4.6 HAZARDS AND HAZARDOUS MATERIALS

This section of the EIR addresses non-geologic and non-air quality related hazards, such as hazardous material exposure, secondary and emergency access, airport hazards, fire hazards, and risks from road traffic. Preparation of this section included review of California Environmental Protection Agency (CalEPA) Department of Toxic Substances Control (DTSC) records and databases including the Cortese list (DTSC 2013a, 2013b, 2013c), EnviroStor (DTSC 2007), and GeoTracker (DTSC 2013a). In addition to these resources, documents related to a cleanup program within Nipomo Creek were reviewed, and are incorporated by reference, including:

- *Subsurface Investigation Report Nipomo Creek Pipeline Line 300 San Luis Obispo County, California* (Terra Pacific Group, January 6, 2006)
- *Supplemental Subsurface Investigation Report Nipomo Creek Pipeline Line 300 (RM&R Site No. 3788) Nipomo, California* (Terra Pacific Group, January 31, 2007)
- *Additional Assessment Report Nipomo Creek Pipeline Line 300 (RM&R Site No. 3788) Nipomo, California* (Terra Pacific Group, September 27, 2007)
- *Feasibility Study and Corrective Action Plan Nipomo Creek Pipeline Line 300 (RM&R Site No. 3788) Nipomo, California* (Terra Pacific Group, February 13, 2009)
- *Corrective Action Plan Nipomo Creek Pipeline Line 300 (RM&R Site No. 3788) Nipomo, California* (Terra Pacific Group, May 21, 2010)
- *Corrective Action Completion Report Nipomo Creek Pipeline Line 300 (RM&R Site No. 3788) Nipomo California* (Terra Pacific Group, October 29, 2012)

4.6.1 Existing Conditions

4.6.1.1 Hazardous Materials

A hazardous material is defined by the CalEPA DTSC as a material that poses a significant present or potential hazard to human health and safety or the environment if released because of its quantity, concentration, or physical or chemical characteristics (26 California Code of Regulations [CCR] §25501). Worker safety and public health are potentially at risk whenever hazardous materials are used or exposed. It is often helpful to distinguish between the “hazard” associated with these materials and the “risk” they pose to human health or the environment. A hazardous material has the potential to cause damage upon accident or incidental exposure. The risk of an event is determined by a combination of the probability of exposure to hazardous materials and the severity of consequences should exposure occur (California Office of Emergency Services [OES] 1989). The likelihood of exposure to a hazardous material coupled with its inherent hazardous properties determines the degree of risk to public health or the environment. To be of high risk, exposure to a hazardous material must be both likely and have negative consequences.

The site is not listed on the Envirostor Hazardous Waste and Substances Site “Cortese” List (DTSC 2007), List of “active” Cease and Desist Orders and Cleanup and Abatement Orders from the Water Board (DTSC 2013c), or sites identified with waste constituents above hazardous waste levels outside the Waste Management Unit (DTSC 2013b). There is a hazardous spill remediation project within the project site, at Nipomo Creek, approximately 300

feet east of the Dana Adobe (Line 300, RM&R Site No. 3788, SL0607907605) (refer to Figure 4.6-1). The site is listed in the GeoTracker database (DTSC 2013a) as a "Cleanup Program Site". A more detailed summary is provided below.

Nipomo Creek Pipeline – Line 300

The Cleanup Program Site status is identified as "Open – Remediation as of September 1, 2011," and contaminants of concern include benzene and crude oil. The leak was detected, reported, and stopped in 2003, and a monitoring program was initiated in 2008. A Cleanup and Abatement Order was issued in 2010. The site is identified as a Category 1, which "includes most leaking underground fuel tank (LUFT) sites and many small commercial facilities, such as dry cleaners."

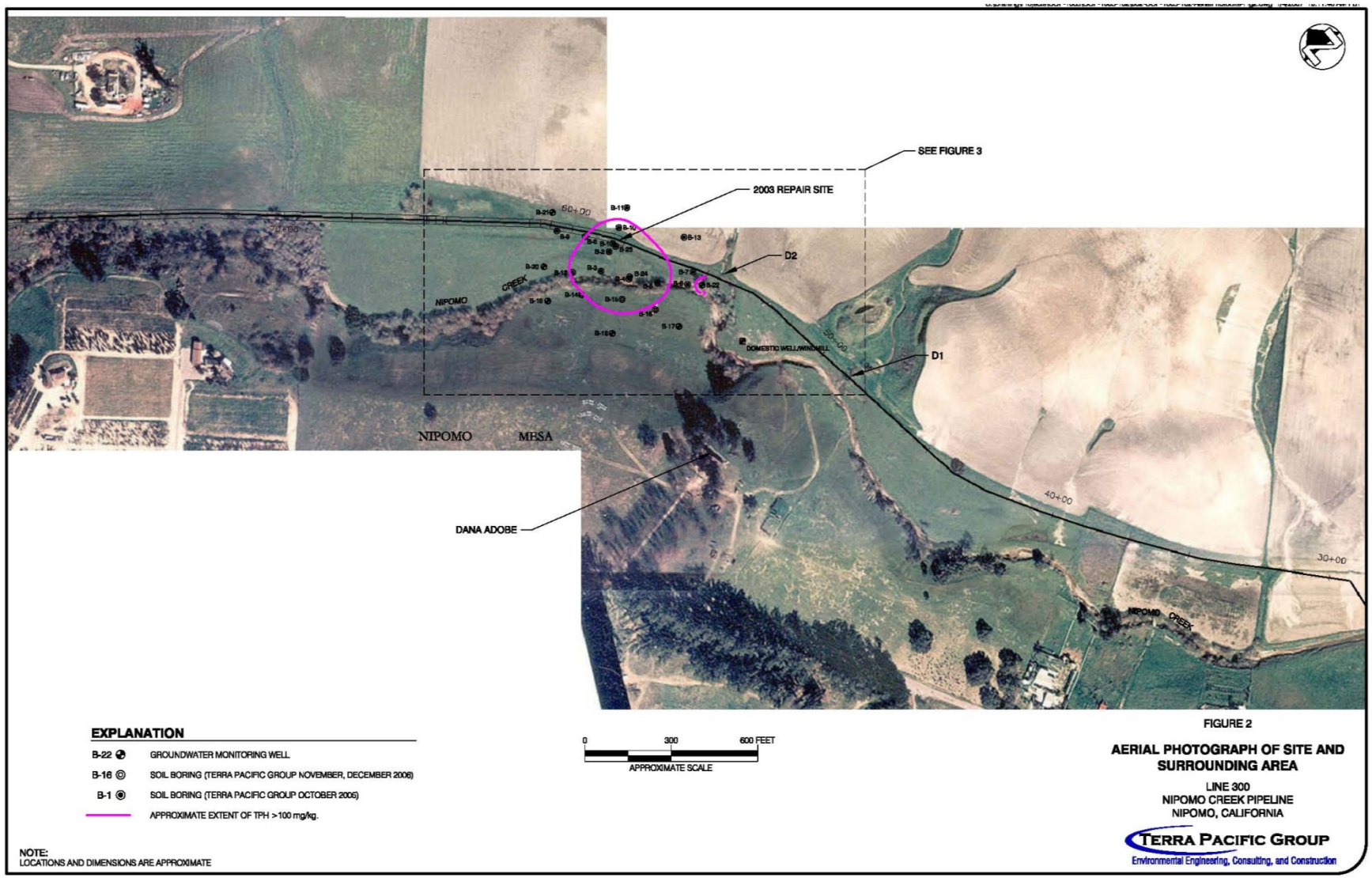
Category 1 sites are characterized by soil or groundwater contamination that does not pose an immediate human health threat and does not extend off-site onto neighboring properties. Off-site groundwater plumes that extend only into the public right-of-way are also included in this category (SWRCB 2013).

The 12-inch diameter pipeline (Line 300) was previously owned and operated by Unocal, and is currently owned by ConocoPhillips to transport crude oil to the Santa Maria Refinery. The pipeline is located within the Pacific Coast Narrow Gage Railway (PCR) right-of-way. PCR operated from 1882 to 1941, and between 1901 and 1920 the railroad was used for transporting shipments of crude oil. The first crude oil pipeline was installed within the railway right-of-way by Standard Oil Company in 1904-1905 followed by Union Oil Company in 1905-1906. In addition to Line 300, there is an idle 8-inch crude oil pipeline located approximately 30 feet west of the active pipeline. This pipeline was operated by Unocal until 1992 when a smart pig survey detected several areas along the pipeline in need of repair, and was discontinued in 1992.

In May 2003, an anomaly in Line 300 was discovered via "smart pig" technology, and during excavation of the site to repair the pipeline petroleum-impacted soil was observed. Subsurface investigation was conducted to define the extent of petroleum-impacted soil and groundwater (Terra Pacific Group 2006). The investigation included collection and analysis of soil samples, soil borings, and groundwater sampling. Soil analytical results detected Total Extractable Petroleum Hydrocarbons (TEPH), trace concentration of benzene and toluene, volatile organic compounds (VOC), and polycyclic aromatic hydrocarbon (PAH). The report documented that "none of the detected VOCs or PAHs exceeded EPA Region 9's Preliminary Remediation Goals (PRGs) for soils at residential sites, and the overall carbon range distribution and very low concentrations of few volatile and semivolatile organic compounds is typical of crude oil" (Terra Pacific Group 2006). Hydrocarbon, PAH, and VOCs was also present in tested groundwater.

Based on the results of the 2006 investigation, additional study was recommended to complete the plume delineation, obtain more details about a domestic well in the immediate area, install monitoring wells to monitor plume stability, and obtain creek water samples. A *Supplemental Subsurface Investigation Report* (Terra Pacific Group 2007a) was completed, including additional borings west of Nipomo Creek, installation of groundwater monitoring wells east and west of the creek, and collection of soil and water samples from the creek. The supplemental investigation identified TEPH, VOC, and PAH in the soil samples, and hydrocarbons in the groundwater samples. Low concentrations of TEPH were present in the creek water samples.

Figure 4.6-1. Line 300 (Terra Pacific Group, 2007a)



As shown in Figure 4.6-2, the extent of petroleum-impacted soil was defined in all directions by borings with no detectable hydrocarbons. The impacted area created a broad plume that extended approximately 330 feet along the pipeline easement. Crude oil-impacted soil was observed at varying depths, starting at a minimum depth of 7 feet below the ground surface (bgs) and extending downward below the water table to a maximum depth of 29 feet bgs. Southwest of Nipomo Creek, the contaminated interval occurred between the depths of 10 to 29 feet bgs. The plume extended approximately 250 southwest from the pipeline easement across Nipomo Creek, covering an area of approximately 2.5 acres. The contaminated interval was approximately 18 to 20 feet thick along the central axis of the plume. Crude oil occurred as disconnected globules within the pores of the fine and coarse grained soils. The analysis notes that the pipeline was continually monitored and periodically replaced or repaired; therefore, there is no continuing source to cause further migration of the viscous oily residuum beneath the site. The report notes that the petroleum present beneath Nipomo Creek is considered low risk to human health (Terra Pacific Group 2007a). At the time of the study, the crude oil had likely been in the ground for at least 14 years and possibly more than 30; therefore, the potential for future migration of viscous oil residuum beneath the site is very low. The report noted a potential future exposure of impacted soil due to erosion within Nipomo Creek.

The 2007 evaluation also notes a separate area of contamination consisting of high molecular weight hydrocarbon characteristic of weathered crude oil with little or no volatile or semivolatile organic components (refer to Figure 4.6-2, Boring B-22). The report notes that this is consistent with historical information indicating that crude oil pipelines have been installed, renewed, and replaced along the PCR right-of-way since 1904 (Terra Pacific Group 2007a, 2007b).

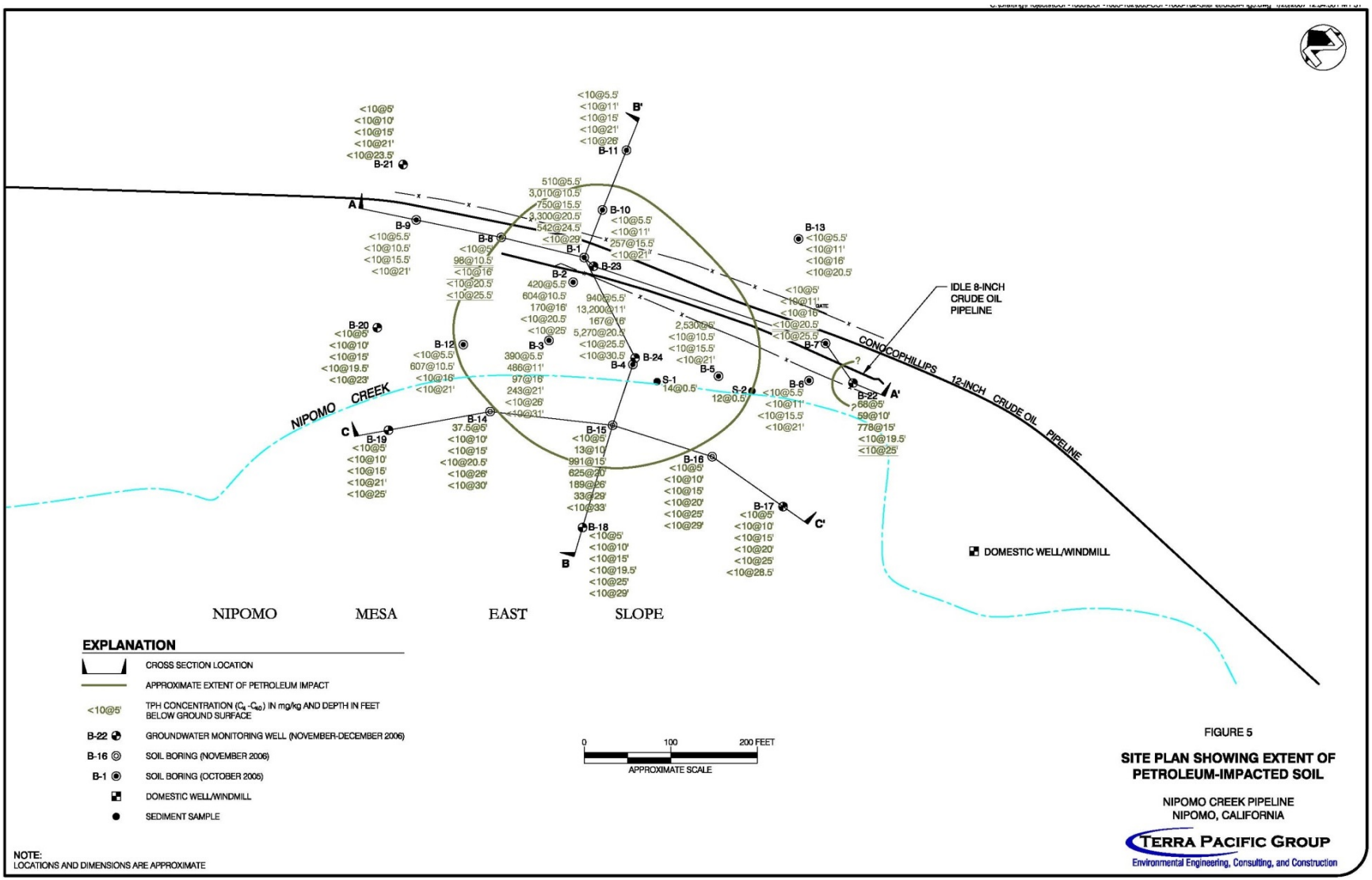
The 2007 report provides the following conclusion: “Of the compounds detected in soil during the 2005 and 2006 investigation, none exceed EPA Region 9’s PRGs for residential sites. In groundwater, only one sample collected from within the crude oil-impacted area contained a trace concentration of acenaphthene. No other VOCs or PAHs were detected. Hence, from a human health risk standpoint, the petroleum present beneath the Nipomo Creek site is considered low risk” (Terra Pacific Group 2007b).

Following site evaluation, Terra Pacific Group (on behalf of ConocoPhillips) submitted a *Feasibility Study and Corrective Action Plan* (February 13, 2009) to the RWQCB. The 2009 Feasibility Study included a risk assessment, which assumed a maximum exposure scenario (residential land use). The assessment considered preliminary plans discussed with DANA, including continued open space management east of Nipomo Creek and development west of the creek. The report notes that potential exposure pathways include:

- Inhalation of vapors and particulates
- Soil ingestion
- Dermal (skin) absorption from direct contact with impacted soil
- Groundwater/surface water ingestion

In summary, the cancer and noncancer hazard (based on a residential land-use scenario) was determined to be “acceptable”, and petroleum-impacted groundwater does not pose a significant or unacceptable cancer risk or noncancer hazard to hypothetical residential consumers of groundwater.

Figure 4.6-2. Petroleum Impacted Soils (Terra Pacific Group, 2007a)



The RWQCB approved the Feasibility Study and required submittal of a Corrective Action Plan for remediation of the site (RWQCB 2010). The *Corrective Action Plan* (Terra Pacific Group 2010) identified "Limited Excavation, Erosion Control, and Groundwater Monitoring" as the preferred remedial alternative. Remediation was completed, and documented in the *Corrective Action Completion Report* (Terra Pacific Group 2012). The construction phase of the remediation project was conducted between August 29 and November 10, 2011, and post-construction revegetation was completed on December 20, 2011.

The corrective action included the removal of approximately 2,100 cubic yards of hydrocarbon-impacted (or potentially impacted) soil from the bottom of Nipomo Creek, installation of a 60-mil impermeable liner, and installation of an articulating concrete block revetment system (ArmorFlex®) as an erosion control measure. Excavated soil was transported to the Santa Maria Regional Landfill for disposal. The erosion control system was then covered with clean overburden segregated during excavation. During construction, groundwater was pumped and treated to ensure protection of downstream surface water. Prior to the start of construction, numerous permits an notifications were received by various agencies including: a USACE §404 Determination, Nationwide Permit No. 38 with §401 Water Quality Certification conditions; Biological Opinion issued by the USFWS, County Major Grading Permit and Temporary Facilities Permit; CDFW Streambed Alteration Agreement; RWQCB General Waiver of Waste Discharge Requirement for Specific Types of Discharges; SWRCB Erosivity Waiver Certification for exclusion from the Storm Water Construction General Permit; APCD Permit to Operate; and Underground Service Alert – Northern California. Follow-up actions include revegetation monitoring (5 years) and continual groundwater monitoring including submittal of annual reports to the RWQCB.

On behalf of ConocoPhillips, Terra Pacific submitted a Feasibility Study in January 2010 and a Corrective Action Plan in June 2010. RWQCB staff approved the Corrective Action Plan on July 30, 2010. ConocoPhillips partially excavated the bank adjacent to Nipomo Creek to remediate soil contaminated by benzene and crude oil. Restoration of the creek bank was completed, and restoration monitoring is underway.

4.6.1.2 Secondary and Emergency Access and Road Traffic Hazards

The western boundary of the project site is currently accessible by vehicles from South Oakglen Avenue, and the east side of the project site is accessible from South Thompson Avenue. Internal roads include a short, unpaved driveway to the Dana Adobe, within the western portion of the site, and unpaved ranch roads in grazing areas. The current site entrances are not signalized.

4.6.1.3 Airport Hazards

The project site is not located within an Airport Review Area, or within 2 miles of a private or public airport.

4.6.1.4 Fire Hazards

The project is in a State Responsibility Area within a moderate fire hazard severity zone with a 5-minute emergency response time from the nearest County fire station. The nearest fire station is Nipomo Fire Station 20, located approximately 1.3 miles northwest of the project site at 450 Pioneer Avenue. Nipomo Station 20 houses a State Type III wildland fire engine, as well as a County Type I fire engine and Type III rescue. During the declared fire-season, the station also houses Engine 3467, a Type III 4×4 wildland fire apparatus.

The Safety Element of the County General Plan describes the Nipomo area as primarily developed with low-density residential areas with interspersed supporting commercial uses. The Safety Element notes that the fire response needs of Nipomo are increased because of the presence of various wooded and urban area interfaces. The Safety Element uses the term "urban/wildland interface" to describe an area where urban development has been located in proximity to open space, or "wildland" areas. The most common type of urban/wildland interface results when urban development occurs on the fringe of existing urban areas, adjacent to wildland vegetation. The Safety Element specifically identifies Nipomo as an area with intermixed urban/wildland interface areas. This represents a higher risk of fire than other unincorporated communities, and the areas west of Nipomo have historically experienced a high number of smaller fires (50 to 300 acres in size).

The project was referred to California Department of Forestry and Fire Protection/County Fire (CAL FIRE) for review at the time the Initial Study was prepared, and CAL FIRE did not identify any significant fire hazard concerns. However, the department recommended preparation of a Wildland Fire/Vegetation Management Plan and written emergency plan for the project, as well as compliance with the California Fire Code, the 2010 California Building Code, the PRC, and any other applicable fire laws.

Please refer to Section 4-8, Public Services and Utilities, for further discussion of fire hazards and risks within the project area.

4.6.2 Regulatory Setting

4.6.2.1 Hazardous Materials

Federal Policies and Regulations

The EPA is the Federal agency responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. In addition, the EPA provides oversight and supervision for some site investigation/remediation projects. For disposal of certain hazardous wastes, the EPA has developed land disposal restrictions and treatment standards. Legislation includes the Resources Conservation and Recovery Act of 1986 (RCRA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The Federal regulations are primarily codified in CFR Title 40. These laws and regulations include specific requirements for facilities that handle, generate, use, store, treat, transport, and/or dispose of hazardous materials, as well as for investigation and cleanup of contaminated property.

State Policies and Regulations

California regulations are equal to or more stringent than federal regulations. EPA has granted the State of California primary oversight responsibility to administer and enforce hazardous waste management programs. State regulations require planning and management to ensure that hazardous wastes are handled, stored, and disposed of properly to reduce risks to human health and the environment. In California, the DTSC, a branch of CalEPA, works in conjunction with or in lieu of the EPA to enforce and implement specific hazardous materials laws and regulations. California has enacted its own legislation pertaining to the management of hazardous materials. The California legislation for which the DTSC has primary enforcement authority are the Hazardous Waste Control Act, a statute that primarily regulates the management of hazardous waste, and the Hazardous Substance Account Act, a statute that governs the cleanup of contaminated property and is modeled after CERCLA. CCR Title 22, enacted pursuant to the Hazardous Waste Control Act, establishes criteria for identifying

hazardous wastes and presents hazardous waste management requirements. These regulations are reprinted in CCR Title 26, Toxics. The DTSC acts as the Lead Agency for some soil and groundwater cleanup projects. For sites where water quality is potentially endangered, the DTSC consults with the RWQCB on technical and regulatory issues.

Section 65962.5(f) of the California Government Code states that "before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site which is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943". The applicant signed and submitted an Information Disclosure Form, including a Hazardous Waste and Substance Sites and Landfill Disclosure upon application for the Conditional Use Permit (November 14, 2011), based on the County's available list. During preparation of the Initial Study for the project, environmental analysis included review of the CalEPA website, including all available lists and data sources such as GeoTracker, and additional information regarding Line 300, RM&R Site No. 3788, SL0607907605 was provided in the publically-circulated Initial Study and proposed Mitigated Negative Declaration. This information was also provided in the Initial Study and Notice of Preparation (NOP) of an EIR, and the NOP was available to the public and circulated to agencies including (but not limited to) the Air Resources Board, Department of Toxic Substances Control, State Water Resources Control Board, Regional Water Quality Control Board, and County Environmental Health.

In addition, the applicant signed and submitted an updated "Hazardous Waste and Substances Statement", which is provided at the end of this EIR section, and specifically identifies Line 300, RM&R Site No. 3788, SL0607907605 consistent with the list of requirements identified in Section 65962.5(f) of the California Government Code.

Under the Emergency Services Act, the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California OES. The office coordinates the responses of other agencies, including EPA, the California Highway Patrol (CHP), RWQCBs, air quality management districts, and County disaster response offices.

Local Policies and Regulations

Pursuant to State law and local ordinance, the Environmental Health Services division of the County Health Agency conducts inspections to ensure proper handling, storage, and disposal of hazardous materials and proper remediation of contaminated sites. In addition, information is collected under the Business Plan Act is collected and certified by the County Environmental Health Services for emergency response purposes.

The County OES is an emergency management agency with responsibilities that include coordination of emergency and disaster preparedness planning, response, and recovery with and between local, state, and federal agencies. To address the potential for an uncontrolled hazardous material release in San Luis Obispo County, and to ensure that adequate resources are available to respond to a significant hazardous materials release, the County OES has prepared a Hazardous Materials Emergency Response Plan (updated 2003).

The County OES has also adopted an Emergency Operations Plan (revised 2008), an extension of the State Emergency Plan, which addresses the government's responsibility to preserve life, property, and the environment by anticipating and identifying events that would require emergency management and response. The plan includes the following potential hazards and threats: earthquakes, hazardous materials, storm damage and flooding, dam or levee failure, nuclear power plant, fire, transportation emergencies, tsunami, aircraft incidents, civil disturbance, and terrorism.

4.6.2.2 Secondary and Emergency Access and Road Traffic Hazards

CAL FIRE Access Road Standards (August 2011) include standards for residential and commercial projects. Standard requirements include, but are not limited to, an all-weather surface, 24-foot-wide, 13-foot, 6-inch vertical clearance, and no parking within the 10-foot-wide through lane (each way). In addition to compliance and consistency with the 2010 California Fire Code, these standards are in place to ensure that in the event of a fire, persons can exit and emergency personnel and fire trucks can enter the location. Vegetative fuel modification is required within 10 feet of the access road. Dead end road lengths are also established by these published standards.

Road traffic hazards are regulated by the County Department of Public Works, through consistency review with the Road Improvement Standards. These standards include safe sight distance at intersections, road widths, road surfacing requirements, shoulders, striping, and stormwater management.

4.6.2.3 Wildland Fire Hazards

The California PRC defines hazardous fire areas, restrictions on fire use, and minimum fire protection requirements for the state. The Code is administered by CAL FIRE, and sets forth provisions for the reduction of fire hazards and utilization of firebreaks around buildings, removal all flammable vegetation or combustible growth around buildings or electrical transmission poles and towers, and additional provisions under extra-hazardous conditions. Firebreak clearance is also required around electrical transmission poles and towers.

In addition to the PRC, several local ordinances direct fire prevention activities within San Luis Obispo County. Sections 22.50.010 through 22.50.040 of the County LUO is devoted entirely to Fire Safety and includes standards pertaining to the preparation and review of fire safety plans and application of fire safety standards. In addition, the Safety Element of the County General Plan includes goals, policies, implementation measures, and standards for pre-fire management, reduction of the threat of fires, readiness and response to fires, and loss prevention.

4.6.3 Thresholds of Significance

As defined by the County, in accordance with CEQA Guidelines Appendix G, hazards and hazardous materials impacts would be considered significant if the project would:

a. Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

b. Create a hazard to the public or the environment through reasonably foreseeable upset and accidental 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 ¼-mile of an existing or proposed school;

d. Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Government Code 65962.5 ("Cortese List"), and result in an adverse public health condition;

e. Impair implementation or physically interfere with an adopted emergency response or evacuation plan;

f. If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area;

g. Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions;

h. Be with a "very high" fire hazard severity zone; or,

i. Be within an area classified as a "state responsibility" area as defined by CAL FIRE.

4.6.4 Impact Assessment and Methodology

The impact analysis focuses on potential health risks associated with the proposed project, particularly from on-site and surrounding land uses where the potential for hazardous material release could be encountered.

Potential hazards and public safety issues associated with development of the Master Plan include increased risk for fire hazard, adequate secondary and emergency access, potential for crime, risks from road traffic, and exposure due to a known crude oil contamination site. These impacts are discussed below.

4.6.5 Project Specific Impacts and Mitigation Measures

4.6.5.1 Land Use Ordinance Amendment

The proposed amendments do not include language that would result in an adverse effect related to hazards and hazardous materials. The amendment includes a clarification regarding the Southland Interchange project, which is no longer proposed by the County and California Department of Transportation (Caltrans). Development is required to demonstrate adequate emergency access, as determined by CAL FIRE. No additional planning area standards are necessary.

4.6.5.2 Conditional Use Permit

<u>Create a Hazard Through Routine Transport, Use, or Disposal of Hazardous Materials</u>

The project does not propose the use of hazardous materials, aside from legal storage of standard materials including but not limited to paints, cleaners, oils, and fuels for construction and operation of the project and maintenance of the Dana Adobe. There is no potential for further hazardous materials contamination related to the ConocoPhillips remediation site, as implementation of the approved remediation measures eliminates the potential exposure to hazardous materials. Therefore, potential impacts related to hazardous materials would be *less than significant (Class III)*.

Create a Hazard to the Public/Environment Through Upset/Accidental Conditions

Construction of the project would require the use of heavy equipment, which may leak fluids, oils, or hydrocarbons resulting in a potential hazard to the public and the environment. Compliance with the required SWPPP, LUO, and implementation of standard BMPs to prevent, contain, and clean-up any potential accidents, leaks, or spills during construction would address this impact.

HM Impact 1 During construction of the project, the use of heavy equipment may result in accidental spill or leakage of potentially hazardous materials (i.e., fuels, oil), resulting in a significant, short-term impact.

Implement BIO/mm-2, BIO/mm-9, BIO/mm-10, WR/mm-1, and WR/mm-2.

Residual Impacts

Based on incorporation of mitigation measures identified above, including compliance with the County LUO and an RWQCB-approved SWPPP, residual impacts would be *less than significant with mitigation (Class II).*

Emit Hazardous Emissions or Handle Hazardous Materials Within ¼ Mile of School

The project would not emit hazardous emissions or require handling hazardous materials within 0.25 mile of a school. The closest school is Nipomo Elementary School, approximately 1 mile from the site. The site does host school-aged children for educational opportunities; however, operation of the site would not require the handling of hazardous materials and no elements would emit hazardous emissions.

As noted in Section 4.2 (Air Quality), potential air quality hazards during construction include diesel particulates from the heavy construction equipment, potential exposure to material-containing asbestos, and potential exposure to naturally occurring asbestos. These impacts are addressed in the Air Quality section (4.2), and would be mitigated to less than significant. Based on the distance from the site to the nearest school, potential impacts would be *less than significant (Class III)*.

Be Located On, Or Adjacent to “Cortese List” Site

As discussed in detail in Section 4.6.1.1 Hazardous Materials, the site is not listed on the Envirostor Hazardous Waste and Substances Site “Cortese List” (DTSC 2007), List of “active” Cease and Desist Orders and Cleanup and Abatement Orders from the Water Board (DTSC 2013c), or sites identified with waster constituents above hazardous waste levels outside the Waste Management Unit (DTSC 2013b). There is a hazardous spill remediation project within the project site, at Nipomo Creek, approximately 300 feet east of the Dana Adobe (Line 300, RM&R Site No. 3788, SL0607907605) (refer to Figure 4.6-1). The site is listed in the GeoTracker database (DTSC 2013a) as a “Cleanup Program Site”.

The site is identified as a Category 1, which includes most LUFT sites and many small commercial facilities, such as dry cleaners. Category 1 sites are characterized by soil or groundwater contamination that does not pose an immediate human health threat and does not extend off-site onto neighboring properties (SWRCB 2013).

Remediation occurred within the contaminated area, including the removal of approximately 2,100 cubic yards of hydrocarbon-impacted (or potentially impacted) soil, and an impermeable

liner was placed within the ground. All actions occurred pursuant to numerous permits and notifications, and the project was completed in December 20, 2011. Revegetation monitoring and groundwater monitoring is ongoing.

All proposed development, including all grading, construction, vegetation plantings, and trails would be located outside of the delineated plume and isolated soil contamination site (Boring B-22) by at least approximately 100 feet, and such actions would be limited to surface disturbance for trail development. Based on the Category 1 classification of the soil contamination, completion of remediation actions, on-going annual groundwater monitoring conducted by ConocoPhillips and the RWQCB, and proposed location of development and trails, potential impacts would be *less than significant (Class III)*.

Emergency Response or Evacuation Plan

The project is not expected to conflict with any regional evacuation plan. The project includes primary access from South Oakglen Avenue, and a 0.6-mile emergency access drive between South Oakglen Avenue to Swallow Court and on to South Thompson Avenue. The emergency access drive would cross over Nipomo Creek via a flatcar bridge. The emergency access drive would provide a secondary exit route for visitors and staff, and a secondary route for access by emergency responders, including County Sheriff and CAL FIRE. The project site is not located within 2 miles of a private or public airport and would not interfere with air traffic.

Impacts associated with emergency response or evacuation plans would be *less than significant (Class III).*

Airport Review Designation/Private Airstrip Safety Hazards

The project site is not located with an airport land use plan or within 2 miles of a public or private airport or airstrip. Modern solar panels are not reflective to maximize solar energy absorption, and the project does not include any features that would result in a significant air traffic safety hazard. Therefore, potential impacts would be *less than significant* (Class III).

Fire Hazard Risk/High Fire Hazard Severity Zone/State Responsibility Area

The project site is located within a moderate fire hazard severity zone and is within a State Responsibility Area (CAL FIRE 2011b). The proposed project was referred to CAL FIRE for review. The project site is located within a 5-minute response time from the nearest County Fire Station. The applicant is required to comply with existing regulations, including the 2010 California Fire Code and 2010 California Building Code. Fire safety regulations address roofing and roof access, fire flow (water) infrastructure, installation of fire hydrants, fire protection systems (sprinklers, alarms), fire extinguishers, and structure exits. In addition, the project must comply with access requirements (primary and secondary), provide adequate fire lanes, and maintain 100 feet of defensible space around all structures. Additional requirements specific to the project include signage on the hiking trails to aid emergency response, and preparation of a Wildland Fire/Vegetation Management Plan and Emergency Plan for review and approval by CAL FIRE, and submittal of the special event calendar and associated descriptions and public health and safety measures.

As noted above, the project includes an emergency access drive, which would be used for secondary egress from the site, and ingress by emergency responders. CAL FIRE reviewed the project, including the access plan, determined that the emergency access drive would be adequate, and noted that the proposed railcar bridge over Nipomo Creek is allowed, provided it

can support a 20-ton fire engine (CAL FIRE 2011b). Standard requirements, including provision of an all-weather surface and roadside vegetation management, would be required for the life of the project. Therefore, potential impacts associated with fire hazard risks would be *less than significant (Class III)*.

4.6.6 Cumulative Impacts

Due to the type of project proposed, and lack of hazards or hazardous materials within or near the project site, construction and operation of the project would not significantly contribute to environmental impacts related to hazards. Cumulative impacts would be *less than significant (Class III)*.

San Luis Obispo County

Department of Planning and Building
Environmental Division

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of applicant: Dana Adobe Nipomo Amigos, Marina Washburn, Executive Director
Address: 671 South Oakglen Avenue, Nipomo, CA
Phone number: 805-929-5679
Address of site: 671 South Oakglen Avenue, Nipomo, CA 93444
Local agency: County of San Luis Obispo
Assessor's book, page, and parcel number: 090-171-011, -036, -030, -031, -032

Specify any list pursuant to Section 65962.5 of the Government Code: List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database, found at http://www.calepa.ca.gov/sitecleanup/corteselist/)

Regulatory identification number: Line 300, RM&R Site No. 3788, SL0607907605

Date of list: June 14, 2013

Source: California Environmental Protection Agency (CalEPA) Department of Toxic Substances Control (DTSC). 2013a. Geotracker [Nipomo Creek Pipeline, Line 300 (RM&R Site No. 3788) (SL0607907605)]. Available at: <https://geotracker.waterboards.ca.gov>. Accessed June 14, 2013.

Marina B. Washburn
Name

7/29/2013
Date

Signature