



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

ENVIRONMENTAL DETERMINATION NO. ED12-049

DATE: May 30, 2013

PROJECT/ENTITLEMENT: Chevron Minor Use Permit / DRC2011-00082

APPLICANT NAME: Chevron Environmental Management Co.

ADDRESS: 6101 Bollinger Canyon Rd., BR1X 5222, San Ramon, CA, 94583

CONTACT PERSON: Stantec Consulting Services Inc. (Todd Porter)

Telephone: 805-546-0455

PROPOSED USES/INTENT: Request by Chevron Environmental Management Co. for a Minor Use Permit to allow for the excavation of hydrocarbon-impacted contaminated soil associated with a petroleum pipeline. The project will result in the disturbance of approximately 1.23 acres which will result in 17,500 cubic yards of cut and 17,500 cubic yards of fill on a 21 acre parcel.

LOCATION: The project is located on the west side of South 8th Street, approximately 600 feet south of Centre Street, in the community of Shandon.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Website: <http://www.sloplanning.org>

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
California Department of Fish and Game Environmental Health

STATE CLEARINGHOUSE REVIEW: YES NO

ADDITIONAL INFORMATION: Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as *Lead Agency* *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Holly Phipps

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
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(ver 5.0) Using Form

Project Title & No. Chevron Minor Use Permit (ED12-049; DRC2011-00082)

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

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

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Holly Phipps
Prepared by (Print)

Holly Phipps
Signature

April 17, 2013
Date

Steven McMasters
Reviewed by (Print)

Ellen Carroll
Signature

Ellen Carroll,
Environmental Coordinator
(for)

Date

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: Request by Chevron Environmental Management Co. for a Minor Use Permit to allow for the excavation of hydrocarbon-impacted contaminated soil associated with a petroleum pipeline. The project will result in the disturbance of approximately 1.23 acres which will result in 17,500 cubic yards of cut and 17,500 cubic yards of fill on a 21 acre parcel. The proposed project is within the Residential Single-Family land use category and is located on the west side of South 8th Street, approximately 600 feet south of Centre Street, in the community of Shandon. The site is in the Shandon/Carrizo planning area.

Background:

Two active underground oil pipelines, currently maintained by ConocoPhillips Company (COP), traverse the center of the property in a northeast to southwest direction. In addition, one inactive underground natural gas pipeline, formerly maintained by Unocal, traverses the property within the same pipeline easement. According to information provided by ConocoPhillips Pipelines, the pipeline easement was established in 1909 when petroleum pipelines were initially installed underground in the area. Prior to 1954, both 8-inch diameter lines conveyed crude oil from the Central Valley to the California central coast area. In 1954, one of the lines (identified then as Line No. 2) was used to convey a semi refined product from south to north. The other line (identified then as line No. 1) continued to convey crude oil from the California Valley to the California central coast area until 1995. After 1995, both lines conveyed semi-refined petroleum product from south to north. Both lines have been replaced between 1909 and 1956, with the most recent replacement reportedly being in 1956. Prior to the 1930s, collared screw-type pipe was commonly used, which was eventually phased-out and replaced by welded-type pipelines in the 1940s/1950s. The petroleum pipelines are maintained by COP and inspected per Department of Transportation (DOT) requirements and standards by hydrotesting or via an internal inspection tool at approximately five-year intervals. Contamination was discovered during the course of this routine testing. Since the implementation of a leak testing and monitoring program initiated in the 1970s, there have been no reports of leaks or releases associated with the petroleum pipelines beneath the subject property, thus suggesting that any leaks or releases present would have likely occurred prior to 1956.

ASSESSOR PARCEL NUMBER(S): 017-192-053

Latitude: 35° 39' 9.72" Longitude: -120° 22' 46.3542"

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Shandon/Carrizo,

TOPOGRAPHY: Nearly level
to gently sloping

LAND USE CATEGORY:

Residential Single Family

VEGETATION: Grasses , forbs

COMBINING DESIGNATION(S): Geologic Study

PARCEL SIZE: 21.31 acres

Area Flood Hazard

, Sensitive Resource Area

EXISTING USES: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Single Family; single-family residence(s)	<i>East:</i> Residential Single Family; single-family residence(s)
<i>South:</i> Residential Single Family; single-family residence(s)	<i>West:</i> Residential Single Family; agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project area lies at the southern part of town of Shandon in an area of mixed agricultural uses and residential uses. The project site is located on a large 21 acre lot. To the north of the property are several small quarter-acre lots with single-family residences. To the west of the property is a 5 acre parcel that is planted in grape vines. Along the property to the south and east 5 acre lots with single-family residences.

The project site can be characterized as a level field, which is overgrown with annual grasses. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways.

Impact. The proposed project is the excavation of hydrocarbon-impacted contaminated soil from a petroleum pipeline. The project will result in the disturbance of approximately 1.23 acres. Clean fill will replace the excavated contaminated soil. The area will excavated soil will be No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project area lies at the southern part of the town of Shandon in an area of mixed agricultural uses and residential uses. The project site is characterized as a level field, which is overgrown with annual grasses.

Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Residential Single-Family

Historic/Existing Commercial Crops: Field-Rotational, Unknown type of crop

State Classification: Prime Farmland if irrigated

In Agricultural Preserve? Yes, Shandon AG Preserve Area

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Mocho clay loam (0 - 2% slope). This nearly level fine loamy bottom soil is considered moderately drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class I when irrigated.

Pico fine sandy loam (0 - 2% slope). This nearly level soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class I when irrigated.

Still clay loam (0 - 2% slope). This nearly level soil is considered moderately drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class I when irrigated.

Xerofluvents-Riverwash association. This variably sloping soil's drainage is not rated. The soil's erodibility and shrink-swell characteristics are not rated, as well as having potential septic



system constraints due to: is not rated. The soil is considered Class VIII without irrigation and Class is not rated when irrigated.

The project is located in the Shandon Agricultural preserve which encompasses much of the planning area. The intent of this designation is to support continuing availability of these areas for production of food and fiber.

As Land Conservation Act contracts are terminated, landowners may request to remove their properties from an agricultural preserve and to change the land use category from Agriculture to another category, consistent with the *Rules of Procedure to Implement the California Land Conservation Act of 1965*.

This property is zoned Residential Single-Family is not enrolled in a Land Conservation contract.

Impact. While the project is located on property in a Residential land use category, it is within an area that has been regularly farmed in the past. Adjacent properties have also been cultivated regularly. The project involves the excavation of hydrocarbon contaminated soils and will be restored to its current undeveloped condition. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY
Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

GREENHOUSE GASES

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

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

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

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

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed

above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

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

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

This project is to allow for the excavation of hydrocarbon-impacted contaminated soil from a petroleum pipeline. The project will result in the disturbance of approximately 1.23 acres which will result in 17,500 cubic yards of cut and 17,500 cubic yards of fill on a 21 acre parcel. The project will be moving approximately 648 cy/day.

Impact. As proposed, the project will result in the disturbance of approximately 1.23 acres. This will result in the creation of construction dust, as well as short-term vehicle emissions. The project, as described, will involve excavation of hydrocarbon contaminated soil adjacent to a buried petroleum pipelines. Based on data provided in the project referral 17,500 cubic yards (cy) of hydrocarbon impacted soil will be exported from the site and 17,500 cy of soil will be imported as fill material.

The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

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

Hydrocarbon Contaminated Soil

APCD shall require a permit to address proper management of the hydrocarbon contaminated soil prior to any ground disturbance.

Naturally-Occurring Asbestos.

According to the APCD, the project site is located in an area containing potentially naturally occurring

asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site.

Construction phase

Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

Diesel Idling

Public health risk benefits can be realized by idle limitations for diesel engines.

Mitigation/Conclusion. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures.

Hydrocarbon Contaminated Soil. To mitigate potential air quality impacts associated with hydrocarbon contaminated soil, the applicant has agreed to contact the APCD Engineering Division within 120 days before the start of excavation to begin the permitting process.

Naturally-Occurring Asbestos

To mitigate potential air quality impacts, the applicant has agreed to implement a geologic evaluation to determine if naturally-occurring asbestos is present onsite. If present, the applicant is required to comply with the California Air Resources Board Air Toxics Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, which may include development of a dust mitigation plan and safety program.

Dust Control Measures

Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20 % opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402).

Construction phase

Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The applicant has agreed to contact APCD, and obtain all applicable permits, authorizations, and approvals prior to construction and operation of the proposed project.

Diesel Idling

Public health risk benefits can be realized by idle limitations for diesel engines. To help reduce emissions impacts of diesel vehicles and equipment used for the proposed project, the applicant shall implement idling control methods.

Please refer to Exhibit B – Mitigation Summary Table. Mitigation measures are required to reduce impacts for air quality to less than significant.

4. BIOLOGICAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species* or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: fallow agricultural field, a few scatter oak trees greater than 550 feet from proposed project

Name and distance from blue line creek(s): San Juan Creek runs through the northwestern part of site approximately 550 feet from the proposed project.

Site's tree canopy coverage: Approximately 0%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Wildlife

American badger (*Taxidea taxus*)

American badger (*Taxidea taxus*) have been found about 1 mile to the northeast. In California, Badgers range throughout the state except for the humid coastal forests of northwestern California (Del Norte and Humboldt Co). Badger populations have declined drastically in California within the last century (Grinnell et al., 1937; Longhurst, 1940), where they now survive only in low numbers in peripheral parts of the central valley and adjacent lowlands to the west in eastern Monterey, Mendocino, San Benito and San Luis Obispo counties. In California, Badgers occupy a diversity of habitats. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated ground. Grasslands, savannas, and mountain meadows near timberline are preferred. Badgers prey primarily on burrowing rodents such as Gophers (*Thomomys*), Ground Squirrels (*Spermophilus*, *Ammospermophilus*), Marmots (*Marmota*), and

Kangaroo Rats (*Dipodomys*). They are predatory specialists on these rodents, although they will eat a variety of other animals, including mice, Woodrats, reptiles, birds and their eggs, bees and other insects, etc.

San Joaquin Kit Fox

San Joaquin kit fox (*Vulpes macrotis mutica*) FE, ST

The San Joaquin kit fox is Federal Endangered and California Threatened. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Pups are born in these dens in February through April. Pups are weaned at about 4-5 months. May not require a source of drinking water. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much habitat.

Bank swallow (*Riparia riparia*) ST

The Bank swallow (*Riparia riparia*) has been observed near or on the site. This listed species is considered threatened by the state. The Bank swallow once bred throughout the lowlands of the State with major populations on the broad river valleys of central California. The swallow builds nests within a 2-3 foot deep burrow that it digs perpendicularly into near vertical earthen banks along streams, coastal bluffs, and sand and gravel pits. The species is colonial and migratory, spending the spring and summer months in the Central Valley and wintering in South America.

Prairie Falcon (*Falco mexicanus*) CSC

Prairie falcon (*Falco mexicanus*) has been observed near or on the site

This species is a California Species of Special Concern (CSC). The species frequent open habitats, including grasslands. The species nests on cliffs or in rock crevices in areas facing open habitat. Prairie falcon nests are very sensitive to disturbance during the breeding season. Typical prey items include small mammals, and birds taken in the air.

Southwestern pond turtle (*Emys (or Clemmys) marmorata pallida*), CSC, FSC

Southwestern pond turtle (*Emys (or Clemmys) marmorata pallida*) has been found about 0.60 miles to northwest. Southwestern pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally.

Impact. San Joaquin Kit Fox - San Joaquin Kit Fox Habitat Evaluation Form was prepared by Kevin Merk Associates, LLC on November 2011. The evaluation form was reviewed by Brandon Anderson of the California Department of Fish and Wildlife. The evaluation, complete with Mr. Andersons' changes, resulted in a score of 46 which does not require the applicant to mitigate for the loss of kit fox habitat. However, the applicant shall be required to conduct kit fox pre-construction survey as avoidance measures to ensure that no impact occur.

American Badger – The project is located within the Shandon Village Reserve line and surrounded by scattered single-family residences. The land was once farmed and now lies fallow. It is not anticipated that the proposed project would impact the American Badger. However, to ensure that the American Badger is not impacted, a pre-construction survey shall conducted within 30 days of beginning work by a county approved biologist. If potential dens are discovered, the survey shall then cover the whole site and additional mitigation shall be implemented.

Nesting Birds - Construction and Grading Activities

If possible, to avoid potential impacts to nesting birds, construction and grading activities shall take place outside the bird nesting season, which is March 15th to August 15th. If construction or grading

activities occur during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

No impact is anticipated to Southwestern pond turtle due to the distance of the project site from suitable aquatic habitat.

While the two birds noted in the NDDDB, Bank swallow and Prairie falcon, were identified in the area, the site does not support suitable nesting habitat. Either species may hunt or fly over the site, but the proposed activities would not affect this activity.

Mitigation/Conclusion.

Kit Fox - Mr. Brandon recommended that avoidance measures to ensure there are no impacts to San Joaquin kit fox. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures.

American Badger – A pre-construction survey shall be conducted to avoid any potential impacts to the American Badger. The pre-construction survey shall be conducted within 30 days of beginning work by a county approved biologist. If potential dens are discovered, the survey shall then cover the whole site and additional mitigation shall be implemented.

Nesting birds – To avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The applicant agrees to incorporate those recommendations approved by the county.

The implementation of the above measures will mitigate biological impacts to a level of insignificance. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. CULTURAL RESOURCES

Will the project:

d) Other: _____

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is located in an area historically occupied by the Southern Salinan.. No historic structures are present and no paleontological resources are known to exist in the area.

The project is greater than 500 feet from San Juan Creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources. An Archaeological Report was completed for the project site on October 2011 (by Heritage Discoveries Inc.). The surface survey of the property found no evidence of cultural resources.

Impact. No evidence of cultural materials was noted on the property. Based on these negative results and that no archaeological sites had been recorded within or near the project area, impacts to cultural resources in not likely to occur. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS

Will the project:

- a) **Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?**
- b) **Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?**
- c) **Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?**
- d) **Include structures located on expansive soils?**
- e) **Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?**

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Nearly level

Within County's Geologic Study Area?: Yes

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Negligible

Other notable geologic features? None

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Not known

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 1.2 acres of disturbance. This disturbance has the potential to result in erosion and sedimentation.

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

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is not within a high severity risk area for fire. Based on the County's fire response time map, it will take approximately (0-5) minutes to respond to a call regarding fire or life safety. The project is not within the Airport Review area. Portions of the property along the northwestern property line associated with San Juan Creek are within the 100-year Flood Hazard Combining designation. The proposed project is located greater than 500 feet from San Juan Creek.

Two active underground oil pipelines, currently maintained by ConocoPhillips Company (COP), traverse the center of the property in a northeast to southwest direction. In addition, one inactive underground natural gas pipeline, formerly maintained by Unocal, traverses the property within the same pipeline easement. The active pipelines are 8-inches in diameter and convey pressure-distillate and gas-oil. The inactive natural gas pipeline is 6-inches in diameter. The petroleum pipelines are maintained by COP and inspected per Department of Transportation (DOT) requirements and standards by hydrotesting or via an internal inspection tool at approximately five-year intervals.

In June 2010, Stantec conducted a third phase of subsurface assessment which included eight additional direct-push borings (K-14 through K-22) intended to delineate the previously identified hydrocarbon-impacted soil (Figure 3). Groundwater was encountered in most of the borings at depths ranging from 24 to 27 feet below ground surface (bgs) and grab samples were collected from the five of the eight borings. Concentrations of total petroleum hydrocarbons (TPH) as diesel and crude oil were below the minimum reporting limit in the soil samples analyzed from six of the eight borings. Boring K-17 contained detectable TPH at 10 feet bgs only, where total petroleum hydrocarbons in the range of oil (TPHo) was reported at 140 mg/kg. Consistent with field observations of hydrocarbon impacts, boring K-16 contained total petroleum hydrocarbons in range of diesel (TPHd) and TPHo at concentrations of 2,700 and 17,000 mg/kg, respectively, at 10 feet bgs (see Figure 4). This soil sample also contained low concentrations (less than 0.5 mg/kg) of several volatile organic compounds (VOC). Several semivolatile organic compounds (SVOC), including acenaphthene, anthracene, chrysene, and pyrene, were reported in the sample at concentrations of less than 1.0 mg/kg. The exceptions were fluorene at 3.1 mg/kg and phenanthrene at 1.2 mg/kg. The five groundwater samples collected from the borings in June 2010 did not contain reportable TPH. The detection limit for TPH was below the action level of 1,000 µg/l observed by both the San Luis Obispo County Environmental Health Services (SLOEHS) and Regional Water Quality Control Board (RWQCB) for groundwater. Of the volatile organic compounds (VOC) analytes, benzene was not detected in any of the samples; however, toluene and total xylenes were reported in each of the samples at trace concentrations well below the action limits observed by the RWQCB. No detectable concentrations of SVOC or polynuclear aromatic hydrocarbons (PAH) compounds were reported in the groundwater samples.

Pursuant to Government Code 65962.5 ("Cortese List"), the site is on a list of "Other Cleanup Sites" identified by CalEPA. The site is identified as #4770 (T10000002285) on the CalEPA Geotracker mapping site.

Stantec Consulting Corporation has completed a Remedial Action Plan (COP RM&R Site No. 04770) on behalf of ConocoPhillips Company to mitigate petroleum hydrocarbon-impacted soil at the subject property

Impact. The proposed project would allow for the excavation of hydrocarbon-impacted contaminated soil from a petroleum pipeline. The project will result in the disturbance of approximately 1.23 acres which will result in 17,500 cubic yards of cut and 17,500 cubic yards of fill on a 21 acre parcel. The applicant (Chevron EMC) has no plans to purge the petroleum pipelines owned by Phillips 66 Company. The project does not involve the removal or repair of the existing pipelines by the applicant.

As stated in the Remedial Action Plan, the undeveloped nature of the area of concern and chemical composition of the impacted soil (gasoline, diesel and crude oil-range hydrocarbons), soil excavation is considered the most effective and practical remedial alternative for the mitigation of impacted soil at the site. Treatment technologies such as vapor extraction and bio-venting could be effective for volatile gasoline range hydrocarbons but are considered to have limited effectiveness at reducing the higher molecular weight crude oil range hydrocarbons to concentrations approaching the local regulatory action limit. Based on an estimated maximum excavation depth of 18 feet below ground service (bgs) and uppermost groundwater at 24-27 feet bgs, the impacted soil can be removed using conventional excavating equipment. However, the presence of the active petroleum pipelines within

the footprint of the impacted soil area will likely prevent complete removal of the impacted soil. Adequate structural support for the buried pipelines must be maintained during soil excavation activities. Otherwise, site accessibility is good and ample space exists for staging the excavation activities. If determined to be a nonhazardous waste, the hydrocarbon-impacted soil can likely be disposed at a permitted facility in nearby Kern County (McKittrick).

As required by the Occupational Safety and Health Administration (OSHA) Standard "Hazardous Waste Operations and Emergency Response" guidelines (29 CFR 1910.120) and by California OSHA (Cal OSHA) guidelines (CCR Title 8, Section 5192), Stantec will prepare a site-specific Health and Safety Plan (HASP). All Stantec personnel and subcontractors associated with the remedial activities will be required to be familiar and comply with all provisions of the HASP.

One representative sample of the impacted soil will be collected for waste classification purposes. The sample will be analyzed for state and federal hazardous waste characteristics, including, but not limited to toxicity, reactivity, corrosivity, and ignitability. Soil analytical reports and waste profiling forms will be submitted to a COP-approved and appropriately permitted recycling/disposal facility for waste acceptance. No impacted soil will be transported to the facility until acceptance documentation has been received. Should the disposal facility require additional analyses, Stantec will collect a representative sample prior to, or during remedial excavation activities for further waste profiling purposes.

Once analytical results of verification soil samples are obtained and deemed acceptable, the excavations will be backfilled with segregated overburden verified as uncontaminated and with imported borrow soil. If the backfill material is not obtained from a commercial quarry, it will be sampled and analyzed for total petroleum hydrocarbons in the range of diesel (TPHd), total petroleum hydrocarbons in range of oil (TPHo), benzene, toluene, ethylbenzene and xylenes (BTEX), and Title 22 Metals prior to use on-site.

The Department of Environmental Health is the lead agency that has reviewed the Remedial Action Plan and will oversee site cleanup. Per the Department of Environmental Health Department (January 20, 2011, Linnea Grossman) the Remedial Action has been approved with the implementation of the following conditions:

1. Benzene, toluene, ethylbenzene and xylenes (BTEX) must be analyzed using EPA method 8021B, collected via En Core on En Core-like samplers.
2. Soil samples must be analyzed for Title 22 metals using EPA method 6010B/7400.
3. Ensure all required permits are obtained before work starts.
4. Submit the Remedial Action Implementation Report that includes any hazardous waste manifest within 45 days of project completion.

The receiving facility for disposal/recycling of hydrocarbon contaminated soil generated at the project will be McKittrick Waste Treatment site located along Highway 58, West McKittrick, CA. The one-way distance from the project site to the facility is 61 miles. At this time, the McKittrick Waste Treatment site is the only receiving facility planned for this project.

The applicant has contacted CalRecycle and determined that contaminated soil from the project site will be disposed as Class II waste at the McKittrick Waste Treatment site, a Class II disposal facility. As such, the County of San Luis Obispo is eligible for a Disposal Tonnage Modification which will not affect compliance with the Integrated Waste Management Act. Upon receipt of final weigh ticket summary from the disposal facility, the applicant will fill out the Disposal Tonnage Modification Request form obtained from CalRecycle and forward to the County of San Luis Obispo Solid Waste Coordinator.



Mitigation/Conclusion. The implementation of the Remedial Action Plan will address contamination currently present on the site. Implementation of the specific testing, handling and protection measures within the Remedial Action Plan will mitigate exposure impacts to a level of insignificance. Please refer to Exhibit B Mitigation Summary Table.

8. NOISE

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element’s projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. The project is a temporary project that is expected to last 40 days. The project’s work hours will be between the hours of 7:00 am and 5:30 pm.

Impact. The project will generate construction noise associated with the excavation activities. These activities will be required to occur within the hours identified in the Land Use Ordinance and are not identified as significant. No long term operations will occur and no conflicts will occur long term with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Impact. The project is a remediation project to clean up contamination associated with an oil pipeline. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff **Location:** Templeton Roughly 20 miles to the Southwest of Shandon
Fire: Cal Fire (formerly CDF) **Hazard Severity:** Not Applicable **Response Time:** 5-10 minutes
Location: Approximately 0.60 miles to the west
School District: Shandon Joint Unified School District.

Impact. No significant project-specific impacts to utilities or public services have been identified. County Public Works has reviewed the project (April 18, 2012) and recommend mitigations to restrict any haul routes that could damage existing road pavement edges.

The receiving facility for disposal/recycling of hydrocarbon contaminated soil generated at the project will be McKittrick Waste Treatment site located along Highway 58, West McKittrick, CA. The one-way distance from the project site to the facility is 61 miles.

Mitigation/Conclusion. Refer to Section 12. Transportation / Circulation for road impact discussion and refer to Exhibit B – Mitigation Summary Table for specific mitigation measures.

11. RECREATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

Will the project:

a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area including the project's access street(s) Toby Way and East Centre Street are County maintained roads operating at acceptable levels. 8th Street is not a County maintained road, it is a private gravel road.

Impact. The proposed project is estimated to generate about 797 trips to export the contaminated soil to McKittrick Waste Facility and 797 trips for clean fill from Atascadero. The project is estimated to last for a total of 40 days which includes 4 days for mobilization and site preparation, 18 days for excavation and trucking and 18 days for hauling and placement of clean backfill. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

There is an existing "short cut" at the intersection of Toby Way and East Centre Street that if used could further damage edges of pavement (Public Works, April 2012) and create dust during the proposed project.

The receiving facility for disposal/recycling of hydrocarbon contaminated soil generated at the project will be McKittrick Waste Treatment site located along Highway 58, West McKittrick, CA. The one-way

distance from the project site to the facility is 61 miles. At this time, the McKittrick Waste Treatment site is the only receiving facility planned for this project.

The source of the fill material to be used to restore the excavation at the project site is Schlegel Sand and Gravel, in Templeton, CA. The fill material is screened from the Salinas River product. The one-way distance from the site to the facility is 33 miles.

County Public Works has reviewed the project (April 18, 2012) and recommend mitigations to restrict any haul routes that could damage existing pavement edges. The project will require but limited to: an encroachment from the Department of Public Works and will require the haul hour restriction, signage

Mitigation/Conclusion. Summary of the mitigations include but are not limited to the following:

- Securing an encroachment permit from the Department of Public Works
- Signage
- Haul hour restrictions
- Posting a cash bond for any damage that may occur
- Monitoring of pavement of all County maintained roads along the construction and haul routes

Please refer to Exhibit B – Mitigation Summary Table. Mitigation measures are required to reduce impacts for transportation/circulation to less than significant.

13. WASTEWATER

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting/Impact. The proposed project consists of excavation of hydrocarbon-impacted contaminated soil from a petroleum pipeline and replacement of clean fill. The proposed project would not generate wastewater or require wastewater disposal.

Mitigation/Conclusion. No wastewater impacts are anticipated and no mitigation measures are necessary.

14. WATER & HYDROLOGY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
QUANTITY				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The proposed project does not require a water source.

The topography of the project is nearly level. The closest creek (San Juan Creek) from the proposed development is greater than 500 feet. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the



rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? San Juan Creek Distance? On-Site

Soil drainage characteristics: Well drained

Ground Water Basin: Paso Robles Groundwater Basin (Shandon Area)

All soils on site are under drainage B classification (Moderately drained)

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – The project will involve over 1 acre of disturbance and will require a SWPPP. The project will require preparation of a sedimentation and erosion control plan as well as a drainage plan.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

15. LAND USE

Will the project:

a) *Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?*

Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. LAND USE

Inconsistent Potentially Inconsistent Consistent Not Applicable

Will the project:

b) Be potentially inconsistent with any habitat or community conservation plan?

c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?

d) Be potentially incompatible with surrounding land uses?

e) Other: _____

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

Will the project:

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

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

c) Have environmental effects which will cause substantial adverse effects on



human beings, either directly or indirectly?

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

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

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	None
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Shandon Advisory Council	None
<input type="checkbox"/>	Other	Not Applicable

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Shandon/Carrizo Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	



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

- Archaeological Surface Survey at 8th St. and Cholame St., Shandon, CA, Heritage Discoveries Inc., Thor Conway, October 26th, 2011.
- Remedial Action Plan, 8th St. and Cholame St., Shandon, CA, COP RM&R Site No. 04770.
- San Joaquin Kit Fox Habitat Evaluation, APN: 017-192-053, Kevin Merk Associates, LLC, November 2011.

Exhibit B - Mitigation Summary Table

Air Quality

- AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
 - l. All road PM10 mitigation measures required shall be shown on the grading and building plans; and,
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading day, earthwork or demolition.



- AQ-2** Prior to issuance of grading permits, the applicant shall ensure that a geologic investigation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that would be disturbed. If NOA is not present, an exemption request shall be filed with the Air Pollution Control District (APCD) and submitted to the Planning and Building Department. If NOA is present, the applicant shall work with, and receive approval from the APCD to comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan (which must be approved by the APCD before construction begins) and 2) an Asbestos Health and Safety Program.
- AQ-3** During construction, prior to operation of the following list of equipment (or similar equipment), the applicant shall contact the APCD to determine if an operating permit is necessary:
- a. Power screens, conveyors, diesel engines, and/or crushers
 - b. Portable generators and equipment with engines that are 50 horsepower (hp) or greater
 - c. IC engines
 - d. Tub grinders
 - e. Trommel screens
 - f. Electrical generation plants or the use of standby generator
 - g. Internal combustion engines
- AQ-4** Prior to construction/grading permit issuance, the construction plans shall show that the following measures shall be implemented during the grading and hauling phases to reduce toxic diesel impacts to sensitive receptors:
- a. Off-road diesel equipment shall comply with the 5 minute idling restriction (Section 2449(d)(2) of the California's Air Resources Board's In-Use off-Road Diesel regulation).
 - b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - c. Signs shall be posted in the designated queuing areas and job site to remind drivers/operators of the state's 5 minute idling requirement;
 - d. Use double haul trailers whenever possible to significantly reduce the number of round trips necessary to export the material.
 - e. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesel07/froal.pdf.
- AQ-5** In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

AQ-6 Prior to commencement of construction activities, the applicant shall submit to the APCD in consultation with Public Works, the proposed truck routes that will be evaluated and selected to ensure routing patterns have the least impacts to residential dwellings and other sensitive receptors.

AQ-7 Prior to issuance of construction permits, the applicant shall obtain all necessary permits from the APCD, and comply with all conditions required by these permits to ensure impacts are less than significant.

AQ-8 Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, and submit a copy to the Department of Planning and Building that the all the air quality mitigation measures have been applied to this project.

AQ-9 Prior to issuance of construction permits, the applicant shall contact the APCD Engineering Division at 781-5912 within 120 days before the start of excavation to begin the permitting process to address proper management of the hydrocarbon contaminated soil.

Biological Resources

San Joaquin Kit Fox

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following avoidance measures activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit



fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-3 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-4 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s)

prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- BR-5 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-6 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-7 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-8 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.



BR-10 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

County of San Luis Obispo
Department of Planning and Building
Division of Environmental & Resource
Mgmt
County Government Center, Room 300
San Luis Obispo, CA 93408
ATTN: Murry Wilson
(805) 788-2352
E-mail: mwilson@co.slo.ca.us

Fresno, CA 93710
(559) 243-4005
FAX (559) 243-4022
(805) 772-4318

California Department of Fish and Game
Central Region
1234 East Shaw Avenue

U.S. Fish and Wildlife Service
Ventura Field Office
P.O. Box 47
Ventura, CA 93003
(805) 644-1766

American Badger

BR-11 Prior to issuance of a grading permit, the applicant shall provide evidence that they have retained a qualified biologist from the county approved list. The retained biologist shall perform the following avoidance measures:

- a. A biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential American badgers and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any activity of these species within the project limits.

Nesting birds

BR-12 If possible, to avoid potential impacts to nesting birds, construction and grading activities shall take place outside the bird nesting season, which is March 15th to August 15th. If construction or grading activities occur during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Transportation

Access

TR-1 At the time of application for construction permits, the applicant shall submit a Transportation Management Plan prepared by a licensed civil or traffic engineer to the Department of Public Works. At a minimum the plan is to include:

- a. The proposed truck haul route from the project site to State Route 46.
- b. Evidence, such as turn template exhibits, that the construction and haul (design) vehicles can negotiate those County road intersections along the proposed haul route without off tracking or encroaching into oncoming lanes.
- c. The proposed construction schedule and hauling hours.
- d. Recommended mitigations including, but not limited to; signage; haul hour restrictions; notifications; installation of temporary barricades or similar mitigation between Toby Way and East Centre Street to prohibit haul vehicles from leaving the paved surfaces of County maintained roads; etc.

TR-2 Prior to issuance of construction permits, the applicant shall secure an Encroachment Permit from the Department of Public Works to install and/or maintain improvements within the County's right-of-way and in accordance with County Public Improvement Standards. The conditions and provisions of the encroachment permit shall require, at a minimum:

- a. Posting a \$10,000 cash damage bond. The funds may be drawn by the County to pay the actual costs of any action taken by the County to correct any unsafe condition that may arise during the course of the permitted activity.
- b. Enter into an Encroachment Checking and Inspection Agreement and submit a \$1,500 deposit with the county for the cost of checking the encroachment permit and the cost of inspection of any such improvements by the county or its designated representative.
- c. Implement the recommendations of the project's Transportation Management Plan.
- d. Require monitoring of all construction vehicles to ensure they are in conformance with legal limits as defined within the California Vehicle Code (separate Transportation Permits shall be required for vehicles that exceed legal limits).
- e. Require monitoring the pavement condition of all County maintained roads along the construction and haul route at least bi-weekly and promptly provide temporary repair of pavement deterioration with "cold patches". All pavement repairs shall be completed within 24-hours of discovery by the applicant; or upon notification by the public; or upon notification by the County or their representatives
- f. Continually monitor for sediments being tracked onto County maintained roads along the construction and haul route and remove such material in accordance with Best Management Practices (see Caltrans SC-7).



g. Provide the County with written notice when permitted operations have been completed. Within thirty (30) calendar days of such notice, the applicant, at its sole cost and expense:

- i. Shall remove all temporary cold patches and perform final pavement repairs in accordance with County Standard Drawing R-3 and to the satisfaction of the County Public Works Inspector.
- ii. Shall remove all other temporary encroachments as recommended in the Transportation Management Plan.

TR-4 On-going condition of approval (valid for the life of the project), the applicant shall be responsible for providing dust control along those sections of 8th Street used by construction vehicles to access the project site.

TR-5 On-going condition of approval (valid for the life of the project), the applicant shall be responsible for maintaining those sections of 8th Street used by construction vehicles to access the project site. Upon completion of construction activities those sections of 8th Street shall be restored, if necessary, to a condition equal to or better than preconstruction conditions.

Drainage

TR-6 At the time of application for construction permits, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.080 & 22.112.020 (Drainage Plan Required) of the Land Use Ordinance.

TR-7 At the time of application for construction permits, the applicant shall submit evidence to the Department of Public Works that all proposed work complies with the County's flood hazard construction standards, Section 22.14.060. (A portion of the project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0475F).

TR-8 At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

TR-9 Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

TR-10 On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Hazards

HAZ-1 Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Environmental Health Department and in consultation with the Department of Planning and Building that the following has been completed:

- a. All required permits have been obtained.

HAZ-2 Prior to final inspection, the applicant shall provide evidence satisfactory to the Department of Environmental Health Department and in consultation with the Department of Planning and Building that the following has been completed:

- a. Benzene, toluene, ethylbenzene and xylenes (BTEX) must be analyzed using EPA method 8021B, collected via En Core on En Core-like samplers.
- b. Soil samples must be analyzed for Title 22 metals using EPA method 6010B/7400.
- c. Submit the remedial action implementation report that includes any hazardous waste manifest within 45 days of project completion.





SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

April 18, 2013

APR 22 2013

Agent: Stantec Consulting Services, Inc.
c/o: Todd Porter
3437-A Empresa Drive
San Luis Obispo, CA, 93401

SUBJECT: DEVELOPER'S STATEMENT FOR THE CHEVRON ENVIRONMENTAL
MANAGEMENT CO. / MINOR USE PERMIT / DRC2011-00082

Dear Mr. Porter:

The initial study for the above referenced application has indicated that potentially significant environmental impacts may occur with the development of the project. In order to issue a negative declaration, which is a statement that all potentially significant impacts can be mitigated to insignificant levels, an agreement called a Developer's Statement can be executed where the applicant agrees to perform certain actions that will become part of the project. Please review the enclosed Developer's Statement. If you are in agreement with this Statement, please have the owner(s) sign, date and return it to my attention at the Department of Planning and Building so we may complete the environmental review process.

If you have any questions, concerns, or comments about this Developer's Statement, or would like to suggest alternate mitigation measures that would work better with your project, please feel free to contact me at (805) 781-1162.

Sincerely,

Holly Phipps, MCRP
Project Manager

DATE: APRIL 18, 2013
REVISED:

**DEVELOPER'S STATEMENT FOR CHEVRON /
MINOR USE PERMIT / DRC2011-00082**

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

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

Air Quality Resources

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any

unpaved surface at the construction site;

- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- l. All road PM10 mitigation measures required shall be shown on the grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading day, earthwork or demolition.

Monitoring: Required prior to construction and/or grading permit. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

- AQ-2 Prior to issuance of construction and/ or grading permits, the applicant shall ensure that a geologic investigation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that would be disturbed. If NOA is not present, an exemption request shall be filed with the Air Pollution Control District (APCD) and submitted to the Planning and Building Department. If NOA is present, the applicant shall work with, and receive approval from the APCD to comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan (which must be approved by the APCD before construction begins) and 2) an Asbestos Health and Safety Program.

Monitoring: Required prior to issuance of a construction and/or grading permit. Compliance will be verified by the County Department of Planning and Building.

- AQ-3 During construction, prior to operation of the following list of equipment (or similar equipment), the applicant shall contact the APCD to determine if an operating permit is necessary:
- a. Power screens, conveyors, diesel engines, and/or crushers,
 - b. Portable generators and equipment with engines that are 50 horsepower (hp) or greater,
 - c. IC engines,
 - d. Tub grinders,
 - e. Trommel screens

- f. Electrical generation plants or the use of standby generator,
- g. Internal combustion engines.

Monitoring: Required prior to issuance of a construction permit. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

AQ-4 Prior to construction/grading permit issuance, the construction plans shall show that the following measures shall be implemented during the grading and hauling phases to reduce toxic diesel impacts to sensitive receptors:

- a. Off-road diesel equipment shall comply with the 5 minute idling restriction (Section 2449(d)(2) of the California's Air Resources Board's In-Use off-Road Diesel regulation).
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Signs shall be posted in the designated queuing areas and job site to remind drivers/operators of the state's 5 minute idling requirement;
- d. Use double haul trailers whenever possible to significantly reduce the number of round trips necessary to export the material.
- e. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesIO7/froal.pdf.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

AQ-5 In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;

- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

- AQ-6 Prior to commencement of construction activities, the applicant shall submit to the APCD in consultation with Public Works, the proposed truck routes that will be evaluated and selected to ensure routing patterns have the least impacts to residential dwellings and other sensitive receptors.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

- AQ-7 Prior to issuance of construction permits, the applicant shall obtain all necessary permits from the APCD, and comply with all conditions required by these permits to ensure impacts are less than significant.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

- AQ-8 Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, and submit a copy to the Department of Planning and Building that the all the air quality mitigation measures have been applied to this project.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

- AQ-9 Prior to issuance of construction permits, the applicant shall contact the APCD Engineering Division at 781-5912 within 120 days before the start of excavation to begin the permitting process to address proper management of the hydrocarbon contaminated soil.

Monitoring: Required prior to final inspection and/or operation of camp. Compliance will be verified by the County Department of Planning and Building in Consultation with the Air Pollution Control District.

Biological Resources

San Joaquin Kit Fox

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following avoidance measures activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet

- b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

- BR-2 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,**

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer’s Statement/Conditions of Approval shall be clearly delineated on project plans.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

- BR-3 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.**

- BR-4 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.**

- BR-5 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also**

be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-6 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-7 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-8 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-10 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-10): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

County of San Luis Obispo
Department of Planning and Building
Division of Environmental & Resource
Mgmt
County Government Center, Room 300
San Luis Obispo, CA 93408
ATTN: Murry Wilson
(805) 788-2352
E-mail: mwilson@co.slo.ca.us

California Department of Fish and Game
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
FAX (559) 243-4022
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
P.O. Box 47
Ventura, CA 93003
(805) 644-1766

American Badger

BR-11 **Prior to issuance of a grading permit**, the applicant shall provide evidence that they have retained a qualified biologist from the county approved list. The retained biologist shall perform the following avoidance measures:

- a. A biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential American badgers and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any activity of these species within the project limits.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

Nesting birds

BR-12 If possible, to avoid potential impacts to nesting birds, construction and grading activities shall take place outside the bird nesting season, which is March 15th to August 15th. If construction or grading activities occur during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

Transportation

Access

TR-1 At the time of application for construction permits, the applicant shall submit a Transportation Management Plan prepared by a licensed civil or traffic engineer to the Department of Public Works. At a minimum the plan is to include:

- a. The proposed truck haul route from the project site to State Route 46.
- b. Evidence, such as turn template exhibits, that the construction and haul (design) vehicles can negotiate those County road intersections along the proposed haul route without off tracking or encroaching into oncoming lanes.
- c. The proposed construction schedule and hauling hours.

- d. Recommended mitigations including, but not limited to; signage; haul hour restrictions; notifications; installation of temporary barricades or similar mitigation between Toby Way and East Centre Street to prohibit haul vehicles from leaving the paved surfaces of County maintained roads; etc.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-2 Prior to issuance of construction permits, the applicant shall secure an Encroachment Permit from the Department of Public Works to install and/or maintain improvements within the County's right-of-way and in accordance with County Public Improvement Standards. The conditions and provisions of the encroachment permit shall require, at a minimum:

- a. Posting a \$10,000 cash damage bond. The funds may be drawn by the County to pay the actual costs of any action taken by the County to correct any unsafe condition that may arise during the course of the permitted activity.
- b. Enter into an Encroachment Checking and Inspection Agreement and submit a \$1,500 deposit with the county for the cost of checking the encroachment permit and the cost of inspection of any such improvements by the county or its designated representative.
- c. Implement the recommendations of the project's Transportation Management Plan.
- d. Require monitoring of all construction vehicles to ensure they are in conformance with legal limits as defined within the California Vehicle Code (separate Transportation Permits shall be required for vehicles that exceed legal limits).
- e. Require monitoring the pavement condition of all County maintained roads along the construction and haul route at least bi-weekly and promptly provide temporary repair of pavement deterioration with "cold patches". All pavement repairs shall be completed within 24-hours of discovery by the applicant; or upon notification by the public; or upon notification by the County or their representatives
- f. Continually monitor for sediments being tracked onto County maintained roads along the construction and haul route and remove such material in accordance with Best Management Practices (see Caltrans SC-7).
- g. Provide the County with written notice when permitted operations have been completed. Within thirty (30) calendar days of such notice, the applicant, at its sole cost and expense:
 - i. Shall remove all temporary cold patches and perform final pavement repairs in accordance with County Standard Drawing R-3 and to the satisfaction of the County Public Works Inspector.

- ii. Shall remove all other temporary encroachments as recommended in the Transportation Management Plan.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-4 On-going condition of approval (valid for the life of the project), the applicant shall be responsible for providing dust control along those sections of 8th Street used by construction vehicles to access the project site.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-5 On-going condition of approval (valid for the life of the project), the applicant shall be responsible for maintaining those sections of 8th Street used by construction vehicles to access the project site. Upon completion of construction activities those sections of 8th Street shall be restored, if necessary, to a condition equal to or better than preconstruction conditions.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

Drainage

TR-6 At the time of application for construction permits, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.080 & 22.112.020 (Drainage Plan Required) of the Land Use Ordinance.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-7 At the time of application for construction permits, the applicant shall submit evidence to the Department of Public Works that all proposed work complies with the County's flood hazard construction standards, Section 22.14.060. (A portion of the project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0475F).

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-8 At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-9 Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

TR-10 On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Public Works.

Hazards

HAZ-1 Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Environmental Health Department and in consultation with the Department of Planning and Building that the following has been completed:

- a. All required permits have been obtained.

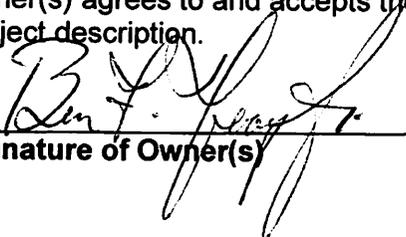
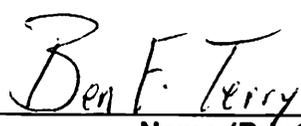
Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Environmental Health Department.

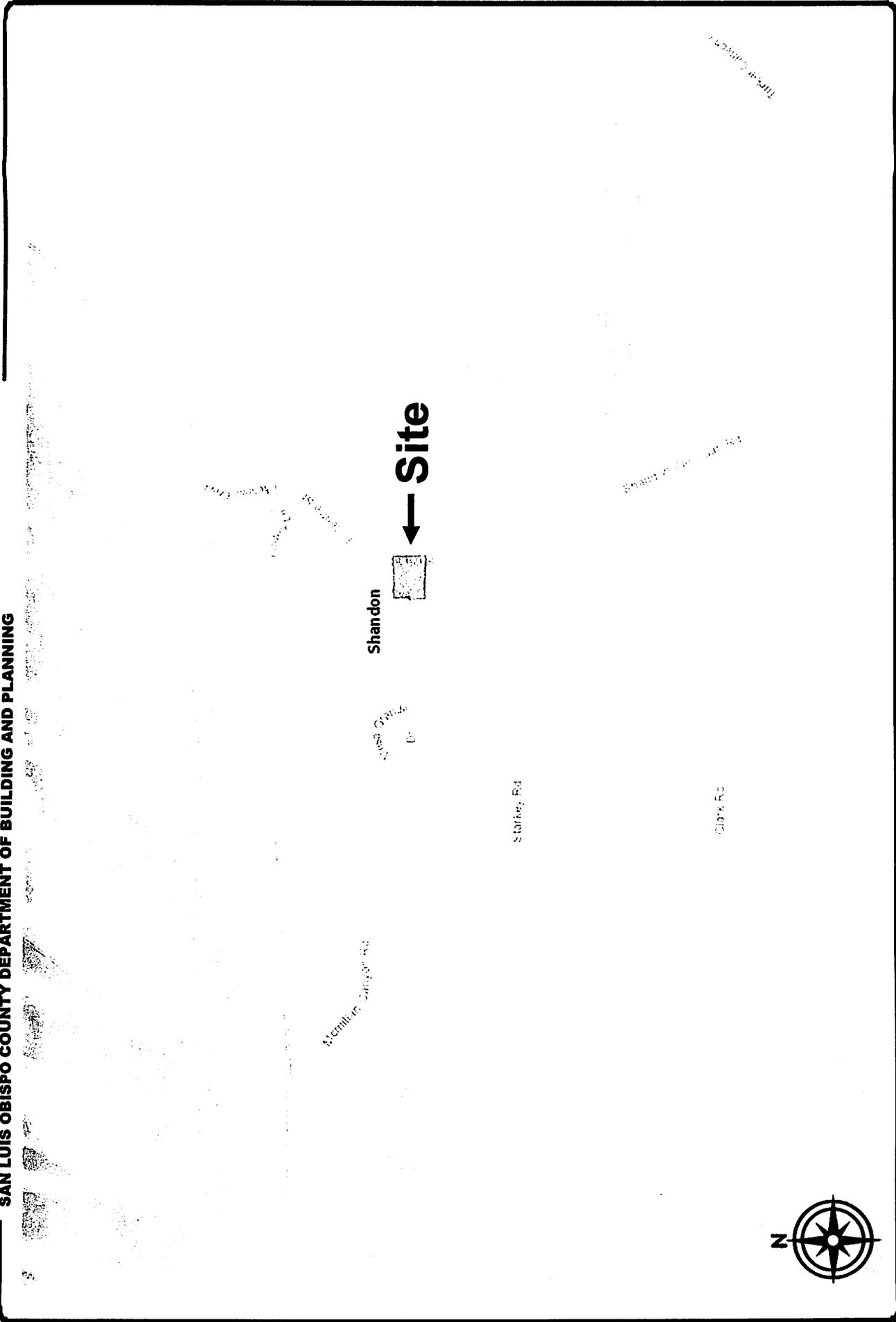
HAZ-2 Prior to final inspection, the applicant shall provide evidence satisfactory to the Department of Environmental Health Department and in consultation with the Department of Planning and Building that the following has been completed:

- a. Benzene, toluene, ethylbenzene and xylenes (BTEX) must be analyzed using EPA method 8021B, collected via En Core on En Core-like samplers.
- b. Soil samples must be analyzed for Title 22 metals using EPA method 6010B/7400.
- c. Submit the remedial action implementation report that includes any hazardous waste manifest within 45 days of project completion.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the Department of Planning and Building in consultation with Environmental Health Department.

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

		
Signature of Owner(s)	Name (Print)	Date



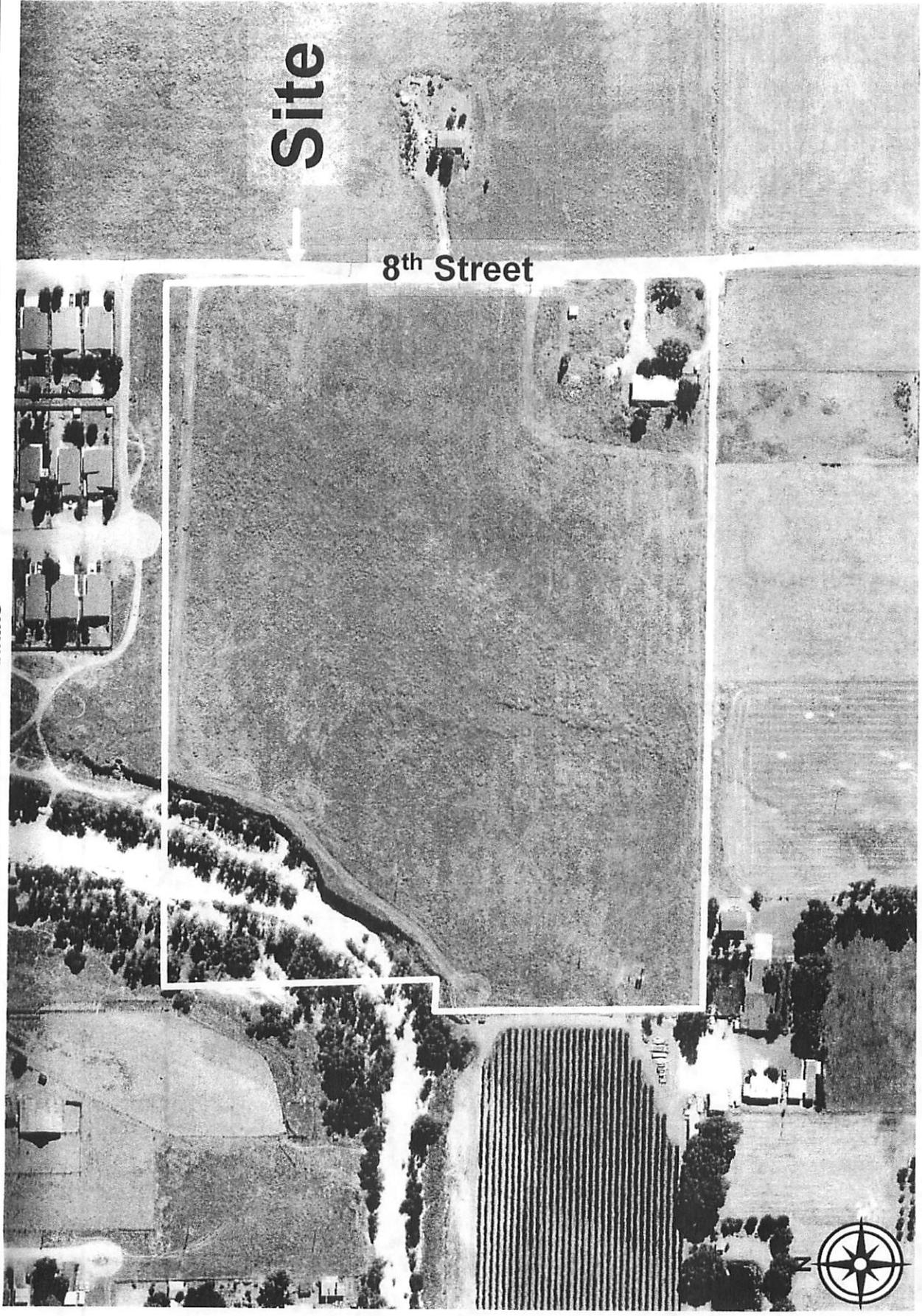
PROJECT

Chevron / Minor Use Permit
DRC2011-00082

EXHIBIT

Vicinity Map





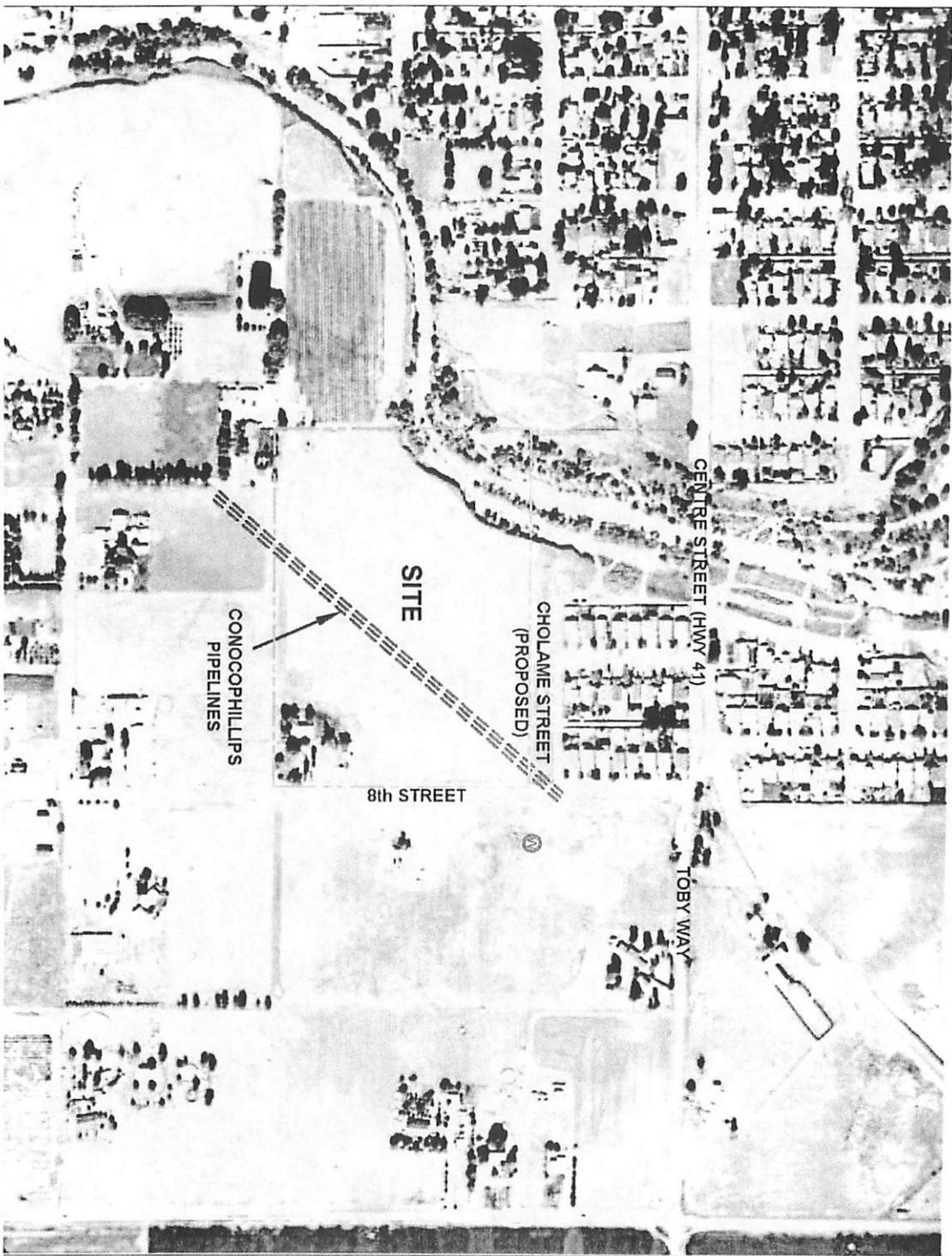
PROJECT

Chevron / Minor Use Permit
DRC2011-00082



EXHIBIT

Aerial Photograph



LEGEND

PROPERTY BOUNDARY

NOTES:
1. SOURCE OF MAP: GOOGLE EARTH



PROJECT
Chevron / Minor Use Permit
DRC2011-00082



EXHIBIT
Site Plan



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: April 18, 2012
To: Holly Phipps, Project Manager
From: Glenn Marshall, Development Services Engineer
Subject: **Public Works Comments on DRC2011-00082, Chevron MUP, Shandon**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. 8th Street is not a County maintained road it is a private gravel road. The project planner should consider the following:
 - a. Project notification limits be extended beyond that required by law to include all residents that must use 8th Street for access.
 - b. Restricting construction hours and days (and possibly number of daily trips) to minimize hauling impacts to the existing residents along 8th Street near Toby Way.
 - c. Requiring ongoing dust control along 8th Street.
 - d. We recommend that 8th Street be maintained by the applicant during remediation operations then reconstructed prior to project final.
- B. Toby Way and East Centre Street are County maintained roads (East Centre Street [formally SR 41] was recently acquired from the State when SR 41 was realigned towards McMillan Canyon Road). There is an existing "short cut" at the intersection of Toby Way and East Centre Street that, if used, could further damage the edges of pavement. Conditions are being recommended to restrict the haul route to using the roads and not the "short cut".
- C. Drainage plan is required and it will be reviewed at the time of Building Permit submittal. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to plan submittal.
- D. A portion of the project site is located within the 100-year flood limits of San Juan Creek.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit a Transportation Management Plan prepared by a licensed civil or traffic engineer to the Department of Public Works. At a minimum the plan is to include:
 - a. The proposed truck haul route from the project site to State Route 46.
 - b. Evidence, such as turn template exhibits, that the construction and haul (design) vehicles can negotiate those County road intersections along the proposed haul route without off tracking or encroaching into oncoming lanes.
 - c. The proposed construction schedule and hauling hours.
 - d. Recommended mitigations including, but not limited to; signage; haul hour restrictions; notifications; installation of temporary barricades or similar mitigation between Toby Way and East Centre Street to prohibit haul vehicles from leaving the paved surfaces of County maintained roads; etc.

2. **Prior to issuance of construction permits**, the applicant shall secure an Encroachment Permit from the Department of Public Works to install and/or maintain improvements within the County's right-of-way and in accordance with County Public Improvement Standards. The conditions and provisions of the encroachment permit shall require, at a minimum:
 - a. Posting a \$10,000 cash damage bond. The funds may be drawn by the County to pay the actual costs of any action taken by the County to correct any unsafe condition that may arise during the course of the permitted activity.
 - b. Enter into an Encroachment Checking and Inspection Agreement and submit a \$1,500 deposit with the county for the cost of checking the encroachment permit and the cost of inspection of any such improvements by the county or its designated representative.
 - c. Implement the recommendations of the project's Transportation Management Plan.
 - d. Require monitoring of all construction vehicles to ensure they are in conformance with legal limits as defined within the California Vehicle Code (separate Transportation Permits shall be required for vehicles that exceed legal limits).
 - e. Require monitoring the pavement condition of all County maintained roads along the construction and haul route at least bi-weekly and promptly provide temporary repair of pavement deterioration with "cold patches". All pavement repairs shall be completed within 24-hours of discovery by the applicant; or upon notification by the public; or upon notification by the County or their representatives
 - f. Continually monitor for sediments being tracked onto County maintained roads along the construction and haul route and remove such material in accordance with Best Management Practices (see Caltrans SC-7).



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

52. 11693

DATE: 4/11/2012

TO: Env. Health

APR 12 2012

FROM: Holly Phipps, North County Team

PROJECT DESCRIPTION: DRC2011-00082 CHEVRON- Minor use permit to excavate hydrocarbon contaminated soil adjacent to buried petroleum pipelines. 21.31 acre site located off 8th and Cholame Streets in Shandon. APN: 017-192-053.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Prior to initiating work, applicant to contact local inspector in this office (Linnea Faulkner (805) 781-4917). Excavation work may require modifications to site remediation plan.

4/19/12
Date

[Signature]
Name

x5551
Phone



Air Pollution Control District
San Luis Obispo County

April 25, 2012

Ms. Holly Phipps
SLO County Department of Planning & Building
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the DRC2011-00082 CHEVRON Shandon HC
Remediation Project

Dear Ms. Phipps,

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 8th Street and Cholame Street in Shandon. The project, as described, will involve excavation of hydrocarbon contaminated soil adjacent to a buried petroleum pipelines. Based on data provided in the project referral 11,500 cubic yards (cy) of hydrocarbon impacted soil will be exported from the site and 17,500 cy of soil will be imported as fill material.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE IMPACTS-Exceeds Threshold

To accurately evaluate the air quality impacts from this remediation project APCD staff will need the following information, **to avoid delays this information should be provided to the APCD as soon as possible:**

1. Location and distance to the disposal facility where hydrocarbon affected material will be hauled,
2. The location and distance to source of infill material,

3. Project schedule if available or at a minimum the estimated duration of the project including number of days for remediation activities and number of days for material hauling (both exported and imported material), and
4. Anticipated list of equipment (including year, make and model if available) that will be used during the remediation activities.

APCD Permitting of Hydrocarbon Contaminated Soil Processes

This remediation project shall require an APCD permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, Chevron shall contact the APCD Engineering Division at 781-5912 within 120 days before the start of excavation to begin the permitting process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds.

If the pipeline adjacent to this site or any section associated with the remediation is scheduled to be purged during this project, the applicant must submit a Pipeline Purging Plan and permit application to the District. If the Pipeline Purging Plan includes the use of District permitted degassing systems, the District may issue a permit exemption for the project. A permit or permit exemption must be issued by the District prior to the start of any pipeline degassing and/or removal activities. Please allow 6 weeks for the permit processing. Information and downloadable application forms are available under the Business Assistance section of our website at www.slocleanair.org. For more information on these requirements, contact the APCD Engineering Division at 781-5912.

Asbestos / Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2009 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any construction 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 APCD.** 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. If NOA is not present, an exemption request must be filed with the Air District. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

Demolition of Asbestos Containing Materials

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 building(s) are removed or renovated; or utility pipelines are scheduled for removal or**

relocation, 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 APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402).** These measures should be added to the grading plans for this project.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Electrical generation plants or the use of standby generator
- Internal combustion engines
- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Construction Phase Idling Limitations

Public health risk benefits can be realized by idle limitations for diesel engines. To help reduce the emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
 - a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.

- d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
2. Diesel Idling Restrictions Near Sensitive Receptors (residential dwellings)
In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.

Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,



Melissa Guise
Air Quality Specialist

MAG/arr

cc: Chevron Environmental Management Company
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD
Tim Fuhs, Enforcement Division, APCD

Attachments:

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