outer edge of this buffer; once the buffer area is established, all construction related activities shall cease within this area.

All pre-construction and on-going surveys shall be submitted by the applicant to the County within one week of the field work being completed. For any buffers proposed at less than 250 feet, the biologist shall provide a written basis supporting this reduction to the County for concurrence. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-2 Implement Worker Environmental Education Program

Prior any site disturbance, an environmental awareness training shall be presented to all project personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning

work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Prior to the development of the Worker Environmental Education program, it is recommended the applicant contact the USFWS to provide specific comments, pictures, and additional information regarding the sensitive species in the area, to be included in the WEEP.

BIO-3 Implement Best Management Practices

Prior to the issuance of any grading permits and/or notice to proceed, the Applicant shall submit grading plans and specifications to the County of San Luis Obispo, which indicate that the proposed project shall implement the following Best Management Practices:

- Restrict non-essential equipment to the existing roadways and/or ruderal areas to avoid disturbance to native vegetation.
- All excavation, steep-walled holes or trenches shall be provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches would also be inspected for entrapped wildlife each morning prior to onset of construction activities. Before such holes or trenches are filled, they would be thoroughly inspected for entrapped wildlife. Any wildlife discovered would be allowed to escape before construction activities are allowed to resume or removed from the trench or hole by a qualified biologist holding the appropriate permits (if required).
- Minimize mechanical disturbance of soils to reduce impact of habitat manipulation on small mammals, reptiles, and amphibians.
- Removal or disturbance of vegetation shall be minimized to the greatest extent feasible.
- To avoid impacts to undisturbed habitat within the larger BSA, outside of the proposed project area, no vehicles will be allowed to travel outside of existing asphalt/dirt roads within the BSA; refer to Figure 3 in Section IV. Biological Resources for a depiction of the existing roads.

BIO-4 Nesting Bird Surveys and Avoidance Measures

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds *within one week prior to initial project activity beginning*, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work

will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 Special-Status Plant Surveys and Avoidance Measures

Prior to the start of proposed project activities, and within a year of project construction, a qualified biologist/botanist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. A minimum of three survey events should be conducted and timed to account for the variance in blooming periods for special-status plans known or with the potential to occur in the BSA. Upon completion of the surveys a detailed survey report shall be prepared and submitted to the County of San Luis Obispo, as an addendum to this BRTR, for review and approval. This report shall include, at a minimum, a description of survey methodologies, a compendium of all species observed, and detailed GIS based maps showing locations of all mapped species.

All occurrences of special-status plants will be mapped and occurrences within 100 feet of proposed project activities flagged in the field. A minimum of a 25-foot buffer shall be placed around all known locations of special-status species within 100-ft of project activities to avoid potential impacts to seed banks and microhabitats that support the species. These buffers shall be flagged/fenced and avoided during construction. All occurrences of Nipomo Mesa lupine, or any other federal or state listed species, will be avoided. Occurrences of CRPR species will be avoided to the extent possible. If prior to or during construction, it is found that populations of special-status plant species have expanded within the 25-foot buffer from Project features (e.g. existing access roads), the Applicant will coordinate with the County Planning and Building Department on proposed reductions or modifications. This may include the placement of additional visual demarcations (e.g. temporary high visibility fencing) to eliminate direct impacts to the species. No Project related activity modifications to existing buffers would be allowed without approval from the County Planning and Building Department; proposed reductions or modifications must not result in direct impacts to or increased indirect impacts to listed plant species.

If CRPR species (e.g., sand almond) cannot be avoided the individual plants shall be salvaged (e.g., plant placed in large nursery pot and/or seed collection) for use in habitat restoration

activities (refer to MM BIO-6) once project related construction activities are complete. Details of the proposed salvage activity will be presented in the Habitat Restoration Plan (HRP [refer to MM BIO-6]). All plants directly salvaged or propagated from collected seed shall be monitored and must survive in good health or demonstrate stable or expanding populations, for a minimum of three years, post planting, for salvage to be considered successful. Details of the salvage methodology will be presented in the HRP detailed under MM BIO-6 below.

BIO-6 Vegetation Removal and Replacement

Construction activities shall be done in such a manner as to minimize the removal of native vegetation. If native vegetation removal cannot be avoided, and the removal is approved by the County of San Luis Obispo, the impacted plant communities shall be replaced at a mitigation ratio of 1:1. Sensitive communities (e.g., silver dune lupine – mock heather scrub) shall be replaced at a mitigation ration of 2:1. The compensation for the loss of habitats may be achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program.

Prior to the removal of native vegetation, a Habitat Restoration Plan shall be prepared to address the temporary and permanent impacts to the sensitive habitat and will guide all restoration and monitoring activities. This plan shall be reviewed and approved by the County of San Luis Obispo's Environmental Coordinator. Any usable topsoil with the potential to hold the seeds of sensitive species will be salvaged and used when revegetating the area. This plan shall include, at a minimum, the following:

- Proposed species list for creation/enhancement;
- Planting/seeding methodology;
- Details on methodologies for salvage of CRPR species;
- Irrigation plan;
- Weeding schedule;
- Success criteria;
- Monitoring methodology and schedule;
- Reporting requirements; and
- Contingency plan.

Prior to ground disturbing activities, it is recommended that the applicant send the habitat restoration plan to the USFWS for review.

The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-7 Compensation for Impacts to CRPR Species

Prior to final sign off, If project-related impacts result in the loss of more than 10% of the on-site (BSA) population of any CRPR plant species, compensatory mitigation will be required. Compensation will be required for all impacts that exceed the 10% threshold (e.g. impacts to 15% of a population will only require compensation for 5% or the amount of impacts that exceed the 10% threshold). Compensation for permanent impacts to CRPR species may be

achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts will be at a 0.5:1 ratio. Enhanced/restored habitat for an impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Setting

The project site exists on coastal dunes west of Nipomo. The project is located in an area historically occupied by the Northern Chumash.

San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

Initial Study – Environmental Checklist

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

A Phase 1 Cultural Resources Survey was prepared for the site by Stantec in September of 2019. The report found no prehistoric or historic cultural materials or historic structures within the project site, and it estimated that the possibility of intact archaeological deposits existing within the site is low (Stantec, September 2019). See Section XVIII – Tribal Cultural Resources for AB52 consultation.

Discussion

(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

The project site is on coastal dunes next to the Phillips 66 Santa Maria Refinery. According to the Phase 1 Cultural Resources Survey no know prehistoric or historic cultural materials or historic structures are present on the project site (Stantec, September 2019). The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, *no impacts* will occur.

(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

(c) As noted above, the Phase 1 Cultural Resources Survey identified no known archaeological resources. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 23.07.104 (Archaeologically Sensitive Areas) would be required, which states:

> In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:
>
> A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
>
> B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be *less than significant.*

(d) Disturb any human remains, including those interred outside of dedicated cemeteries?

The record and literature search of the project area did not identify any know burial sites within 0.25 miles of the project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to human remains are expected to be *less than significant.*

Conclusion

County land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant impacts on cultural resources would occur. In the event of an unanticipated discovery of archaeological resources during earth-moving activities, compliance with the LUO would ensure potential impacts to cultural resources would be reduced to less than significant.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

The County has adopted a Conservation and Open Space Element (COSE) that establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase the production of renewable energy from small-scale and commercial-scale renewable energy installations to

account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

The project is a remediation of a contaminated site and will not have long term energy needs.

Discussion

(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because no permanent structure requiring energy will result from the project. The project will not consume any electricity after ground disturbing activities are complete. Therefore, the project's impact on energy resources would be *less than significant*.

(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project would not interfere with the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the County by 2035 (San Luis Obispo County 2011). Nor would the project conflict with any state plans for renewable energy or energy efficiency. Therefore, impacts would be *less than significant.*

Conclusion

The project would not result in significant energy usage or wasteful, inefficient, or unnecessary consumption of energy resources. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy and no mitigation measures are necessary.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The proposed area of disturbance is located on undulating dune topography, with elevations ranging from approximately 80 to 120 feet above mean sea level. The project site is gently sloping to moderately sloping and the soils have low shrink-swell potential due to the minimal presence of clay in on-site soils. According to the County's Land Use View, the project site is not within the County's Geologic Study Area and has a low landslide risk and moderate liquefaction potential due to shallow groundwater and sandy dune soils. The closest known Alquist-Priolo Earthquake Fault Zone (active fault) is the Los Osos Fault Zone, located approximately 18 miles to the north, near the city of San Luis Obispo. However, the nearest potentially active fault is approximately 4.3 miles east of the project site and a capable fault 9.8 miles to the east. There are no known active faults in the immediate project vicinity and no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils.

Discussion

(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

(a-i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The proposed project is the remediation of impacted soils located within an open space area next to the Santa Maria Refinery and would not be open to the public. The project site is not located within an Alquist-Priolo Fault Hazard Zone and the closest fault is an unnamed fault located 4.3 miles east of the project site. Therefore, potential adverse impacts related to location within known fault zones would be *less than significant*.

(a-ii) Strong seismic ground shaking?

The entire central coast of California is subject to risk of seismic events and ground shaking. The project would remove 14,520 cubic yards of contaminated soil from the site. No permanent employees or structures would be located onsite after completion of the grading activities, therefore, impacts would be *less than significant.*

(a-iii) Seismic-related ground failure, including liquefaction?

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with moderate potential for liquefaction risk due to the shallow groundwater and sandy dune soils. However, no structures would be impacted during a ground failure event because no permanent structures will result from the project. Therefore, the project would not cause adverse effects involving liquefaction, and impacts would be *less than significant*.

(a-iv) Landslides?

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map is located in an area with low potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides and impacts would be *less than significant*.

(b) Result in substantial soil erosion or the loss of topsoil?

The project would result in the disturbance of approximately 60,250 square-feet (1.38 acres) including 14,520 cubic yards of cut. This will involve the removal of coastal dune scrub on sandy soils. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 23.05.036) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to *less than significant*.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The project will remove approximately 14,520 cubic yards of contaminated soil from a gently sloping to moderately sloping area of soils with a low shrink-swell potential due to the minimal presence of clay in on-site soils. The project site is not within the County's Geologic Study Area and has a low landslide risk and moderate liquefaction potential due to shallow groundwater and sandy dune soils. Therefore, the project will not be located on a geologic unit that is unstable and impacts will be *less than significant*.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The soils at the project site have low shrink-swell potential due to the minimal presence of clay in on-site soils. Therefore, the project will have a *less than significant impact* to risks to life and property.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The proposed project would not result in the production of waste water. Septic tanks and waste water disposal systems would not be required. Therefore, there would be *no impact* stemming from the installation of septic systems or waste water disposal systems.

(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no known paleontological features or unique geologic features known to exist on the site. Therefore, impacts to paleontological resources and unique geologic features would be *less than significant*.

Conclusion

The project site is moderately susceptible to ground failure incidents due to on-site geologic conditions and soils. However, due to the nature of the remediation project, no permanent structures will be constructed as a result and therefore will no be impacted by the geology of the site. Standard erosion control measures required by County Ordinance will be enforced. The project would not result in significant impacts related to geology or soils.

Mitigation

No additional mitigation measures beyond those required by ordinance will be required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Initial Study – Environmental Checklist

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth's average surface temperature by exacerbating the naturally occurring "greenhouse effect" in the earth's atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth's climate system. This phenomenon is commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO_2e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO_2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be "regulated" either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Discussion

(a-b) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project is the remediation of a contaminated site. The only source of GHG emissions throughout the lifetime of the project is from the grading and transportation equipment used to remove and transport the contaminated soils away from the site.

Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, impacts *would be less than significant*.

Conclusion

Impacts relating to greenhouse gas emissions would be less than significant.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Setting

The Santa Maria Refinery which undergoes routine hazardous materials processing, storage and transfer, is located approximately 0.3 miles south of the site. The project site, also known as, the Northern Inactive Waste Site (NIWS) operated at the Phillips 66 (formerly Unocal) Santa Maria Refinery (SMR) from approximately 1955 to 1974 and was reportedly used for the disposal of refinery byproducts and domestic waste, including petroleum hydrocarbons and potential asbestos containing materials. In support of the closure and remediation of the NIWS, Stantec has submitted a Conceptual Closure Plan (CCP) to the Regional Water Control Board (RWQCB) to remediate the site that, among other actions, recommends the excavation of

impacted soils to depths ranging from 3 to 10 feet below ground surface as required to meet the proposed soil cleanup goals. The site consists primarily of soils impacted with Asbestos Contaminated Materials (ACM) and petroleum hydrocarbons, primarily total petroleum hydrocarbons in the oil range (TPHo) (Stantec, July 2019).

Fine to medium-grained, poorly graded, loose dune sands comprise the predominant native soil lithology from the ground surface to approximately 25 feet below ground surface at the site. Soil borings showed evidence of petroleum hydrocarbons, sulfur cake, metal debris, wood debris and fibrous materials at depths less than 3 feet below ground surface. The petroleum hydrocarbons were indicated by black stained sand, cohesive chunks of black tar binding the sand, and fragments of asphaltic material. Volatile Organic Compounds (VOC) were not detected in any of the soil samples. Other tested compounds include Polycyclic aromatic hydrocarbons, Dioxins and Furans; Chlorinated Herbicides; Organo-phosphorus pesticides; pH and Total Cyanide; Organochlorine Pesticides and PCBs; and California Title 22 Metals; and Hexavalent Chromium, however, the site consist primarily of soils impacted with ACM and petroleum hydrocarbons.

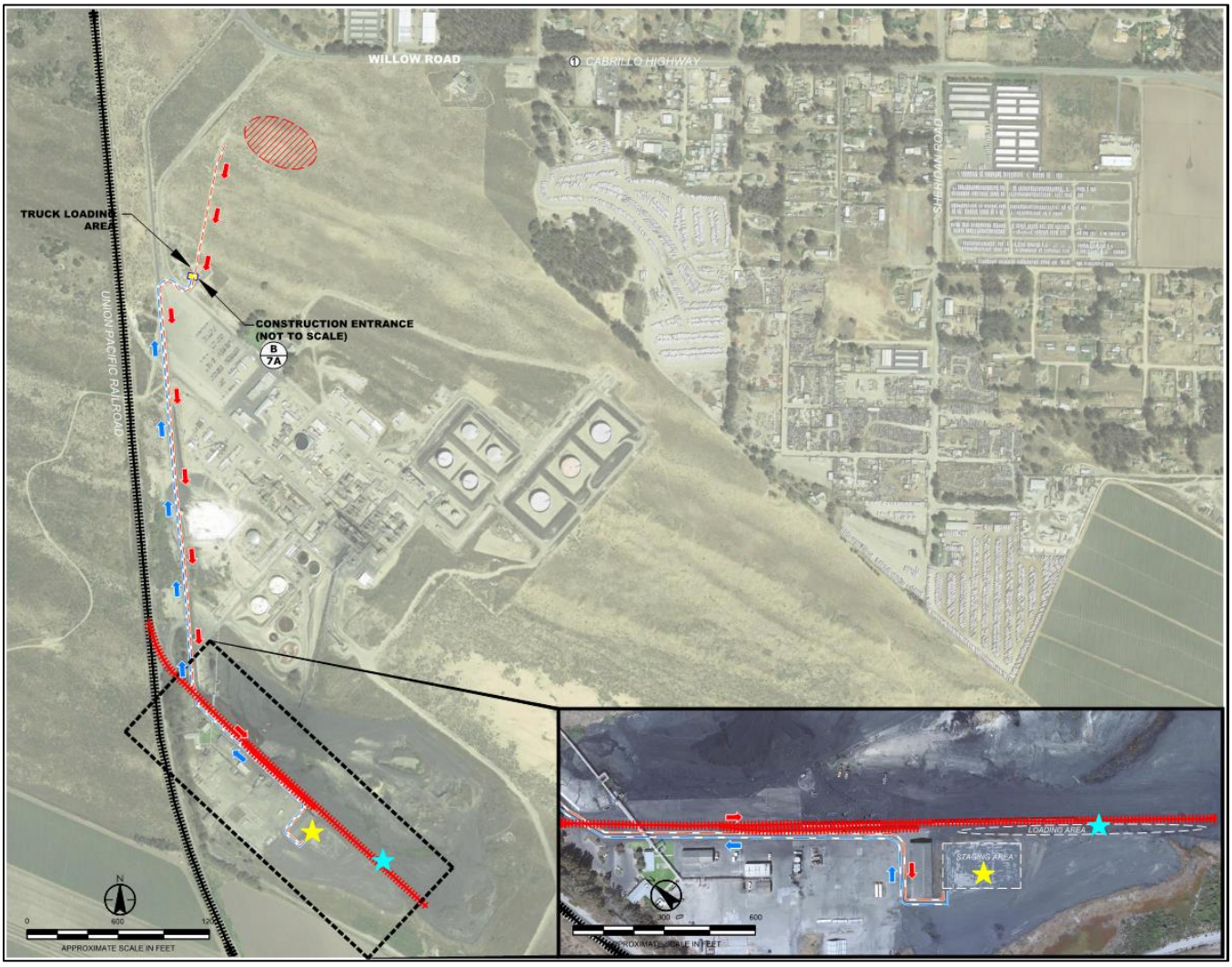


Figure 5. Staging and on-site haul route.

Despite the long history of industrial petroleum processing uses, the site is not listed on the Cortese List of hazardous materials cleanup sites developed pursuant to California Government Code Section 65962.5. The State Water Resource Control Board's GeoTracker Database provides a list of hazardous materials sites regulated by the state. The project site is identified by GeoTracker as a Cleanup Program Site (RB Case #: SL203121248) with an "Open – Assessment & Interim Remedial Action as of 12/17/2019" cleanup status (refer to http://geotracker.waterboards.ca.gov). Potential contaminants of concern listed are metals/heavy metals, petroleum, fuels, oils, and polynuclear aromatic hydrocarbons. Site history indicates that management of the on-site coke piles has been changed so that industrial and stormwater do not flow into the area of coke pile storage. Groundwater on site is monitored to determine if metals and other constituents from the coke piles are leaching from the surface into the groundwater. Subsequent investigations revealed the presence of a subsurface plume of Light non-aqueous phase liquid ground contaminant covering an area of approximately 3.7 acres. Manual pollution recovery was initiated in January 2017.

The site is within the High Severity Fire Hazard Zone and a 0 to 5 minute Emergency Response Time area. The project location is within an area classified as "state responsibility" by CalFire and a CalFire station is located approximately 0.3 miles east of the project site. The project is not within the Airport Review area, and there are no schools or public or private airports within 0.25 miles of the project site.

Discussion

(a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project would not involve the routine transportation, use, or disposal of hazardous materials. However, during the remediation process, short-term grading activities would utilize gasoline and diesel fuels for grading equipment, and the project proposes to transport the contaminated soil from the project location to a waste receiving facility in Utah by licensed haulers via rail cart. The impacted soil will be loaded into bins, covered and transported on-site to the rail spur via trucks using onsite existing road systems (see Figure 5); loaded onto covered rail cars at the refinery; and transported by rail to the final waste receiving facility. This transportation will only last until the contaminated soil is completely removed. All construction waste materials would be disposed of in compliance with State and Federal hazardous waste requirements at appropriate facilities. A total of 13 Roundtrips, or 26 one-way trips will be made to rail the soils from the project site to the disposal facility in Utah. The export of material will be included in normal operations of the refinery. Therefore, they will not be considered 'new' trips that would not take place without the project. Project operations would not result in new routine transport, use, or disposal of hazardous materials compared to existing conditions. Impacts are expected to be *less than significant.*

(b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed cleanup goals are to lower the TPHo concentration within the soil to below the Tier 1 Environmental Study Level (ESL) and eliminate any detectable concentrations of ACM. Construction activities associated with the project involve use of grading equipment and hauling contaminated materials in covered trucks from the site to the covered rail cars for final disposal at a waste receiving facility in Utah. The site would then be backfilled with clean material as needed, erosion controls will be installed and the site will be re-vegetated (see mitigation measure BIO-6). As previously discussed, ACMs and petroleum hydrocarbons are found on the site. As such, the excavation and soil handling will be conducted by a qualified, HAZWOPER-trained and state certified ACM contractor, in accordance

and compliance with the site-specific Health and Safety Plan, Cal-OSHA regulations, as well as all Federal, State, and local laws and regulations. Adherence to regulations, Safety Data Sheets for materials used, and clean-up protocols would prevent a significant risk of upset or accident conditions that would involve the release of hazardous materials into the environment.

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law. Any soil used as backfill must meet the Tier 1 environmental safety levels for petroleum hydrocarbons and asbestos concentrations at <1%. Confirmation soil sampling and analysis would be conducted at the final excavation extent to verify that cleanup criteria are achieved.

Potential short-term risks to on-site workers, public health, and the environment could result from dust or particulates that may be generated during excavation and soil handling activities. These risks would be mitigated at the site using personal protective equipment for on-site workers and engineering controls, such as dust suppression; and additional traffic and equipment operating safety procedures (See Section III Air Quality mitigation measure **AQ-1**). Excavation and off-site disposal would remove the COPC from the site, and therefore, eliminates the long-term risk.

A total of 13 Roundtrips, or 26 one-way trips will be made to rail the soils from the project site to the disposal facility in Utah. The export of material will be included in normal operations of the refinery. Therefore, they will not be considered 'new' trips that would not take place without the project. There is no specific transportation plan provided by the applicant for the railroad aspect of transporting the contaminated soil because all rail car safety precautions are prepared and carried out by the waste hauler, the Southern Pacific Railroad Company. The waste hauler will follow all state and federal regulations regarding the transportation and disposal of asbestos containing materials per the guidance of the Code of Federal Regulations, Title 49. Title 49 is the principle set of rules and regulations issued by the Departments of Transportation and Homeland Security, outlining the regulations for transporting hazardous materials. The applicant will work closely with the transporter contractor (Republic Services) and the landfill (ECDC Landfill) to ensure compliance.

As noted above, project operation would not result in new routine transport, use, or disposal of hazardous materials. Therefore, the project would not involve a change in use which would create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no proposed or existing schools within one mile of the remediation site, however, the railroad proposed to transport the contaminated soil runs within one mile of schools. After the soil is loaded, the soil will be covered prior to transport, preventing any emission of hazardous materials within one-quarter mile of an existing or proposed school. The waste hauler will follow all state and federal regulations regarding the transportation and disposal of asbestos containing materials per

the guidance of the Code of Federal Regulations, Title 49, to prevent any emissions of hazardous materials within one-quarter mile of a school. Therefore, impacts are *less than significant*.

(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The site is not listed on the Cortese List of hazardous materials cleanup sites developed pursuant to California Government Code Section 65962.5, and will have *no impact*.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project is not located within an airport land use plan and is not located within close proximity to an airport. Therefore, there would be no risk of exposing people to a safety hazard or excessive noise from the operation of an airport and therefore there would be *no impact.*

(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project would not conflict with any regional emergency response or evacuation plan as the majority of project activities will take place onsite. The path of the trucks transporting the contaminated soil to the rail carts, is on the project parcel, away from public access. The rail carts connect to the Union Pacific Railroad and will transport the soil offsite (See Figure 5 for the transportation route). Project construction would be contained within the project site. Construction and operation of the project would not require road closure, and the project would not physically block the Refinery employees from evacuating during an emergency. Therefore, impacts would be *less than significant*

(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The proposed project is located in an area classified as a High Fire Hazard Severity Zone. The project site is surrounded by dune vegetation. Once the project work is completed, the risk to people from wildland fires would remain the same as the pre-project risk conditions. Per a letter dated November 17, 2020 from Cal Fire Captain Dell Wells, there no significant life or fire safety concerns related to fire code or local fire related ordnances. Therefore, the project has *no impact* on exposing people or structures to wildfires.

Conclusion

The proposed cleanup goals are to lower the TPHo concentration to below Tier 1 Environmental Study Level (ESL) and eliminate any detectable concentrations of ACM. The project proposes to transport the contaminated soil from the project location to a waste receiving facility in Utah by licensed haulers via railroad. The waste haulers will follow all state and federal regulations regarding the transportation and disposal of asbestos containing materials per the guidance of the Code of Federal Regulations, Title 49. Once remediation activities are complete, the project would not involve the routine transportation, use, or disposal of hazardous materials. Short-term risks to on-site workers, public health, and the environment could result from dust or particulates that may be generated during excavation and soil handling activities. The project is not within close proximity to any schools or airports and would not conflict with any regional emergency response or

evacuation plan. Standard dust mitigation measures (AQ-1) are proposed to make impacts from hazardous materials less than significant.

Mitigation

See Section III for Air Quality Mitigation Measures.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iv)	Impede or redirect flood flows?	☐	☐	☐	☒
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The project is the remediation of a historic waste site on the Phillips 66 Santa Maria Refinery's property. No water use is proposed for the remediation activities. The topography of the project is gently to steeply sloping. As described in the NRCS Soil Survey, the sandy soil surface is considered to have low erodibility and is considered well drained. The project parcel is within the Santa Maria River Valley Groundwater Basin and the South Coast Water Planning Area. The remediation site is 0.76 miles south of the Black Lake Canyon and 1.34 miles north of Oso Flaco Creek, which both flow west towards the Pacific Ocean. The southern edge of the project parcel is located within a 100-year flood zone, however the project site is outside of the boundary.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows. The applicant provided an infiltration test, which was completed by Stantec Consulting Services on February 4, 2020. The test simulated precipitation, moisture redistribution, evaporation, transpiration, and infiltration at the site during the maximum rainfall event in meteorological record (December 2010), which corresponds to a 200-year, 24 hour storm event. The findings concluded the soils are capable of infiltrating the maximum rainfall event (Stantec, 2020).

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

Discussion

(a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

With regards to project impacts on water quality the following conditions apply:

- Approximately 1.38 acres of site disturbance;
- Storm Water Pollution Prevention Plan (SWPPP) is required;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is on soils with low erodibility, and gentle to steep slopes;
- The southern edge of the project parcel is within a 100-year Flood Hazard designation, but the remediation site is not;
- The project is not within close proximity to any blue line streams;
- All hazardous materials and/or wastes will be properly transport offsite via trucks and rail cars; and
- Stockpiles will be properly managed during construction to avoid material loss due to erosion.

Implementation of Land Use Ordinance Section 23.05.042 and Section 23.05.036 will help ensure less than significant impacts to water quality standards and surface and ground water quality.

The majority of petroleum hydrocarbon impacted soils occurred in the near surface between 1 and 3 feet below ground surface. Based on the assumed depth to groundwater of 60 to 70 feet below ground surface in the vicinity of the site, groundwater is not expected to be impacted by petroleum hydrocarbons associated with the NIWS waste storage activities. This assumption is based on the relative stability of petroleum hydrocarbon and the approximately 50 feet of vertical distance between the deepest encountered impacted soils (approximately 10 feet below ground surface) and the assumed depth to groundwater. Therefore, impacts would be *less than significant*.

(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The project is not located within a groundwater basin designated as level of Severity III per the County's Resource Management System or in severe decline by the Sustainable Groundwater Management Act. The project would not increase water demand deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would *be less than significant.*

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(c-i) Result in substantial erosion or siltation on- or off-site?

The proposed project will be required to provide an erosion control plan, consistent with County standards and is not expected to result in any substantial erosion or siltation on or off site. Therefore, the impact is considered *less than significant*.

(c-ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

The proposed project will be required to submit a drainage plan, consistent with County standards. The project is not expected to result in substantial increases to the rate or amount

of surface runoff which could result in flooding on or off site. Therefore, the impact is considered *less than significant*.

(c-iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project shall submit a drainage plan, consistent with County standards. Therefore, it is not expected that the project would result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. The remediation site would be outside of the 100-year flood hazard area. The project would be at a great enough distance from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be *less than significant.*

(c-iv) Impede or redirect flood flows?

The project site is outside of the 100-year flood hazard area and the required drainage plan shall be designed to keep flood flows on site or keep with existing historic flows. Therefore, the project is not expected to impede or redirect flood flows. *No impacts* are anticipated.

(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Based on the County Safety Element Dam Inundation Map, the project site is not located in an area that would become inundated in the event of dam failure. The proposed project site is not located in a 100-year flood zone, and the Pacific Ocean is located approximately 2.25 miles from the project site. The remediation project will remove contaminated soil preventing the future release of pollutants to flooding inundations. The likelihood of flood, tsunami, or seiche affecting the project site is low and therefore impacts would be *less than significant.*

(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The remediation project will remove contaminated soil which could leak into the groundwater table. The project will not conflict or obstruct implementation of a water quality control plan or sustainable management plan. Impacts will be *less than significant*.

Conclusion

The remediation project will remove contaminated soil from the site, protecting surface and ground water in the vicinity. No significant impacts from water use are anticipated. The proposed project would not violate any water quality standards or otherwise substantially degrade surface or ground water quality. It would not decrease groundwater supplies or interfere with groundwater recharge.

The project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation, surface runoff, or impede or redirect flood flows. The project would not risk release of pollutants due to project inundation or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

Stantec Consulting Services. Infiltration Model, Phillips 66 Santa Maria Refinery, San Luis Obispo County, California. February 4, 2020.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☐	☒
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Setting

The proposed project is located in an open space area near the Santa Maria Refinery. The land use category is designated Industrial. Surrounding uses are identified on Page 2 of this Initial Study. The project proposes the removal of contaminated soils and is considered compatible with these surrounding uses. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use. Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., Cal Fire, Air Pollution Control District, California Department of Fish and Wildlife Service, U.S. Fish and Wildlife Service, Regional Water Quality Control Board, Environmental Health, Public Works, Native American Outreach (AB52), and South County Advisory Council).

Discussion

(a) Physically divide an established community?

The proposed project is located on an existing parcel and would not involve any components that would physically divide the residential community. The proposed project is a remediation project and would utilize the existing circulation system and not require the construction of offsite infrastructure. Therefore, there would be *no impact.*

(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project was found to be consistent with standards and policies set forth in the County General Plan, the South County Coastal Area Plan, and other land use policies for this area. The project would

be conditioned to be consistent with standards set forth by Cal Fire/County Fire, Environmental Health, and the Department of Public Works. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant.*

Conclusion

No significant land use or planning impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
(b)	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Active mining operations are located approximately 3.5 mile north of the project site, in the Oceano Sand Pit.

Discussion

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no known mineral resources on the project site, therefore impacts would be *less than significant.*

(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be *less than significant.*

Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Initial Study – Environmental Checklist

Setting

The project area is zoned for Industrial uses. The County limits daytime (7:00 a.m. to 10:00 p.m.) noise levels to 50 decibels A-weighted (dBA Leq) at residential property lines. Short-term construction noise is exempt from County noise regulations provided it takes place during daytime hours (noted above, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday). Pursuant to the Federal Transit Administration, a vibration level of 65 VdB is the threshold of perceptibility for humans. The existing ambient noise environment is characterized by traffic on Highway 101, as well as industrial equipment from the Santa Maria Refinery. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The closest sensitive receptors to the project site is a neighborhood of single-family residences located northeast of State Route 1 approximately 730 feet from the proposed project site. The project is not located within an Airport Review Area and the closest active landing strip, Oceano County Airport, is 3.8 miles north of the project site.

Discussion

(a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Project construction activities would generate short-term (temporary) construction noise. Activities that generate noise in excess of 60 dB at the project site boundary shall be limited to the hours of 7 a.m. to 6 p.m. If possible, the use of pile drivers shall be minimized in construction. Alternative techniques that produce less noise, such as drilled or bored piles, shall be considered. Furthermore, compliance with County LUO Section 23.06.040 would require construction noise to be limited. The project is a remediation project and will not generate noise long term. Noise impacts resulting from both construction and operation of the proposed facility are expected to be *less than significant.*

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Grading for the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be *less than significant.*

(c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project is not located within an Airport Review Area and the closest active landing strip, Oceano County Airport, is 3.8 miles north of the project site. Since the project site is not located within two miles of a public airport or public use airport, and is not located in an area subject to an airport land use plan, there would be *no impact* to people residing or working in the project area from excessive air traffic related noise levels.

Conclusion

No significant noise-related impacts are anticipated.

Mitigation

No mitigation measures are needed.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

Setting

The proposed project is located within the unincorporated area of San Luis Obispo County, just west of the community of Nipomo. The site is located within the South County Coastal planning area. The area which has experienced, and continues to experience, the highest growth rate in South County is Nipomo, however, new development is also occurring in even the most remote areas of the Nipomo Mesa.

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance (Title 23 Section 23.04.096) requires provision of new affordable housing or payment of a fee in conjunction with both residential and nonresidential development and subdivisions.

Discussion

(a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project is not expected to cause any substantial population growth as it would be a removing the contaminated soil of a historic waste site on the Phillips 66 Santa Maria Refinery property. Therefore, impacts would be *less than significant*.

(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is located on the Phillips 66 Santa Maria Refinery property, which is zoned industrial land use category. Residential dwellings are not allowable uses in the industrial land use category. Therefore, the project would not result in the displacement of existing people or housing and would therefore not necessitate the construction of replacement housing elsewhere.

Conclusion

The project will not result in a need for a significant amount of new housing and will not displace existing housing.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
	Fire protection?	☐	☐	☒	☐
	Police protection?	☐	☐	☒	☐
	Schools?	☐	☐	☒	☐
	Parks?	☐	☐	☒	☐
	Other public facilities?	☐	☐	☐	☒

Initial Study – Environmental Checklist

Setting

The project area is served by the following public services:

Fire: Cal Fire / County Fire (Location: 2391 Willow Road, Arroyo Grande, approximately 0.3 miles east of the project parcel). The project site has a high Fire Hazard Severity rating. According to Cal Fire and County Fire response times are estimated to be between 0 to 5 minutes.

Police: County Sheriff (Location: 1681 Front Street, Oceano, San Luis Obispo County Sheriff South Patrol, approximately 5.9 miles north of the project parcel)

School District(s): Lucia Mar Unified School District.

Parks: The project parcel overlaps with the Juan Bautista de Anza National Historic trail corridor.

Discussion

(a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?
The proposed project was reviewed by Cal Fire for consistency with the Uniform Fire Code, it was determined that a Fire Safety Plan will not be needed for the project because there are no significant life or fire safety concerns related to fire code or local fire related ordinances. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Police protection?
The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Schools?
The proposed project would not result in population growth. Therefore, the project will not result in a cumulative effect on existing school facilities and impacts would be *less than significant*.

Parks?
The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be a *less than significant impact* to existing parks or a need for new park facilities.

Other public facilities?
None applicable.

Conclusion

The proposed project does not have the potential to result in significant impacts to fire or police protection and will not result in an increase in population, causing a cumulative effect on existing schools or parks. Therefore, the project will have a less than significant impact to public facilities and services.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Setting

The project site is located east of the Oceano Dunes State Vehicular Recreation Area, and northeast of the Oso Flaco Day Use Area and Oso Flaco Lake Trail. The Nipomo Bluff Trail terminates approximately 0.3 miles south of the project site, and the Juan Batista de Anza National Historic Trail follows State Route 1 through the project area. The nearest vertical coastal access points are located approximately 3.6 miles to the north (pedestrian and vehicle) and 0.74 mile south (pedestrian only). A previous application on the site, DRC2012-00095, the "Phillips 66 Rail Spur Extension and Coastal Access" included an offer of dedication for vertical access at site, but the project was denied and the access point was not added.

The project does not involve a permanent development and will not block any potential future trail. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Discussion

(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The remediation project will not provide additional housing or increase the general population in the area. Therefore it would not cause substantial physical deterioration of existing neighborhoods and regional parks or other recreational facilities. Impacts would be *less than significant*.

(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not propose any recreational facilities, nor does it necessitate the construction or expansion of recreational facilities in a way that might have an adverse physical effect on the environment. Therefore, impacts would be *less than significant.*

Conclusion

The proposed project would not generate a significant increase in activity within any publicly accessible recreational facilities, nor would it necessitate the construction or expansion of such facilities to an extent which would have an adverse physical effect on the environment.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

The County has established the acceptable Level of Service (LOS) on roads in rural area as LOS "C" or better (LOS "D" in urban areas). Refinery traffic currently utilizes State Route 1, Willow Road, Pomeroy Road, West Tefft Street, State Route 166, and U.S. Highway 101 to access the project site. The project is located outside of the County's Airport Review combining designation (AR). There are no bike lanes or public transit stops nearby. The project is located within the South County Area 2 road fee area but is not within an urban reserve line. Truck trips will transport contaminated soil from the project site to covered rail cars, which would take the soil offsite to the disposal facility in Utah for its final destination. See Figure 5 in Section IX, Hazards and Hazardous Materials for the onsite transportation route.

Discussion

(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed project would be completed onsite and would not conflict with plans, ordinances, or policies which address the circulation system. No activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works or other applicable agencies. Therefore, impacts would *be less than significant*.

(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The proposed project is the remediation of contaminated soils and will not result in a long-term use and therefore will not increase the Vehicle Miles Traveled (VMT) as a result. Therefore, the project would not conflict of be inconsistent with CEQA Guidelines section 15064.3 subdivision (b) and would have a *less than significant impact*.

(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project will not result in the creation of geometric design features. Access between the remediation site and the railroad will be provided by existing roads onsite. Existing access is adequate for the proposed project and therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would not result in any permeant development or additional road. All access roads are existing and are adequate for emergency access. The remediation activities would not require road closure, and the project would not physically block the Refinery employees from evacuating during an emergency or prevent emergency vehicles from entering the property. Therefore, impacts would be *less than significant*

Conclusion

The proposed project would not result in a significant increase in the use of the existing roads servicing the area nor would it increase or create any hazard or obstruction to emergency access.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

a. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   1. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or

   2. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

A Phase 1 Cultural Resources Survey was prepared for the site by Stantec in September of 2019. The report found no prehistoric or historic cultural materials or historic structures within the project site, and it estimated that the possibility of intact archaeological deposits existing within the site is low (Stantec, September 2019). See Section XVIII – Tribal Cultural Resources for AB52 consultation. As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Chumash.

AB 52 consultation letters were sent to four tribes on October 28, 2019: Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council. The Salinan Tribe responded on November 19, 2019, requesting to review the Phase 1 Archeological Resource Assessment, but did not provide any additional concerns. No further consultations were requested.

Initial Study – Environmental Checklist

Discussion

(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

(a-i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

As noted in Section V. Cultural Resources, the Phase 1 Cultural Resources Survey prepared by Stantec in September of 2019, concluded that no know prehistoric or historic cultural materials or historic structures are present on the project site. There are no known historical resources within the project area; therefore, impacts to historical resources and tribal historical resources would be *less than significant*.

(a-ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

As noted in Section V. Cultural Resources, the Cultural Resources Survey prepared by Central Coast Archeological Research Consultants Consulting concluded that known prehistoric or historic cultural resources were not present within the proposed project area. In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 23.07.104 (Archaeologically Sensitive Areas) would be required, which states:

> A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
>
> B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

There are no known tribal cultural resources within the immediate project area. Compliance with the LUO would ensure potential impacts to cultural resources would be reduced to *less than significant.*

Conclusion

No significant impacts on tribal cultural resources are anticipated. County land Use Ordinance Section 23.07.104 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant impacts on cultural resources would occur. In the event of an unanticipated discovery of archaeological resources during earth-moving activities, compliance with the LUO would ensure potential impacts to cultural resources would be reduced to less than significant.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The project site is a remediation project, located in an industrial area and will not result in a permanent use or development, therefore not requiring water or sewer connections. Once remediation activities are complete, the site will be vacant.

Initial Study – Environmental Checklist

The subject property is within the Santa Maria River Valley ground water basin and is within Conoco Phillips Company's jurisdiction to provide domestic water service to the property. The parcel is currently developed with the Phillips 66 Santa Maria Refinery, however the project site is within a vacant area to the north west of the refinery with no utility service connections.

A fee program has been adopted to address impacts related to public facilities (County) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to serve the new development.

Discussion

(b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project will not receive water or wastewater services. The proposed project would not result in the necessity of new or expanded water, wastewater, electric, natural gas, or telecommunications connections or facilities. Since no expansion or relocation of facilities would be required for construction or operation of the proposed project, *no impacts* would occur.

(c) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project is the remediation of contaminated soils. Water trucks are proposed to prevent airborne dust from leaving the site. Reclaimed water will be used whenever possible. No water will be required for the continued use of the site as open space surrounding the Phillips 66 Santa Maria Refinery. Once remediation is complete, the water usage would remain unchanged when compared to the historic usage. Since water usage would be consistent with historical use, the impacts from having insufficient water supplies available to serve the project and reasonably foreseeable future development would be *less than significant*.

(d) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The proposed project would not result in the production of any wastewater and all wastewater during construction would be collected in portable restroom facilities that would be serviced offsite. The 1.38-acre project site is not served by a wastewater treatment provider, and the proposed project would have *no impacts* on capacity of a wastewater treatment provider's facilities.

(d-e) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The project is the remediation of soils contaminated with petroleum hydrocarbons and asbestos containing materials (ACM) from the historic Northern Inactive Waste Site (NIWS), waste transport and disposal include transportation by truck and rail, and disposal at an out-of-state facility in Utah. Once the remediation is complete, the site would not result in the production of solid waste and therefore would comply with all federal, state, and local management and reduction statutes and regulations

related to solid waste. Since the waste produced by the project will be taken to an out of state facility, impacts to local waste reduction goals will be *less than significant*.

Conclusion

Portable restrooms would be provided during construction and handled by the portable restroom provider. Solid waste may be generated during construction of the facility and would be removed from the site by the project contractor. Contaminated soil will be removed by truck and rail to a disposal site out of state. No significant impacts related to utilities and service systems would occur, and therefore mitigation is not required.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Initial Study – Environmental Checklist

Setting

The proposed project site is located in High Fire Hazard Severity Zones and have an average annual windspeed of approximately 7.3 to 9.8 miles per hour (mph) (WeatherSpark 2019). Existing conditions that may exacerbate fire risk include the gently to steeply sloping topography in some areas and the moderate average windspeed.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire-resistant building materials.

Discussion

(a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project would not conflict with any regional emergency response or evacuation plan as no obstacles are proposed that would hinder evacuation or emergency response. Therefore, there would be *no impacts*.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The proposed project sites are located in an area of moderate wind, with an average annual wind speed of approximately 7.3 mph to 9.8 mph (WeatherSpark 2019). The project sites is surrounded by sandy dunes covered in scattered vegetation consisting of dune scrub. This scrub could be a source of fuel, especially during the summer months when vegetation is drier. The site has gently to steeply sloping topography in some areas, all of which exacerbate fire risk. All of these conditions have resulted in the project sites being classified in a High Fire Hazard Severity Zone. The proposed project would have the highest fire risk during grading activities as construction vehicles have the ability to spark wildfires when operating machinery around dry vegetation. This risk would be temporary however, and there would be no long-term fire risk from the implementation of the project. Therefore, impacts would be *less than significant.*

(c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project site will be accessed by an existing partly paved, partly dirt road connecting to the entrance and parking lot for the Phillips 66 Santa Maria Refinery. A temporary pad used for bin loading and a staging area will be constructed closer to the remediation site. A Cal Fire station is located 0.3 miles east of the remediation site and per a letter dated November 17, 2020 from Cal Fire Captain Dell Wells, there no significant life or fire safety concerns related to fire code or local fire related ordnances. Impacts would be *less than significant*.

(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project would not result in the construction of structures and employees would rarely be onsite. Therefore, there would be a less than significant impact to people and structures in regard to flooding and landslides from post-fire slope instability. The proposed project has a low landslide risk and shall submit a drainage plan, consistent with County standards. Therefore, it is not expected that the project would result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. The remediation site would be outside of the 100-year flood hazard area. The project would be at a great enough distance from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be *less than significant.*

Conclusion

No significant wildfire impacts were identified and therefore project impacts would be *less than significant*.

Mitigation

None needed.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project has the potential to impact Air Quality, Biological Resources, and Hazards and Hazardous Materials. Mitigation measures have been placed within each of these sections to address potential impacts and their implementation would reduce impacts to less than significant levels with mitigation.

(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project would be *less than significant.*

(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be *less than significant.*

Initial Study – Environmental Checklist

Conclusion

With the implementation of mitigation measures in addition to the required ordinance and code, the project would cause less than significant impacts and thus, the project impacts would be less than significant.

Mitigation

No mitigation needed.

Sources

See Exhibit A.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Services	**None**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☒	CA Coastal Commission	**None**
☒	CA Department of Fish and Wildlife	**Attached**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other U.S. Fish & Wildlife Service	**Pers. Comm.**
☒	Other South County Advisory Council	**None**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County Documents

☒ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
- ☐ Agriculture Element
- ☒ Conservation & Open Space Element
- ☐ Economic Element
- ☒ Housing Element
- ☒ Noise Element
- ☒ Parks & Recreation Element/Project List
- ☒ Safety Element

☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☐ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☐ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ South County Coastal Planning Area
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☐ Circulation Study

Other Documents

☒ Clean Air Plan/APCD Handbook
☐ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Archaeological Resources Map
☒ Area of Critical Concerns Map
☒ Special Biological Importance Map
☒ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☐ Other

Initial Study – Environmental Checklist

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

CCH (Consortium of California Herbaria). 2019. California Vascular Plant Online Database. [online]: http://ucjeps.berkeley.edu/consortium/ Accessed August 2019.

CDFW (California Department of Fish and Wildlife). 2020a. RAREFIND database ed.3.1.1. Electronic database managed by the California Natural Diversity Data Base, Wildlife Data and Habitat Analysis Branch, California Department of Fish and Wildlife. Sacramento, CA.

CNPS (California Native Plant Society). 2019. Inventory of rare and endangered plants. California Native Plant Society. Sacramento. Online: http://www.cnps.org/inventory. Accessed August 2019.

Marine Research Specialists. 2015. Phillips 66 Company Rail Spur Extension and Crude Unloading Project final Environmental Impact Report and Vertical Coastal Access Project Assessment. 1010 pp.

SLO Co (San Luis Obispo County) Department of Planning and Building. 2018. Coastal Zone Land Use Ordinance, Local Coastal Program, Title 23 of the San Luis Obispo County Code. Adopted March 1, 1998; Certified by the California Coastal Commission October 7, 1986; Revised September 2018.

Stantec Consulting Services, Inc. Additional Site Assessment Results and Conceptual Closure Plan – Norther Inactive Waste Site Phillips 66 Santa Maria Refinery. July 25, 2019.

Stantec Consulting Services, Inc. Infiltration Model. February 4, 2020.

Stantec Consulting Services, Inc. Northern Inactive Waste Site Remediation Project, Biological Resources Technical Report. March 30, 2020.

Stantec Consulting Services, Inc. Phillips 66 Sheet of Air Quality Analysis. May 14, 2020.

Switalski, Herbert, Stantec Consulting Services, Inc. Archaeological survey of Approximately 13.5 Acres of Land on Behalf of Phillips 66 of the Northern Inactive Waste Site, Santa Maria Refinery, Arroyo Grande, San Luis Obispo County, California. September 2019.

Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

AQ-1 **Prior to issuance of construction permits,** the following measures related to fugitive dust emissions shall be incorporated into the construction phase of the project and shown on all applicable construction plans:

a) Reduce the amount of the disturbed area where possible;

b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that when water use may be a concern due to drought conditions, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants: Products Available for Controlling Dust; All dirt stock pile areas should be sprayed daily as needed;

c) All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j) "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified; Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m) In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's limit of 20% opacity (Rule 401) for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

n) The APCD recommends construction activities that will generate dust should be limited to periods when good air quality is forecasted. The 6-day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.

o) Provide training to all site workers regarding dust control policies and practices and maintain records of training; and

p) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 Limits of Idling. State law prohibits idling diesel engines for more than 5 minutes. During project construction, all projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

In addition, because this project is within 1,000 feet of sensitive receptors residential dwellings, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;

3. Use of alternative fueled equipment is recommended; and

4. Signs that specify no idling areas must be posted and enforced at the site.

AQ-3 The applicant will be required to notify the APCD **prior to any ground disturbing activities**, such as any dirt moving, dust creation and/or excavation activities would commence. Specifications of this condition would be outlined in the APCD permit required to begin excavation. This information would be used to maintain the APCD's AirAware community alert notification program and help the APCD differentiate dust emissions from the project's activities and blowing dust from the Oceano Dunes.

AQ-4 Asbestos in Soil. This project would be excavating asbestos contaminated soil, indicating this project is subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). Additionally, asbestos-containing material could be encountered in the demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). NESHAP requirements include but are not limited to:

1) Written notification to the APCD, within at least 10 business days of activities commencing.

2) Asbestos survey report conducted by a Certified Asbestos Consultant.

3) Written work plan addressing asbestos handling procedures in order to prevent visible emissions.

AQ-5 APCD Permitting of Hydrocarbon Contaminated Soil Processes. This Remediation project shall require an APCD permit to address proper management of the hydrocarbon contaminated soil **prior to the start of any ground disturbing activities**. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division at 805-781-5912 within 120 days before the start of excavation to begin the permitting process.

AQ-6 Construction Permit Requirements. Based on the information provided, the APCD is unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

BIO-1 **Wildlife Pre-Construction Clearance Surveys and Biological Monitoring**

The Applicant shall retain a qualified lead biologist(s) to conduct a pre-construction survey immediately *prior to initial project activities* (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all *initial ground-disturbing* and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. The lead biologist(s) shall have the right to halt all activities that are in violation of special-status species protection measures. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

Work shall proceed only after hazards to special-status species are removed, the species are allowed to leave, or are removed (if allowed) and the species is no longer at risk.

The biologist will place clearly marked boundaries of the proposed work area before construction with highly visible flagging or fencing to avoid expanding the work area into any adjacent vegetation or buffer areas. All established buffers shall remain in place until the biologist has determined that the nest is inactive; when buffers are needed a highly visible fence/material shall be installed (and kept in good working order) to mark the outer edge of this buffer; once the buffer area is established, all construction related activities shall cease within this area.

All pre-construction and on-going surveys shall be submitted by the applicant to the County within one week of the field work being completed. For any buffers proposed at less than 250 feet, the biologist shall provide a written basis supporting this reduction to the County for concurrence. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-2 Implement Worker Environmental Education Program

Prior any site disturbance, an environmental awareness training shall be presented to all project personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Prior to the development of the Worker Environmental Education program, it is recommended the applicant contact the USFWS to provide specific comments, pictures, and additional information regarding the sensitive species in the area, to be included in the WEEP.

BIO-3 Implement Best Management Practices

Prior to the issuance of any grading permits and/or notice to proceed, the Applicant shall submit grading plans and specifications to the County of San Luis Obispo, which indicate that the proposed project shall implement the following Best Management Practices:

- Restrict non-essential equipment to the existing roadways and/or ruderal areas to avoid disturbance to native vegetation.
- All excavation, steep-walled holes or trenches shall be provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches would also be inspected for entrapped wildlife each morning prior to onset of construction activities. Before such holes or trenches are filled, they would be thoroughly inspected for entrapped wildlife. Any wildlife discovered would be allowed to escape before

construction activities are allowed to resume or removed from the trench or hole by a qualified biologist holding the appropriate permits (if required).

- Minimize mechanical disturbance of soils to reduce impact of habitat manipulation on small mammals, reptiles, and amphibians.
- Removal or disturbance of vegetation shall be minimized to the greatest extent feasible.
- To avoid impacts to undisturbed habitat within the larger BSA, outside of the proposed project area, no vehicles will be allowed to travel outside of existing asphalt/dirt roads within the BSA; refer to Figure 3 in Section IV. Biological Resources for a depiction of the existing roads.

BIO-4 Nesting Bird Surveys and Avoidance Measures

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds *within one week prior to initial project activity beginning*, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 Special-Status Plant Surveys and Avoidance Measures

Prior to the start of proposed project activities, and within a year of project construction, a qualified biologist/botanist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing,

vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. A minimum of three survey events should be conducted and timed to account for the variance in blooming periods for special-status plans known or with the potential to occur in the BSA. Upon completion of the surveys a detailed survey report shall be prepared and submitted to the County of San Luis Obispo, as an addendum to this BRTR, for review and approval. This report shall include, at a minimum, a description of survey methodologies, a compendium of all species observed, and detailed GIS based maps showing locations of all mapped species.

All occurrences of special-status plants will be mapped and occurrences within 100 feet of proposed project activities flagged in the field. A minimum of a 25-foot buffer shall be placed around all known locations of special-status species within 100-ft of project activities to avoid potential impacts to seed banks and microhabitats that support the species. These buffers shall be flagged/fenced and avoided during construction. All occurrences of Nipomo Mesa lupine, or any other federal or state listed species, will be avoided. Occurrences of CRPR species will be avoided to the extent possible. If prior to or during construction, it is found that populations of special-status plant species have expanded within the 25-foot buffer from Project features (e.g. existing access roads), the Applicant will coordinate with the County Planning and Building Department on proposed reductions or modifications. This may include the placement of additional visual demarcations (e.g. temporary high visibility fencing) to eliminate direct impacts to the species. No Project related activity modifications to existing buffers would be allowed without approval from the County Planning and Building Department; proposed reductions or modifications must not result in direct impacts to or increased indirect impacts to listed plant species.

If CRPR species (e.g., sand almond) cannot be avoided the individual plants shall be salvaged (e.g., plant placed in large nursery pot and/or seed collection) for use in habitat restoration activities (refer to MM BIO-6) once project related construction activities are complete. Details of the proposed salvage activity will be presented in the Habitat Restoration Plan (HRP [refer to MM BIO-6]). All plants directly salvaged or propagated from collected seed shall be monitored and must survive in good health or demonstrate stable or expanding populations, for a minimum of three years, post planting, for salvage to be considered successful. Details of the salvage methodology will be presented in the HRP detailed under MM BIO-6 below.

BIO-6 Vegetation Removal and Replacement

Construction activities shall be done in such a manner as to minimize the removal of native vegetation. If native vegetation removal cannot be avoided, and the removal is approved by the County of San Luis Obispo, the impacted plant communities shall be replaced at a mitigation ratio of 1:1. Sensitive communities (e.g., silver dune lupine – mock heather scrub) shall be replaced at a mitigation ration of 2:1. The compensation for the loss of habitats may be achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program.

Prior to the removal of native vegetation, a Habitat Restoration Plan shall be prepared to address the temporary and permanent impacts to the sensitive habitat and will guide all restoration and monitoring activities. This plan shall be reviewed and approved by the County of San Luis Obispo's Environmental Coordinator. Any usable topsoil with the potential to hold the seeds of sensitive species will be salvaged and used when revegetating the area. This plan shall include, at a minimum, the following:

- Proposed species list for creation/enhancement;
- Planting/seeding methodology;
- Details on methodologies for salvage of CRPR species;
- Irrigation plan;
- Weeding schedule;
- Success criteria;
- Monitoring methodology and schedule;
- Reporting requirements; and
- Contingency plan.

Prior to ground disturbing activities, it is recommended that the applicant send the habitat restoration plan to the USFWS for review.

The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-7 Compensation for Impacts to CRPR Species

Prior to final sign off, If project-related impacts result in the loss of more than 10% of the on-site (BSA) population of any CRPR plant species, compensatory mitigation will be required. Compensation will be required for all impacts that exceed the 10% threshold (e.g. impacts to 15% of a population will only require compensation for 5% or the amount of impacts that exceed the 10% threshold). Compensation for permanent impacts to CRPR species may be achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts will be at a 0.5:1 ratio. Enhanced/restored habitat for an impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure.

DEVELOPER'S STATEMENT FOR
PHILLIPS 66 (NIWS REMEDIATION)
LAND USE PERMIT DRC2019-00231

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Air Quality

AQ-1 **Prior to issuance of construction permits,** the following measures related to fugitive dust emissions shall be incorporated into the construction phase of the project and shown on all applicable construction plans:

a) Reduce the amount of the disturbed area where possible;

b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that when water use may be a concern due to drought conditions, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants: Products Available for Controlling Dust; All dirt stock pile areas should be sprayed daily as needed;

c) All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j) "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified; Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m) In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's limit of 20% opacity (Rule 401) for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

n) The APCD recommends construction activities that will generate dust should be limited to periods when good air quality is forecasted. The 6-day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.

o) Provide training to all site workers regarding dust control policies and practices and maintain records of training; and

p) Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 Limits of Idling. State law prohibits idling diesel engines for more than 5 minutes. During project construction, all projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

In addition, because this project is within 1,000 feet of sensitive receptors residential dwellings, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;

3. Use of alternative fueled equipment is recommended; and

4. Signs that specify no idling areas must be posted and enforced at the site.

AQ-3 The applicant will be required to notify the APCD **prior to any ground disturbing activities**, such as any dirt moving, dust creation and/or excavation activities would commence. Specifications of this condition would be outlined in the APCD permit required to begin excavation. This information would be used to maintain the APCD's AirAware community alert notification program and help the APCD differentiate dust emissions from the project's activities and blowing dust from the Oceano Dunes.

AQ-4 Asbestos in Soil. This project would be excavating asbestos contaminated soil, indicating this project is subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). Additionally, asbestos-containing material could be encountered in the demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). NESHAP requirements include but are not limited to:

1) Written notification to the APCD, within at least 10 business days of activities commencing.

2) Asbestos survey report conducted by a Certified Asbestos Consultant.

3) Written work plan addressing asbestos handling procedures in order to prevent visible emissions.

AQ-5 APCD Permitting of Hydrocarbon Contaminated Soil Processes. This Remediation project shall require an APCD permit to address proper management of the hydrocarbon

contaminated soil **prior to the start of any ground disturbing activities**. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division at 805-781-5912 within 120 days before the start of excavation to begin the permitting process.

AQ-6 Construction Permit Requirements. Based on the information provided, the APCD is unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

Biological Resources

BIO-1 Wildlife Pre-Construction Clearance Surveys and Biological Monitoring

The Applicant shall retain a qualified lead biologist(s) to conduct a pre-construction survey immediately *prior to initial project activities* (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all *initial ground-disturbing* and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. The lead biologist(s) shall have the right to halt all activities that are in violation of special-status species protection measures. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. Work shall proceed only after hazards to special-status species are removed, the species are allowed to leave, or are removed (if allowed) and the species is no longer at risk.

The biologist will place clearly marked boundaries of the proposed work area before construction with highly visible flagging or fencing to avoid expanding the work area into any adjacent vegetation or buffer areas. All established buffers shall remain in place until the biologist has determined that the nest is inactive; when buffers are needed a highly visible fence/material shall be installed (and kept in good working order) to mark the outer edge of this buffer; once the buffer area is established, all construction related activities shall cease within this area.

All pre-construction and on-going surveys shall be submitted by the applicant to the County within one week of the field work being completed. For any buffers proposed at less than 250 feet, the biologist shall provide a written basis supporting this reduction to the County for concurrence. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

BIO-2 Implement Worker Environmental Education Program

Prior any site disturbance, an environmental awareness training shall be presented to all project personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be

kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Prior to the development of the Worker Environmental Education program, it is recommended the applicant contact the USFWS to provide specific comments, pictures, and additional information regarding the sensitive species in the area, to be included in the WEEP.

BIO-3 Implement Best Management Practices

Prior to the issuance of any grading permits and/or notice to proceed, the Applicant shall submit grading plans and specifications to the County of San Luis Obispo, which indicate that the proposed project shall implement the following Best Management Practices:

- Restrict non-essential equipment to the existing roadways and/or ruderal areas to avoid disturbance to native vegetation.
- All excavation, steep-walled holes or trenches shall be provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches would also be inspected for entrapped wildlife each morning prior to onset of construction activities. Before such holes or trenches are filled, they would be thoroughly inspected for entrapped wildlife. Any wildlife discovered would be allowed to escape before construction activities are allowed to resume or removed from the trench or hole by a qualified biologist holding the appropriate permits (if required).
- Minimize mechanical disturbance of soils to reduce impact of habitat manipulation on small mammals, reptiles, and amphibians.
- Removal or disturbance of vegetation shall be minimized to the greatest extent feasible.
- To avoid impacts to undisturbed habitat within the larger BSA, outside of the proposed project area, no vehicles will be allowed to travel outside of existing asphalt/dirt roads within the BSA; refer to Figure 3 in Section IV. Biological Resources for a depiction of the existing roads.

BIO-4 Nesting Bird Surveys and Avoidance Measures

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds *within one week prior to initial project activity beginning*, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no

work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

  If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 Special-Status Plant Surveys and Avoidance Measures

Prior to the start of proposed project activities, and within a year of project construction, a qualified biologist/botanist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status wildlife species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. A minimum of three survey events should be conducted and timed to account for the variance in blooming periods for special-status plans known or with the potential to occur in the BSA. Upon completion of the surveys a detailed survey report shall be prepared and submitted to the County of San Luis Obispo, as an addendum to this BRTR, for review and approval. This report shall include, at a minimum, a description of survey methodologies, a compendium of all species observed, and detailed GIS based maps showing locations of all mapped species.

All occurrences of special-status plants will be mapped and occurrences within 100 feet of proposed project activities flagged in the field. A minimum of a 25-foot buffer shall be placed around all known locations of special-status species within 100-ft of project activities to avoid potential impacts to seed banks and microhabitats that support the species. These buffers shall be flagged/fenced and avoided during construction. All occurrences of Nipomo Mesa lupine, or any other federal or state listed species, will be avoided. Occurrences of CRPR species will be avoided to the extent possible. If prior to or during construction, it is found that populations of special-status plant species have expanded within the 25-foot buffer from Project features (e.g. existing access roads), the Applicant will coordinate with the County Planning and Building Department on proposed reductions or modifications. This may include the placement of additional visual demarcations (e.g. temporary high visibility fencing) to eliminate direct impacts to the species. No Project related activity modifications to existing buffers would be allowed without approval from the County Planning and Building Department; proposed reductions or modifications must not result in direct impacts to or increased indirect impacts to listed plant species.

If CRPR species (e.g., sand almond) cannot be avoided the individual plants shall be salvaged (e.g., plant placed in large nursery pot and/or seed collection) for use in habitat restoration activities (refer to MM BIO-6) once project related construction activities are complete. Details of the proposed salvage activity will be presented in the Habitat Restoration Plan (HRP [refer to MM BIO-6]). All plants directly salvaged or propagated

from collected seed shall be monitored and must survive in good health or demonstrate stable or expanding populations, for a minimum of three years, post planting, for salvage to be considered successful. Details of the salvage methodology will be presented in the HRP detailed under MM BIO-6 below.

BIO-6 Vegetation Removal and Replacement

Construction activities shall be done in such a manner as to minimize the removal of native vegetation. If native vegetation removal cannot be avoided, and the removal is approved by the County of San Luis Obispo, the impacted plant communities shall be replaced at a mitigation ratio of 1:1. Sensitive communities (e.g., silver dune lupine – mock heather scrub) shall be replaced at a mitigation ration of 2:1. The compensation for the loss of habitats may be achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program.

Prior to the removal of native vegetation, a Habitat Restoration Plan shall be prepared to address the temporary and permanent impacts to the sensitive habitat and will guide all restoration and monitoring activities. This plan shall be reviewed and approved by the County of San Luis Obispo's Environmental Coordinator. Any usable topsoil with the potential to hold the seeds of sensitive species will be salvaged and used when revegetating the area. This plan shall include, at a minimum, the following:

- Proposed species list for creation/enhancement;
- Planting/seeding methodology;
- Details on methodologies for salvage of CRPR species;
- Irrigation plan;
- Weeding schedule;
- Success criteria;
- Monitoring methodology and schedule;
- Reporting requirements; and
- Contingency plan.

Prior to ground disturbing activities, it is recommended that the applicant send the habitat restoration plan to the USFWS for review.

The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-7 Compensation for Impacts to CRPR Species

Prior to final sign off, If project-related impacts result in the loss of more than 10% of the on-site (BSA) population of any CRPR plant species, compensatory mitigation will be required. Compensation will be required for all impacts that exceed the 10% threshold (e.g. impacts to 15% of a population will only require compensation for 5% or the amount of impacts that exceed the 10% threshold). Compensation for permanent impacts to CRPR species may be achieved either by a) on-site habitat creation or enhancement of impacted communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of dune scrub communities, or c) participation in an established mitigation bank program at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts will be at a 0.5:1 ratio. Enhanced/restored habitat for an impacted plant species shall be of equal or

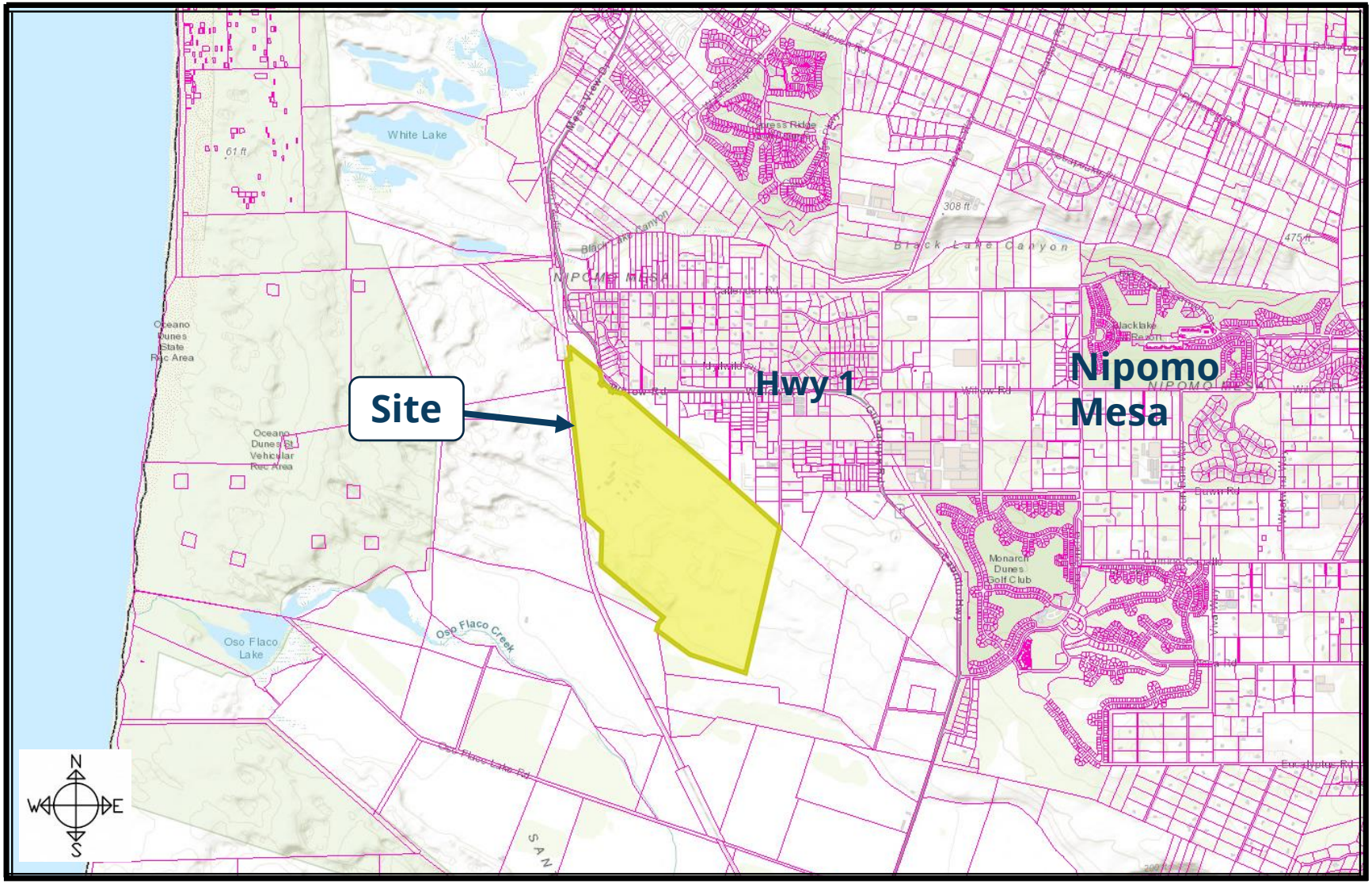
greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Agent(s)

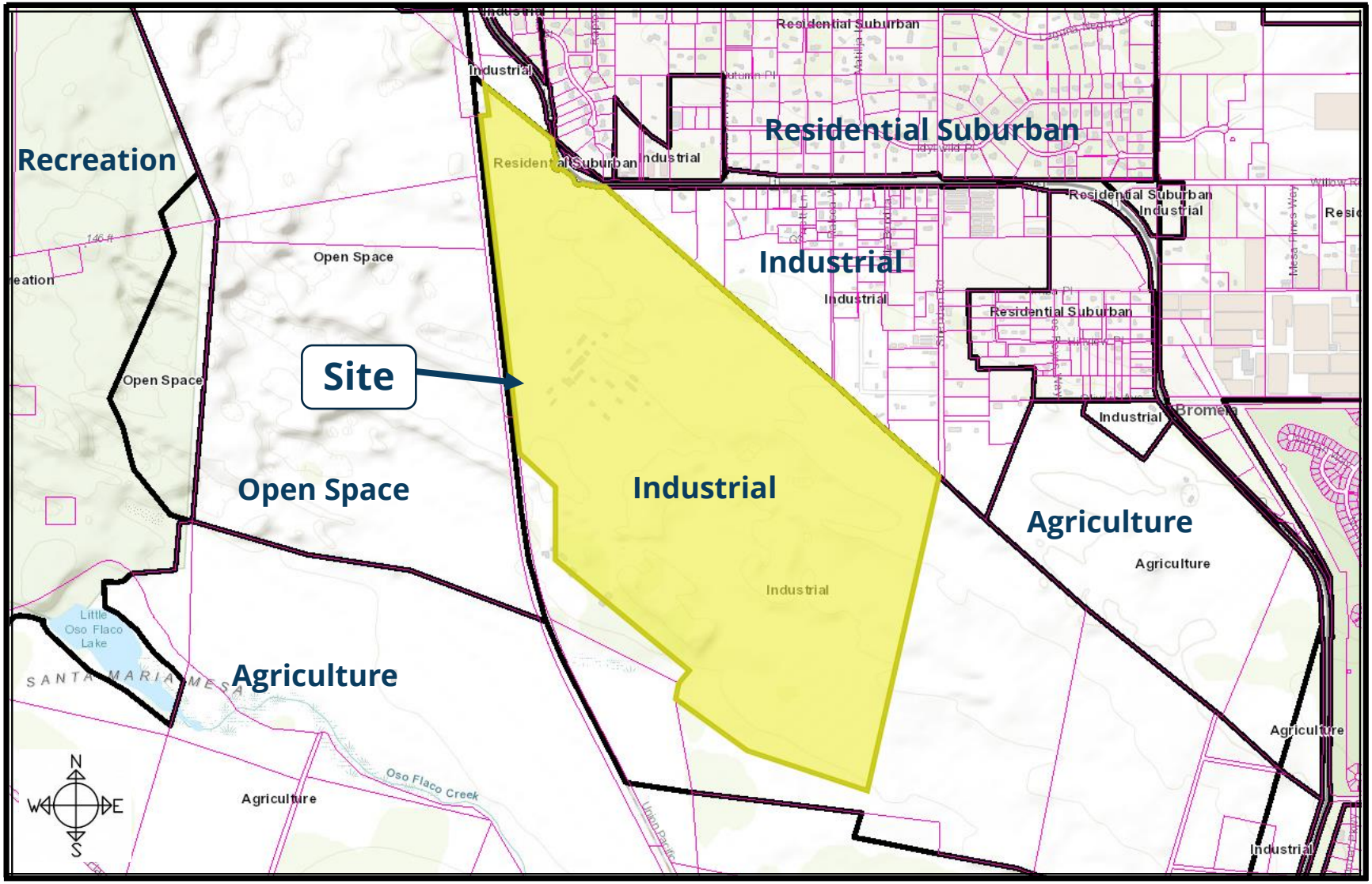
7-15-2020
Date

Dan Fischman, Manager Remediation
Name (Print)



COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2019-00231

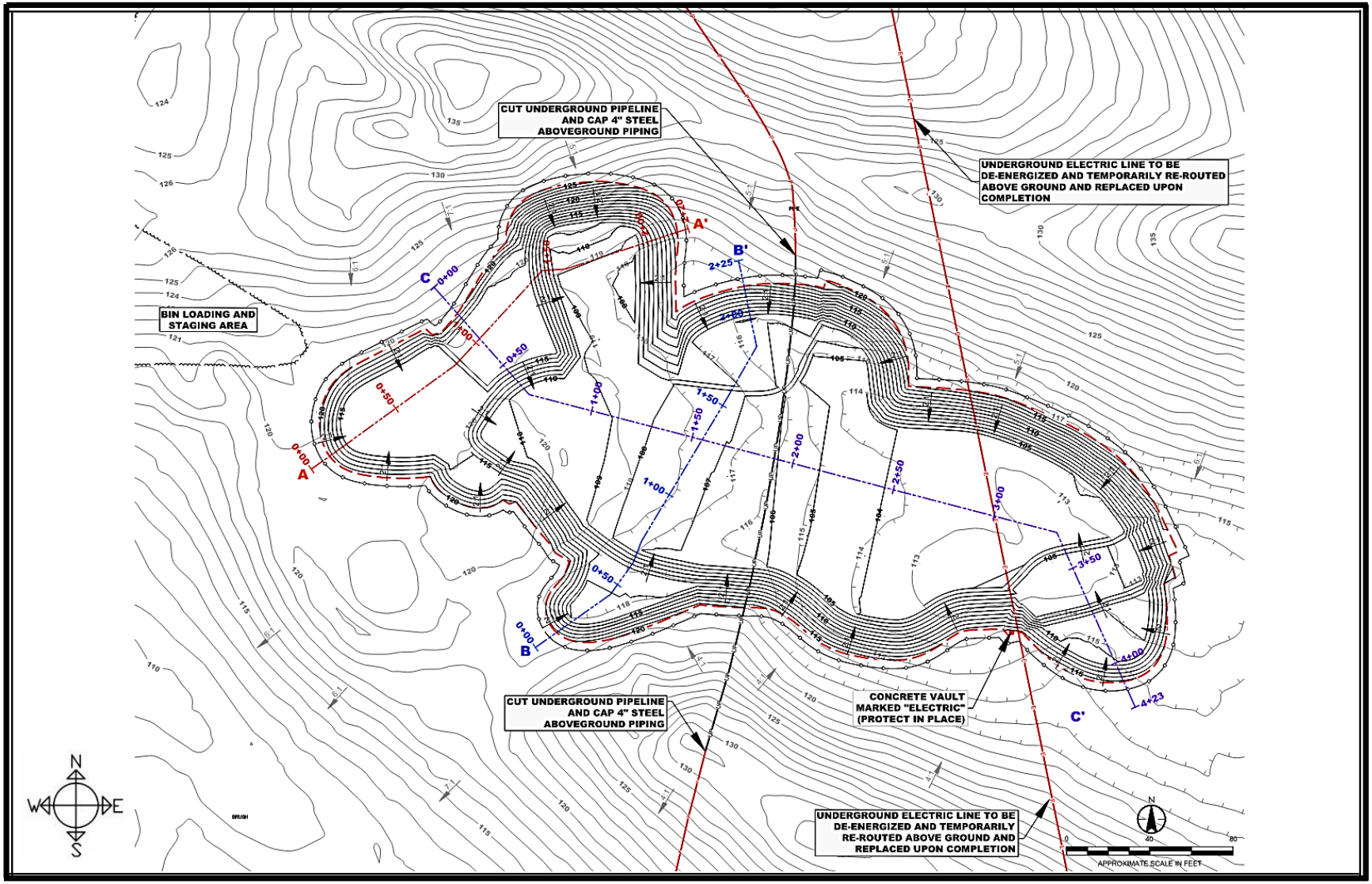


COUNTY OF SAN LUIS OBISPO

Land Use Category Map
DRC2019-00231

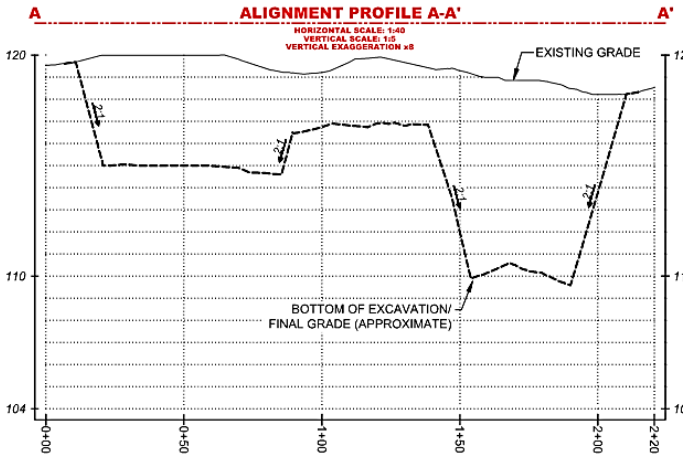
COUNTY OF SAN LUIS OBISPO

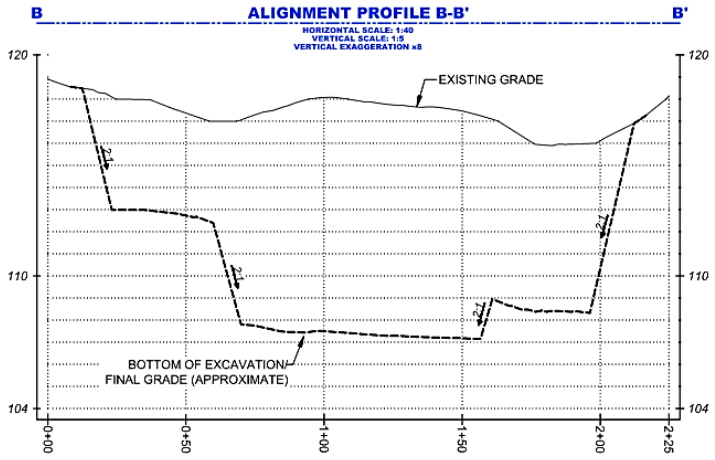
Aerial
DRC2019-00231

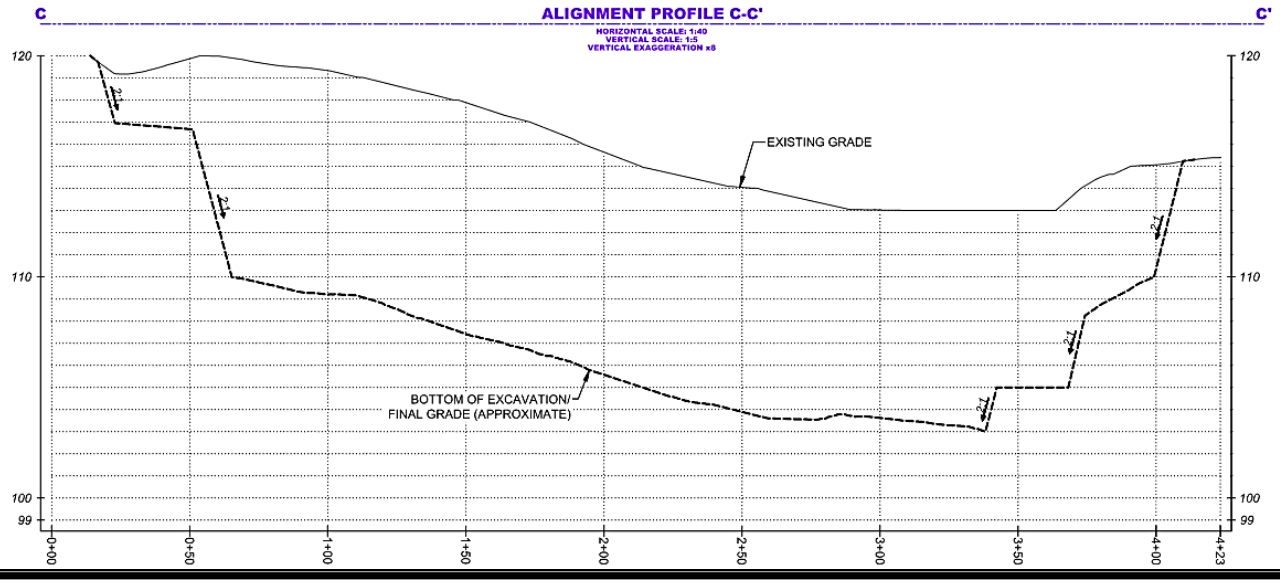


COUNTY OF SAN LUIS OBISPO

Site Map
DRC2019-00231

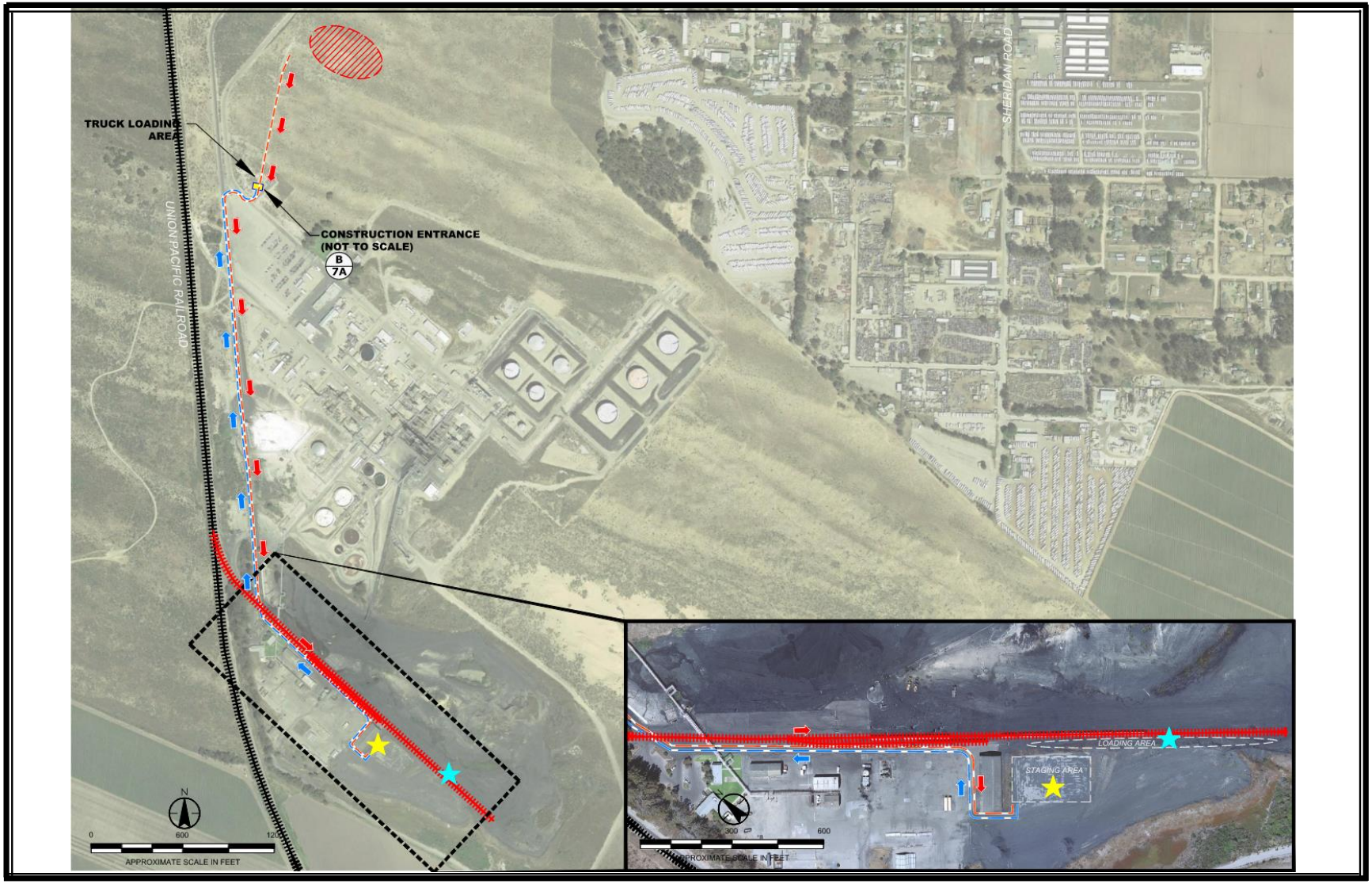






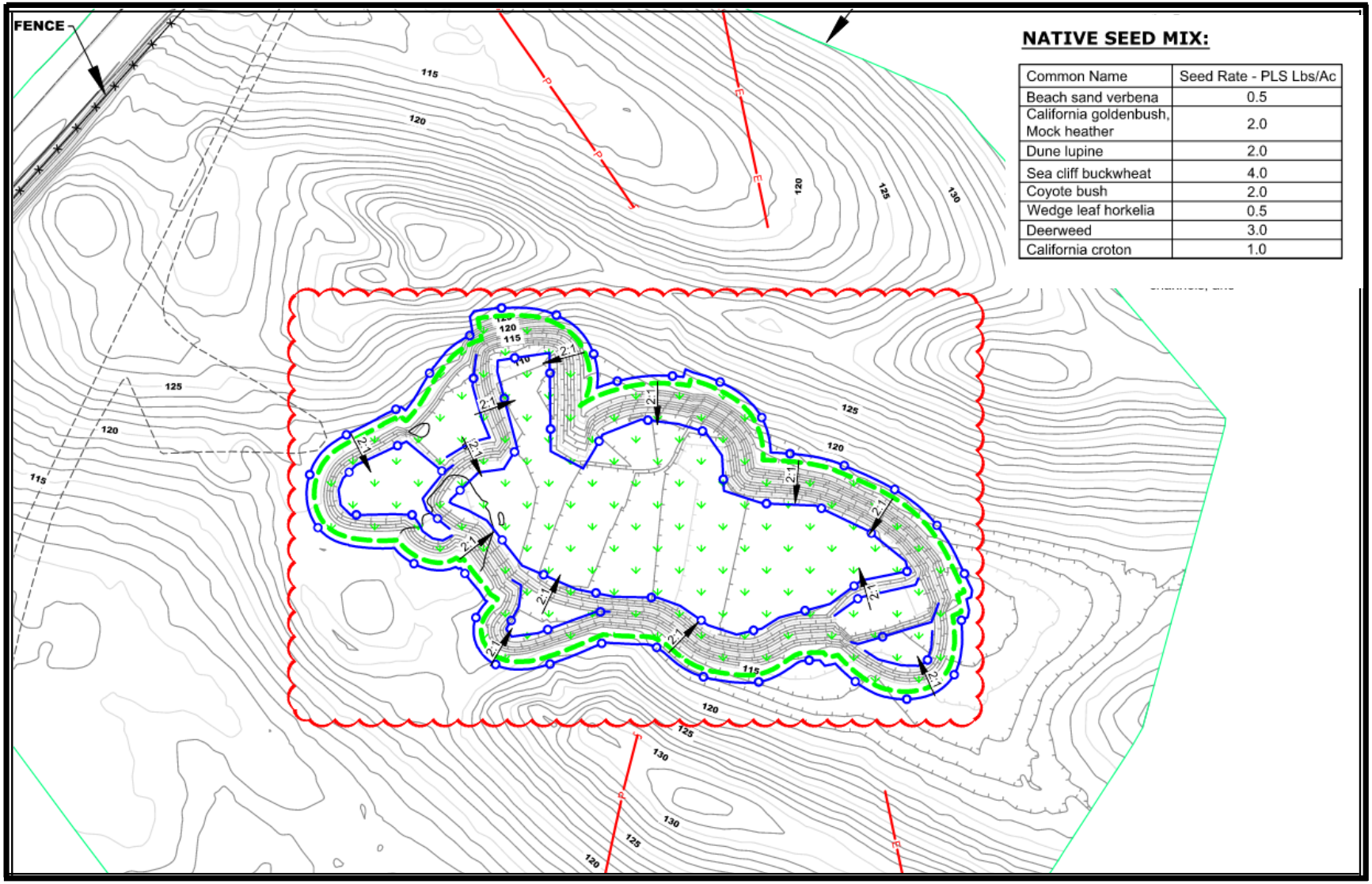
COUNTY OF SAN LUIS OBISPO

Excavation Profiles
DRC2019-00231



COUNTY OF SAN LUIS OBISPO

Staging and Onsite Haul Route
DRC2019-00231



COUNTY OF SAN LUIS OBISPO

Final Grade & Erosion Control Plan