APPENDIX B
NOTICE OF PREPARATION RESPONSES

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AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

RECEIVED
JUL 02 2007
SLO CO PLANNING & BLDG

June 28, 2007

Murry Wilson
San Luis Obispo County Planning and Building Dept.
County Government Center, Room 310
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Plains Exploration Produced Water Reclaim Facility NOP Project Level.

Dear Mr. Wilson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 1821 Price Canyon Road in San Luis Obispo. The project as proposed is to enhance the recovery of oil reserves via treatment of excess produced waters. Inherent to the enhanced recovery process is dewatering the oil-bearing formation by reducing return water flows from the existing oil-water separation process.
The following are APCD comments that are pertinent to this project.

1. Contact Person:

Melissa Guise
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
(805) 781-5912

2. Permit(s) or Approval(s) Authority:

Construction Equipment Permitting
Portable equipment used during construction activities may require statewide registration or a District permit. Please contact Gary Willey of our Engineering Division at (805) 781-5912 for more information on portable equipment registration and permitting.

Hydrocarbon Contaminated Soil
Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified immediately. Any storage pile of contaminated material must be covered at all times except when soil is added or removed. The following measures shall be implemented:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,

- Clean soil must be segregated from contaminated soil.

For further information, contact Karen Brooks of our Enforcement Division at 781-5912.

Naturally Occurring Asbestos
The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact Tim Fuhs of our Enforcement Division at (805) 781-5912.

Developmental Burning
Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at (805) 781-5912.

Demolition Activities
Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at (805) 781-5912 for further information.

Operational Permit Requirements
Permits will be required for this facility. To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

3. Environmental Information:

The potential air quality impacts from construction and buildout of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the

overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term and long-term emissions impacts. The following is an outline of items that should be included in the analysis:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the District relative to State air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information.

b) A detailed quantitative air emissions analysis, including greenhouse gases.

c) A qualitative analysis of the air quality impacts should be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the project will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as vehicle trip reduction. A finding of Class I impacts could be determined qualitatively. The DEIR author should contact the District if additional information and guidance is required. All assumptions used should be fully documented in an appendix to the DEIR.

- To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the qualitative analysis by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.

d) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives.

e) Mitigation measures to reduce or avoid significant air quality impacts should be recommended.

4. Permit Stipulations/Conditions:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the District web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the District. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.c and 3.d listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections

developed by the District are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents and business community. The District's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

a) Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?

b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?

c) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:

We have no further comments at this time.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Melissa Guise
Air Quality Specialist

MAG/sll

cc: Karen Brooks, Enforcement Division, APCD
Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachments:
1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form,

Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form

Send To:

San Luis Obispo County
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Phone: (805) 781-5912
Fax: (805) 781-1002

Applicant Information/ Property Owner		**Project Name**	
Address		**Project Address and /or Assessors Parcel Number**	
City, State, Zip		**City, State, Zip**	
Email Address		**Email Address**	
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

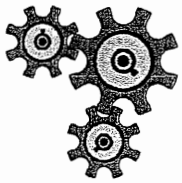
The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout **"ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements."**

NOTE: A basic exemption evaluation fee of $100.00 will be charged.

APPLICANT MUST SIGN BELOW:
I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.
Legal Declaration/Authorized Signature:
Date:

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Project #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

Naturally Occurring Asbestos - Construction & Grading Project Form



Send To:
San Luis Obispo County Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
805-781-5912

Applicant Information/Property Owner		Project Name	
Address		Project Address and/or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Email:		Email:	
Phone Number	Date Submitted	Agent	Phone Number

Check Where Applicable	ITEM	APCD REQUIRED ELEMENT 1	APCD REQUIRED ELEMENT 2
	Project IS NOT Subject to NOA Requirements	Mapped Location Attached	
	Project IS Subject to NOA Requirements but NOT Disturbing NOA	Geological Evaluation Attached	Exemption Request Form Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - More than One Acre	Geological Evaluation Attached	Dust Control Measure Plan Attached
	Project IS Subject to NOA Requirements and Project is Disturbing NOA - One Acre or Less	Geological Evaluation Attached	Mini-Dust Control Measure Plan Attached

APPLICANT MUST SIGN BELOW:

Legal Declaration/Authorized Signature: Date:

OFFICE USE ONLY - APCD Required Elements

Geological Evaluation		Exemption Request Form		Dust Control Measure Plan		Monitoring, Health & Safety Plan	
Approved		Approved		Approved		Approved	
Not Approved		Not Approved		Not Approved		Not Approved	
Comments:		Comments:		Comments:			

APCD Staff:	Intake Date:	Date Reviewed:	OIS Site #	OIS Proj. #
INVOICE No.	Basic Fee:	Additional Fees:	Billable Hrs:	Total Fees:

City of Pismo Beach, Planning Division
760 Mattie Road
Pismo Beach, CA 93449-2056
(805) 773-4658 · Fax: (805) 773-4684

County of San Luis Obispo
ATTN: Murry Wilson
Environmental Resource Specialist
Department of Planning and Building

RE: Response to Notice of Preparation (NOP) for SEIR for the Plains Exploration and Production – Produced Water Reclamation Facility

Dear Murry:

This letter is written in response to the NOP referenced above and includes items the City of Pismo Beach would like to see addressed in the Subsequent Environmental Impact Report (SEIR). Please include information addressing the following areas of concern:

1. On-going water quality monitoring above, at, and below discharge point
2. Threshold water quality parameters/criteria per RWQCB permit
3. Contingency measures, including automatic shutoff, if monitoring shows exceedance of parameters/criteria established by RWQCB
4. Monetary compensation to fund Pismo Creek Watershed improvement projects to mitigate impacts (thermal, water quality) to steelhead habitat

Thank you for the opportunity to comment of the above referenced NOP. Should you have any questions regarding these comments, please feel free to contact me a (805) 773-4658.

Sincerely,

Scot Graham
Senior Planner
City of Pismo Beach
(805) 773-465
sgraham@pismobeach.org

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STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

May 29, 2007

To: Reviewing Agencies

Re: Plains Exploration and Production Company - Produced Water Reclamation Facility
SCH# 2007051143

Attached for your review and comment is the Notice of Preparation (NOP) for the Plains Exploration and Production Company - Produced Water Reclamation Facility draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Murry Wilson
San Luis Obispo County Planning
976 Osos Street, Room 300
San Luis Obispo, CA 93408

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

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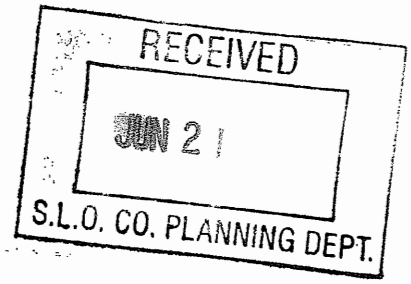
California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

June 20, 2007



Mr. Murry Wilson, Environmental Resource Specialist
County of San Luis Obispo
976 Osos Street
San Luis Obispo, CA 93408

Dear Mr. Wilson:

NOTICE OF PREPARATION OF SUBSEQUENT EIR FOR PXP ARROYO GRANDE PRODUCED WATER RECLAMATION FACILITY, SAN LUIS OBISPO COUNTY

Thank you for the opportunity to provide input regarding issues to be evaluated in a Subsequent Environmental Impact Report (SEIR) for the Plains Exploration and Production (PXP) wastewater reclamation facility, proposed to be located in Price Canyon. As you know from our earlier meeting and correspondence regarding the proposed facility, authorization to discharge treated wastewater to Pismo Creek (proposed) requires adoption of a National Discharge Elimination System (NPDES) Permit by this Water Board. We have the following comments regarding the SEIR for the PXP facility.

1. PXP submitted a report of waste discharge (application) in September, 2006, for authorization to discharge treated wastewater to Pismo Creek. This Water Board responded with a letter describing information needed to complete the application (see attached October 6, 2006 letter). Additional information has been submitted by the applicant and we are proceeding with the process of drafting a permit and associated fact sheet to be circulated for public comment and presented to the Central Coast Water Board for its consideration. We will send you a copy of the proposed permit and associated fact sheet as soon as it is drafted. Please note that an NPDES permit will not be adopted by the Water Board until the CEQA process is complete (as described in item No. 1 of the attached letter).

2. PXP proposes to discharge treated produced water (water produced from extraction wells) to Pismo Creek. The discharge will be created by expanding the existing oil production facility in Price Canyon. Federal regulations (40CFR435) prohibit the discharge of produced water to surface waters unless such discharge is used for agriculture or wildlife propagation. In this case, the applicant has not yet demonstrated that the discharge will be used for such purposes, and compliance with the federal discharge prohibition has not yet been addressed.

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3. If PXP meets the conditions for exception to the federal prohibition of discharge, then we will propose an NPDES permit reflecting federal and state criteria for discharges to inland surface waters. We do not anticipate bringing such a proposed permit to public hearing before December 2007.

If you have questions regarding the issues above or would like to discuss the status of PXP application for NPDES permit, please contact **Sorrel Marks of my staff at 805/549-3695** or Harvey Packard at 805/542-4639.

Sincerely,

FOR Roger W. Briggs
Executive Officer

Attachment: October 6, 2006 letter to Candice Salway

S:\NPDES\NPDES Facilities\San Luis Obispo Co\PXP Price Cyn\SEIR coments.ltr.doc
File: PXP Price Canyon
Task: 102-01

cs:

Ms. Candice Salway
Plains Exploration and Production
5640 So. Fairfax Ave.
Los Angeles, CA 90056

Mr. Daniel Tormey
Entrix
2140 Eastman Ave., Suite 200
Ventura, CA 93003

Scott Keen, Tetra Tech (via email)

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California Regional Water Quality Control Board
Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • Fax (805) 543-0397
http://www.waterboards.ca.gov/centralcoast

Linda S. Adams.
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

October 6, 2006

Ms. Candice Salway
Plains Exploration and Production
5640 So. Fairfax Ave.
Los Angeles, CA 90056

Dear Ms. Salway:

INCOMPLETE REPORT OF WASTE DISCHARGE - PXP ARROYO GRANDE PRODUCED WATER RECLAMATION FACILITY, SAN LUIS OBISPO COUNTY

We have reviewed your September 15, 2006 submittal, which includes a) Report of Waste Discharge (application) for authorization to discharge oil production wastewater to Pismo Creek, and b) Application for Section 401 Water Quality Certification. We have the following comments regarding your submittal.

Application for NPDES Permit: Your application describes proposed discharge of approximately 0.84 million gallons per day (MGD) of treated oil production wastewater. Proposed treatment includes lime softening, multi-media filtration, ion exchange, cooling, micro-filtration and reverse osmosis prior to discharge. The following issues must be addressed before we can proceed with processing your application.

1. The Central Coast Water Board cannot take action (issue a permit) until compliance with the California Environmental Quality Act (CEQA) is complete. Please submit documentation of compliance with CEQA requirements.

2. Please submit owner's name and mailing address for each property adjacent to the discharge location.

3. An application fee equal to the first annual fee must be submitted, and will be billed annually thereafter as long as the discharge continues. The fee is based upon the facility complexity and potential threat to water quality (1A in the State Water Board rating system). Additional information regarding these fees is available online at http://www.swrcb.ca.gov/fees/docs/adoptedfeeschedule.html#flowlessthan100. Please submit your application fee of $18,871. Make check payable to the State Water Resources Control Board.

4. In the report *Revised Hydrologic, Water Quality, and Biological Characterization of Pismo Creek*, prepared by Entrix, Appendix D incorrectly summarizes applicable

water quality criteria. Provided as Attachment 1 to this letter is a summary of water quality criteria applicable to Pismo Creek, which we will use to evaluate compliance. Please use the criteria provided to evaluate potential for the proposed discharge to violate water quality standards. This "reasonable potential analysis," as it is termed in the State Implementation Policy, will be used as the basis for effluent limitations appearing in your permit. The steps used to prepare the reasonable potential analysis are summarized in Attachment 2 (excerpts from the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*). The Policy in its entirety is available online at: http://www.waterboards.ca.gov/iswp/docs/final.pdf. Alternatively, Water Board staff can complete the reasonable potential analysis. However, your submittal does not make clear which constituent data reflects treated effluent and telephone conversation with your agent, Dan Tormey, indicates that no effluent data is included. Therefore, if you prefer that Water Board staff complete the analysis, please submit effluent data and corresponding compliance with appropriate water quality criteria specified in Attachment 1.

5. In describing alternatives to the proposed creek discharge, your submittal refers to the infeasibility to buy injection sites (p.4-2); limited amount that could be reused (p.4-2 & 4-4); limited land disposal opportunities on- or off-site (p.4-3 & 4-4); and irrigation reuse opportunities. Please expand upon this information to address potential combinations of alternatives that could reduce or eliminate the need for creek discharge. If cost is the limiting factor in such evaluations, then specific details of associated costs should be included.

6. Please submit a statement of whether PXP has contributed $250 or more to any federal, state, or local election for any Central Coast Water Board member within the last twelve months. Current Central Coast Water Board members are Jeffrey S. Young, Gary C. Shallcross, Russell M. Jeffries, Daniel M. Press, John H. Hayashi, Monica S. Hunter and Leslie S. Bowker. Government Code Section 84308(c) requires this statement.

Please submit the additional information, described above, to complete your application for NPDES Permit. When we have received information to adequately address these issues, we will proceed to prepare a draft permit and staff report, circulate those draft documents for public comment, and schedule a public hearing by the Central Coast Water Board. We anticipate the public hearing will be approximately 180 days from the time we receive the completed application.

If you have questions regarding the NPDES Permit process, please contact Sorrel Marks at 805/549-3695.

Section 401 Water Quality Certification:
For the Water Board to fully evaluate the application for Section 401 Water Quality Certification, we require the following information:

1. Please provide permanent impacts to streambed, riparian, and wetland habitats in acres and linear feet (Section 4 of 401 application).

2. Please provide the acreage of all temporary impacts (Section 4 of 401 application).

3. Please provide the Water Board with a copy of the Army Corps of Engineers permit application for the proposed project and indicate Corps staff involved in reviewing the application if known.

4. Please provide the Water Board with a copy of the Department of Fish and Game Streambed Alteration Agreement application for the proposed project.

5. Habitat impacts from the anticipated 1.3 cfs discharge are characterized as negligible at high flows, and in entirely positive terms at low flows, in the hydrology study included with the submitted materials. Riparian and riparian wetland functions and values on Pismo Creek are an expression of the quasi-equilibrium state that derives from both regional and microclimatic conditions. It is expected that these functions and values would be altered by the anticipated continuous discharge, particularly during drier periods. Subsequent submittals should characterize these functions and values and address all potential impacts, including negative impacts.

6. The Water Board does not view with favor the proposed use of riprap for outfall energy dissipation and increased channel roughness (Entrix, Inc. Revised Hydrologic study, July 11, 2006, p.viii). Preferred methods include biotechnical approaches that integrate vegetation and structural components as necessary. Subsequent submittals should include analysis of alternatives to the use of riprap on Pismo Creek.

7. Please formulate compensatory mitigation plans for habitat impacts. The Water Board requires a 3:1 replacement ratio for all permanently impacted wetlands, a 2:1 replacement ratio for permanently impacted streambed habitats, and a 1:1 replacement ratio for impacted riparian habitat and temporarily impacted streambed and wetland habitats. Please see section 12 of Instructions for Filling Out the CWA Section 401 Water Quality Certification, available online at http://www.waterboards.ca.gov/centralcoast/401WQCert/Index.htm for additional information on compensatory mitigation.

8. Please provide the Water Board with an inclusive list of Best Management Practices specific to the proposed project that would be implemented during and after project activities.

9. Please provide photographs of the site for the proposed Pismo Creek discharge area.

The information above is required to complete the Water Quality Certification application process. Once the application is complete, the Water Board will evaluate your application for appropriate action, which may include: Standard Certification, Technically Conditioned Certification or Denial of Certification.

If you have questions regarding the Section 401 Water Quality Certification process, please contact **Dominic Roques at 805/542-4780**.

Sincerely,

Roger W. Briggs
Executive Officer

Attachments:
1. Priority Pollutant criteria list
2. Steps for completing a reasonable potential analysis

S:/NPDES/NPDES Facilities/San Luis Obispo Co/PXP/incomplete ROWD.ltr
File: PXP Price Canyon
Task: 102-01

cc:

Mr. Daniel Tormey
Entrix
2140 Eastman Ave., Suite 200
Ventura, CA 93003

Mr. Murry Wilson
SLO Co. Co. Government Center, Rm. 310
San Luis Obispo, CA 93408

ATTACHMENT D
PRIORITY TOXIC POLLUTANTS

VOLATILE ORGANICS						
CTR #	Chemical Constituent	CAS Number	Basis	Effluent Limit (µg/L or noted)	Respective Minimum Level (ML)[A], (µg/L)	Acceptable Analytical Methods[B]
28	1,1 Dichloroethane	75343	Primary MCL	5	0.5, 1	GC, GCMS
30	1,1 Dichloroethene	75354	California Toxics Rule	0.057	0.5	GC
41	1,1,1 Trichloroethane	71556	Primary MCL	200	0.5, 2	GC, GCMS
42	1,1,2 Trichloroethane	79005	California Toxics Rule	0.6	0.5	GC
37	1,1,2,2 Tetrachloroethane	79345	California Toxics Rule	0.17	0.5	GC
75	1,2 Dichlorobenzene	95501	Secondary MCL	10	0.5, 2	GC, GCMS
29	1,2 Dichloroethane	107062	California Toxics Rule	0.38	0.5	GC
31	1,2 Dichloropropane	78875	California Toxics Rule	0.52	0.5	GC
76	1,3 Dichlorobenzene	541731	California Toxics Rule	400	0.5, 2	GC, GCMS
32	1,3 Dichloropropene	542756	Primary MCL	0.5	0.5, 2	GC, GCMS
77	1,4 Dichlorobenzene	106467	Primary MCL	5	0.5, 2	GC, GCMS
17	Acrolein	107028	National Ambient Water Quality Criteria	21	2, 5	GC, GCMS
18	Acrylonitrile	107131	California Toxics Rule	0.059	2, 2	GC, GCMS
19	Benzene	71432	Primary MCL	1	0.5	GC
20	Bromoform	75252	California Toxics Rule	4.3	0.5, 2	GC, GCMS
34	Methyl Bromide	74839	California Toxics Rule	48	1, 2	GC, GCMS
21	Carbon Tetrachloride	56235	California Toxics Rule	0.25	0.5	GC
22	Chlorobenzene	108097	Primary MCL	70	0.5, 2	GC, GCMS
23	Chlorodibromomethane	124481	California Toxics Rule	0.401	0.5	GC
24	Chloroethane	75003	Primary MCL	300	0.5, 2	GC, GCMS
25	2-Chloroethyl vinyl ether	110758	No Criteria Available		1, 1	GC, GCMS
26	Chloroform	67663	National Toxics Rule	5.7	0.5, 2	GC, GCMS
35	Chloromethane	74873	USEPA Health Advisory	3	0.5, 2	GC, GCMS
27	Dichlorobromo-methane	75274	California Toxics Rule	0.56	0.5	GC
36	Dichloromethane	75092	California Toxics Rule	4.7	0.5, 2	GC, GCMS
33	Ethylbenzene	100414	Primary MCL	300	0.5, 2	GC, GCMS
38	Tetrachloroethene	127184	National Toxics Rule	0.8	0.5	GC
39	Toluene	108883	Primary MCL	150	0.5, 2	GC, GCMS
40	Trans-1,2 Dichloroethylene	156605	Primary MCL	10	0.5	GC
43	Trichloroethene	79016	National Toxics Rule	2.7	0.5, 2	GC, GCMS
44	Vinyl Chloride	75014	Primary MCL	0.5	0.5, 2	GC, GCMS

SEMI-VOLATILE ORGANICS

CTR #	Chemical Constituents	CAS Number	Basis	Effluent Limit (µg/L or noted)	Respective Minimum Level (ML)[A], (µg/L)	Acceptable Analytical Methods[P]
60	1,2 Benzanthracene	56553	California Toxics Rule	0.0044	5	GCMS
85	1,2 Diphenylhydrazine	122667	California Toxics Rule	0.04	1	GCMS
101	1,2,4 Trichlorobenzene	120821	Public Health Goal	5	1, 5	GC, GCMS
45	2 Chlorophenol	95578	California Toxics Rule	120	2, 5	GC, GCMS
46	2,4 Dichlorophenol	120832	California Toxics Rule	93	1, 5	GC, GCMS
47	2,4 Dimethyphenol	105679	CA Notification Level (DHS)	100	1, 2	GC, GCMS
49	2,4 Dinitrophenol	51285	California Toxics Rule	70	5, 5	GC, GCMS
82	2,4 Dinitrotoluene	121142	California Toxics Rule	0.11	5	GCMS
55	2,4,6 Trichlorophenol	88062	California Toxics Rule	2.1	10, 10	GC, GCMS
83	2,6 Dinitrotoluene	606202	National Ambient Water Quality Criteria	230	5	GCMS
50	2-Nitrophenol	25154557	National Ambient Water Quality Criteria	150 [C2]	10	GCMS
71	2- Chloronaphthalene	91587	National Ambient Water Quality Criteria	1600[C3] / 7.5[F]	10	GCMS
78	3,3' Dichlorobenzidine	91941	California Toxics Rule	0.04	5	GCMS
62	3,4 Benzofluoranthene	205992	California Toxics Rule	0.0044	10, 10	GCMS, LC
52	4 Chloro-3-methylphenol	59507	National Ambient Water Quality Criteria	30	5, 1	GC, GCMS
48	4,6 Dinitro-2-methylphenol	534521	National Ambient Water Quality Criteria	13.4	5	GCMS
51	4-Nitrophenol	100027	National Ambient Water Quality Criteria	150	5, 10	GC, GCMS
69	4-Bromophenyl phenyl ether	101553	National Ambient Water Quality Criteria	122 [C1]	10, 5	GC, GCMS
72	4-Chlorophenyl phenyl ether	7005723	National Ambient Water Quality Criteria	122 [C1]	5	GCMS
56	Acenaphthene	83329	National Ambient Water Quality Criteria	520 / 500[F]	1, 1, 0.5	GC, GCMS, LC
57	Acenaphthylene	208968	National Ambient Water Quality Criteria	300[F]	10, 0.2	GCMS, LC
58	Anthracene	120127	California Toxics Rule	9600	10, 2	GCMS, L
59	Benzidine	92875	California Toxics Rule	0.00012	5	GCMS
61	Benzo(a)pyrene (3,4 Benzopyrene)	50328	California Toxics Rule	0.0044	2	LC
63	Benzo(g,h,i)perylene	191242	National Ambient Water Quality Criteria	300[F]	5, 0.1	GCMS, LC
64	Benzo(k)fluoranthene	207089	California Toxics Rule	0.0044	2	LC
65	Bis (2-Chloroethoxyl) methane	111911	No Criteria Available		5	GCMS
66	Bis(2-chloroethyl) ether	111444	California Toxics Rule	0.031	1	GCMS
67	Bis(2-chloroisopropyl) ether	39638329	National Ambient Water Quality Criteria	122[C1]	10, 2	GC, GCMS
68	Bis(2-Ethylhexyl) phthalate	117817	California Toxics Rule	1.8	5	GCMS
70	Butyl benzyl phthalate	85687	Central Coast Water Board's (CCWB's) Basin Plan	2[C4]	10, 10	GC, GCMS
73	Chrysene	218019	California Toxics Rule	0.0044	5	LC
81	Di-n-butylphthalate	84742	CCWB's Basin Plan	2[C4]	10	GCMS
84	Di-n-octylphthalate	117840	CCWB's Basin Plan	2[C4]	10	GCMS
74	Dibenzo(a,h)-anthracene	53703	California Toxics Rule	0.0044	0.1	LC
79	Diethyl phthalate	84662	CCWB's Basin Plan	2[C4]	10, 2	GC, GCMS
80	Dimethyl phthalate	131113	CCWB's Basin Plan	2[C4]	10, 2	GC, GCMS
86	Fluoranthene	206440	California Toxics Rule	300	10, 1, 0.05	GC, GCMS, LC
87	Fluorene	86737	California Toxics Rule	1300	10, 0.1	GCMS, LC
90	Hexachlorocyclopentadiene	77474	National Ambient Water Quality Criteria	5.2	5, 5	GC, GCMS
88	Hexachlorobenzene	118741	California Toxics Rule	0.00075	1	GCMS
89	Hexachlorobutadiene	87683	California Toxics Rule	0.44	1	GCMS
91	Hexachloroethane	67721	California Toxics Rule	1.9	1	GCMS
92	Indeno(1,2,3-cd)pyrene	193395	California Toxics Rule	0.0044	0.05	LC
93	Isophorone	78591	California Toxics Rule	8.4	1	GCMS
98	N-Nitrosodiphenylamine	86306	California Toxics Rule	5	1	GCMS
96	N-Nitrosodimethylamine	62759	California Toxics Rule	0.00069	5	GCMS
97	N-Nitrosodi-n-propylamine	621647	California Toxics Rule	0.005	5	GCMS
94	Naphthalene	91203	Taste and Odor	21	10, 1, 0.2	GC, GCMS
95	Nitrobenzene	98953	California Toxics Rule	17	10, 1	GC, GCMS
53	Pentachlorophenol	87865	California Toxics Rule	0.28	1	GC
99	Phenanthrene	85108	National Ambient Water Quality Criteria	300 [C5,F]	5, 0.05	GCMS, LC
54	Phenol	108352	CCWB's Basin Plan	1	1, 1, 50	GC, GCMS, COLOR
100	Pyrene	129000	California Toxics Rule	960	10, 0.05	GCMS, LC

PESTICIDES						
CTR #	Chemical Constituent	CAS Number	Basis	Effluent Limit (µg/L or noted)	Respective Minimum Level (ML)[A], (µg/L)	Acceptable Analytical Methods[B]
110	4,4'-DDD	72548	California Toxics Rule	0.00083	0.05	GC
109	4,4'-DDE	72559	California Toxics Rule	0.00059	0.05	GC
108	4,4'-DDT	50293	California Toxics Rule	0.00059	0.01	GC
112	alpha-Endosulfan	959988	California Toxics Rule	0.056[C6] / 0.0087[C6,F]	0.02	GC
103	alpha-BHC	319846	California Toxics Rule	0.0039	0.01	GC
102	Aldrin	309002	California Toxics Rule	0.00013	0.005	GC
113	beta-Endosulfan	33213659	California Toxics Rule	0.056[C6] / 0.0087[C6,F]	0.01	GC
104	beta-BHC	319857	California Toxics Rule	0.014	0.005	GC
107	Chlordane	57749	California Toxics Rule	0.00057	0.1	GC
106	delta-BHC	319868	No Criteria Available		0.005	GC
111	Dieldrin	60571	California Toxics Rule	0.00014	0.01	GC
114	Endosulfan Sulfate	1031078	National Ambient Water Quality Criteria	0.056 / 0.0087[F]	0.005	GC
115	Endrin	72208	California Toxics Rule	0.036 / 0.0023[F]	0.01	GC
116	Endrin Aldehyde	7421934	California Toxics Rule	0.76	0.01	GC
117	Heptachlor	76448	California Toxics Rule	0.00021	0.01	GC
118	Heptachlor Epoxide	1024573	California Toxics Rule	0.0001	0.01	GC
105	Lindane (gamma-BHC)	58899	California Toxics Rule	0.019	0.02	GC
119	PCB 1016	12674112	California Toxics Rule	0.0001 [C7]	0.5	GC
120	PCB 1221	11104282	California Toxics Rule	0.00017[C7]	0.5	GC
121	PCB 1232	11141165	California Toxics Rule	0.00017[C7]	0.5	GC
122	PCB 1242	53469219	California Toxics Rule	0.00017[C7]	0.5	GC
123	PCB 1248	12672296	California Toxics Rule	0.00017[C7]	0.5	GC
124	PCB 1254	11097691	California Toxics Rule	0.00017[C7]	0.5	GC
125	PCB 1260	11096825	California Toxics Rule	0.00017[C7]	0.5	GC
126	Toxaphene	8001352	California Toxics Rule	0.0002	0.5	GC
16	2,3,7,8-TCDD (Dioxin)	1746016	California Toxics Rule	1.30E-08	5.00E-06	GC

INORGANICS						
CTR #	Chemical Constituents	CAS Number	Basis	Effluent Limit (µg/L or noted)	Respective Minimum Level (ML)[A], (µg/L)	Acceptable Analytical Methods[B]
1	Antimony	7440360	Primary MCL	6	10, 5, 0.5, 5, 0.5	FAA, GFAA, ICPMS, SPGFAA, HYDRIDE
2	Arsenic	7440382	National Toxics Rule	0.018	2, 10, 2, 2, 1	GFAA, ICP, ICPMS, SPGFAA
15	Asbestos	1332214	California Toxics Rule	7 MFL[D]	0.2 MFL>10µm in length[D]	TEM
3	Beryllium	7440417	Primary MCL	4	20, 0.5, 2, 0.5, 1, 1000	FAA, GFAA, ICP, ICPMS, SPGFAA, DCP
4	Cadmium	7440439	National Toxics Rule / CCWB's Basin Plan	1[G] / 0.2[E]	0.5, 0.25, 0.5	GFAA, ICPMS, SPGFAA
5a	Chromium III	7440473	Primary MCL	50[H]	50, 2, 10, 0.5, 1	FAA, GFAA. ICP, ICPMS, SPGFAA
5b	Chromium VI	18540299	National Toxics Rule	10	5, 10	FAA, COLOR
6	Copper	7440508	California Toxics Rule / National Toxics Rule	9[G] / 2.4[F,G]	5, 0.5, 2	GFAA, ICPMS, SPGFAA
14	Cyanide	57125	California Toxics Rule	5.2[G] / 1[F,G]	5	COLOR
7	Lead	7439921	California Toxics Rule	2.5[G]	0.5, 2	ICPMS, SPGFAA
8	Mercury	7439976	National Toxics Rule	0.012	0.0005	CVAA
9	Nickel	7440020	California Toxics Rule / CCWB's Basin Plan	52[G] / 2[E1]	50, 5, 20, 1, 5	FAA, GFAA, ICP, ICPMS, SPGFAA
10	Selenium	7782492	California Toxics Rule	5	5, 2, 5, 1	GFAA, ICPMS, SPGFAA, HYDRIDE
11	Silver	7440224	California Toxics Rule	3.4[G] / 1.9[F,G]	1, 0.25, 2	GFAA, ICPMS, SPGFAA
12	Thallium	7440280	California Toxics Rule	1.7	1	ICPMS
13	Zinc	7440666	National Toxics Rule / CCWB's Basin Plan	100[G] / 20[E]	20, 20, 1,10	FAA, ICP, ICPMS, SPGFAA

NOTES:

A. The ML value represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interference. Discharger shall instruct laboratories to establish calibration standards so that the ML value (or its equivalent) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

B. For each constituent the Discharger may select one of the indicated analytical methods, which are described in 40 CFR 136.3. The abbreviations refer to the following:

1. GC ..... Gas Chromatography
2. GCMS ..... Gas Chromatography/Mass Spectrometry
3. LC ..... High Pressure Liquid Chromatography
4. FAA ..... Flame Atomic Absorption
5. GFAA ..... Graphite Furnace Atomic Absorption
6. Hydride ..... Gaseous Hydride Atomic Absorption
7. CVAA ..... Cold Vapor Atomic Absorption
8. ICP ..... Inductively Coupled Plasma
9. ICPMS ..... Inductively Coupled Plasma/Mass Spectrometry
10. SPGFAA ..... Stabilized Platform Graphite Furnace Atomic Absorption
11. DCP ..... Direct Current Plasma
12. TEM ..... Transmission Electron Microscopy
13. COLOR ..... Colorimetric

C. Indicate a regulatory decision that the cited concentration is either necessary or sufficient for full protection of beneficial uses or indicate meaning of uncommon acronyms

[C1] – For haloethers
[C2] – For nitrophenols
[C3] – For chlorinated naphthalenes
[C4] – For phthalate esters
[C5] – For polynuclear aromatic hydrocarbons
[C6] – Criteria for sum of alpha and beta forms
[C7] – Criteria for sums of all PCBs

D. MFL is defined as Million Fibers per Liter in the measurement of asbestos in water (EPA Method 600/R-93/116). Its detection limits are at 0.2 MFL of length greater than 10 microns

E. Criteria for protection of Marine Habitat Beneficial Use (CCWB's Basin Plan)

[E1] – value cited as objective pertains to nickel salts (not pure metallic nickel)

F. Criteria only applies to discharges to saltwater inland surface waters, enclosed bays, and estuaries.

G. Criteria values for metals are expressed as a function of a total hardness of 100 mg/L

H. For total Chromium

as specified in the CTR, the federal criteria apply to all waters assigned any aquatic life or human health use designated in basin plans. It further states that the application of the criteria are based on the presence in all waters of some aquatic life designation and the presence or absence of the municipal and domestic supply (MUN) designation (i.e., the aquatic life criteria and the human health criteria for consuming water and organisms apply to MUN-designated water bodies; the aquatic life criteria and the human health criteria for consuming organisms only apply to non-MUN water bodies).

Designated beneficial uses to which aquatic life criteria or objectives would apply include, but are not necessarily limited to, warm freshwater habitat (WARM), cold freshwater habitat (COLD), and estuarine habitat (EST). Designated beneficial uses to which human health criteria/objectives would apply include, but are not necessarily limited to, municipal and domestic supply (MUN) and water contact recreation (REC1). Human health criteria/objectives are differentiated by whether organisms alone from the water body are consumed compared to whether both organisms and water from the water body are consumed. Where MUN is designated, the latter situation applies.

1.2 Data Requirements and Adjustments

The RWQCB may adjust the criteria/objective for metals with *discharger-specific Water Effect Ratios established in accordance with U.S. EPA guidance – Interim Guidance on Determination and Use of Water Effect Ratios for Metals (EPA-823-B-94-001) or Streamlined Water-Effect Ratio Procedure for Discharges of Copper (EPA-822-R-01-005), if appropriate[7].

It is the discharger's responsibility to provide all data and other information requested by the RWQCB before the issuance, reissuance, or modification of a permit to the extent feasible. When implementing the provisions of this Policy, the RWQCB shall use all available, valid, relevant, representative data and information, as determined by the RWQCB. The RWQCB shall have discretion to consider if any data are inappropriate or insufficient for use in implementing this Policy. Instances where such consideration is warranted include, but are not limited to, the following: evidence that a sample has been erroneously reported or is not representative of effluent or ambient receiving water quality; questionable quality control/quality assurance practices; and varying seasonal conditions. The lack of a site-specific objective for a priority pollutant shall not be considered insufficient data.

When implementing the provisions of this Policy, the RWQCB shall ensure that criteria/objectives are properly adjusted for hardness or pH, if applicable, using the hardness or pH values for the receiving water, and that translators are appropriately applied (in accordance with section 1.4.1), if applicable. The RWQCB shall also ensure that pollutant and flow data are expressed in the appropriate forms and units for purposes of comparability and calculations.

1.3 Determination of Priority Pollutants Requiring Water Quality-Based Effluent Limitations

The RWQCB shall conduct the analysis in this section for each priority pollutant with an applicable criterion or objective, excluding priority pollutants for which a Total Maximum Daily Load (TMDL) has been developed, to determine if a water quality-based effluent limitation is

[7] A Water Effect Ratio may also be used to develop a site-specific metal objective, as described in Section 5.2.

required in the discharger's permit. It is the discharger's responsibility to provide all information requested by the RWQCB for use in the analysis. The RWQCB shall use all available, valid, relevant, representative information, as described in section 1.2, to determine whether a discharge may: (1) cause, (2) have a reasonable potential to cause, or (3) contribute to an excursion above any applicable priority pollutant criterion or objective. If the following analysis (which is depicted as a flowchart in Appendix 2) indicates that a limitation for a pollutant is required, the RWQCB shall establish the limitation in accordance with section 1.4. Within each step below, if it is necessary to express a dissolved metal or selenium value as total recoverable and a site-specific translator has not yet been developed, as described in section 1.4.1, the RWQCB shall use the applicable U.S. EPA conversion factor (Appendix 3).

Step 1: Identify applicable water quality criteria and objectives for priority pollutants as described in section 1.1. Determine the lowest (most stringent) water quality criterion or objective for the pollutant applicable to the receiving water (C). Adjust the criterion or objective for hardness and/or pH, if applicable, as described in section 1.2.

Step 2: Identify all effluent data for the pollutant as described in section 1.2 and proceed with *Step 3*. If effluent data are unavailable or insufficient, as described in section 1.2, proceed with *Step 5*.

Step 3: Determine the observed maximum pollutant concentration for the effluent (MEC). If the pollutant was detected, proceed with *Step 4*. If the pollutant was **not** detected in any of the effluent samples **and** any of the reported detection limits are below the C, use the lowest detection limit as the MEC and proceed with *Step 4*. If the pollutant was **not** detected in any of the effluent samples **and** all of the reported detection limits are greater than or equal to the C value, proceed with *Step 5*.

Step 4: Adjust the MEC from *Step 3,* if applicable, as described in section 1.2. Compare the MEC from *Step 3* or the adjusted MEC to the C from *Step 1*. If the MEC is greater than or equal to the C, an effluent limitation is required and the analysis for the subject pollutant is complete. If the MEC is less than the C, proceed with *Step 5*.

Step 5: Determine the observed maximum ambient background concentration for the pollutant (B) as described in section 1.4.3.1. If the pollutant was detected, proceed with *Step 6*. If B data are unavailable or insufficient, as described in section 1.2, proceed with *Step 7*.

Step 6: Adjust the B from *Step 5,* if applicable, as described in section 1.2. Compare the B from *Step 5* or the adjusted B to the C from *Step 1*. If the B is greater than the C and the pollutant is detected in the effluent, an effluent limitation is required and the analysis for the subject pollutant is complete. If B is greater than the C and the pollutant was not detected in any of the effluent samples, effluent monitoring is required (as described in *Step 8)* proceed with *Step 7*. If the B is less than or equal to the C, proceed with *Step 7*.

Step 7: Review other information available to determine if a water quality-based effluent limitation is required, notwithstanding the above analysis in *Steps 1* through *6*, to protect beneficial uses.

Information that may be used to aid in determining if a water quality-based effluent limitation is required includes: the facility type, the discharge type, solids loading analysis, lack of dilution, history of compliance problems, potential toxic impact of discharge, fish tissue residue data, water quality and beneficial uses of the receiving water, CWA 303(d) listing for the pollutant, the presence of endangered or threatened species or critical habitat, and other information. If data or other information is unavailable or insufficient, as described in section 1.2, to determine if a water quality-based effluent limitation is required, proceed with *Step 8*.

Step 8: If data are unavailable or insufficient, as described in section 1.2, to conduct the above analysis for the pollutant, or if all reported detection limits of the pollutant in the effluent are greater than or equal to the C value, the RWQCB shall require additional monitoring for the pollutant in place of a water quality-based effluent limitation. Upon completion of the required monitoring, the RWQCB shall use the gathered data to conduct the analysis in *Steps 1* through *7* above and determine if a water quality-based effluent limitation is required. If, upon completion of the monitoring required by Step 8 and the subsequent analysis in *Steps 1* through *7*, a specific pollutant was not detected in any effluent or if ambient background sample and applicable detection limits are greater than or equal to the C value, the RWQCB may require periodic monitoring of the pollutant.

The RWQCB shall require periodic monitoring (at least once prior to the issuance and reissuance of a permit) for pollutants for which criteria or objectives apply and for which no effluent limitations have been established; however, the RWQCB may choose to exempt low volume discharges, determined to have no significant adverse impact on water quality, from this monitoring requirement.

1.4 Calculation of Effluent Limitations

When a RWQCB determines, using the procedures described in section 1.3, that water quality-based effluent limitations are necessary to control a priority pollutant in a discharge, the permit shall contain effluent limitations developed using one or more of the following methods:

A. If a TMDL is in effect, assign a portion of the loading capacity of the receiving water to each identified priority pollutant source of waste, point and non-point, based on the TMDL (see Appendix 6);

B. Use the following procedure based on a steady-state model:

Step 1: For each priority pollutant identified in section 1.3, identify the applicable water quality criteria/objectives for the pollutant as described in section 1.1. Adjust the criterion or objective, if applicable, as described in section 1.2. If it is necessary to express a dissolved metal or selenium criterion/objective as total recoverable and a site-specific translator has not yet been developed, as described in section 1.4.1, the RWQCB shall use the applicable U.S. EPA conversion factor (Appendix 3). If data are insufficient to calculate the effluent limitation, the RWQCB shall establish interim requirements in accordance with section 2.2.2.

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
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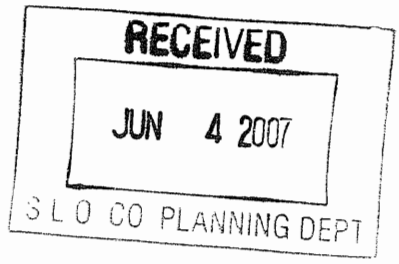

May 31, 2007

Murry Wilson
San Luis Obispo County Planning
976 Osos Street, Room 300
San Luis Obispo, CA 93408

RE: SCH# 2007051143, Plains Exploration and Production Company; San Luis Obispo County

Dear Mr. Wilson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

CC: State Clearinghouse

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