



COUNTY OF SANTA BARBARA

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# Draft Mitigated Negative Declaration

## Conoco Phillips Soil Remediation

22LUP-00000-00091

August 1, 2022



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### Property Owners

**Fields Family Trust**  
2800 Telephone Road  
Santa Maria, CA 93454

**Rich-Grow Nursery Products, Inc.**  
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The project is for a Land Use Permit to implement the actions described in the Site Assessment Report and Remedial Action Work Plan dated February 7, 2022 prepared by Atlas Technical Consultants LLC, including excavation of approximately 1,700 cubic yards of hydrocarbon impacted soil from the Cox 3-32 oil well sump location and 400 cubic yards through removal of the historic oilfield lease access road. Excavation of hydrocarbon-impacted material surrounding the oil well sump is proposed to extend to a maximum depth of approximately 12 feet below ground surface (bgs) within an approximately 27,500 sf work area surrounded by a temporary chain link fence. The historical oilfield lease road will be removed to an approximate depth of 12 inches bgs. Hydrocarbon-impacted soil may be temporarily stockpiled onsite. The project will result in approximately 1,700 cubic yards of impacted soil to be removed and replaced with clean fill.

Impacted soil will be excavated, loaded into dump trucks, and transported off-site to the Santa Maria Landfill, a California Licensed waste disposal facility, for disposal. Clean fill will be placed in lifts and compacted. Imported backfill and clean excavated soil (soil above the impacted zone) may be stockpiled onsite and re-used as backfill. The project will include approximately 128 truck trips for export material and 128 truck trips for import material. The property will be restored to existing conditions by grading the area to as near original grade as possible, seeding the excavated area as needed, and removing the temporary fencing. The time to prepare the site, excavate hydrocarbon-impacted soils, backfilling the excavation area and restoring the Site is expected to take approximately 4 to 5 weeks.

The total area of disturbance of the excavation of the sump and lease road is approximately 0.88 acres. The project site is located at 2800 and 2890 Telephone Road and is associated with Assessor Parcel Numbers (APN) 129-010-036 & 129-010-032, zoned Ag-II-40, in Santa Barbara County, California within the 4th supervisorial district.



FIGURE 1. SITE PLAN.

## 2.0 PROJECT LOCATION

The site includes two parcels (19.16 acres and 15.97 acres) zoned AG-II-40 and shown as Assessor's Parcel Numbers 129-010-032 and 129-010-036, located at 2800 and 2890 Telephone Road within the 4th supervisorial district.

2.1 Site Information	
Comprehensive Plan Designation	Rural, Agriculture, A-II-40, (one dwelling unit per 40 acres)
Zoning District, Ordinance	County Land Use and Development Code, AG-II-40, minimum lot size 40 acres
Site Size	129-010-032: 19.16 acres 129-010-036: 15.97 acres
Present Use & Development	129-010-036: AG-II-40, Multi-Family Residence 129-010-032: AG-II-40, Greenhouses
Surrounding Uses/Zoning	North: AG-I-10, Row Crops and Single-Family Residences South: AG-II-40 Nurseries, Row crops East: AG-II-40, Row Crops West: AG-I-10, Single-Family Residences
Access	Telephone Road
Public Services	Water Supply: Private onsite well Sewage: N/A Fire: County Fire Police: County Sherriff



FIGURE 2. VIEW OF PROJECT SITE LOOKING SOUTH TOWARDS THE GREENHOUSES.

## 3.0 ENVIRONMENTAL SETTING

### 3.1 PHYSICAL SETTING

The project site is located on two parcels, one containing multi-family residential housing and one used for agricultural operations, primarily for nurseries/greenhouses. The project site is surrounded by lands used primarily for agricultural purposes including strawberry, raspberry, and avocado farms with low density residential lots. The site is located within the Santa Maria Valley Oil Field and multiple plugged wells can be found within the vicinity. Telephone Road runs along the western boundary of the site. The Site is fairly flat and located at an elevation of approximately 400 feet above mean sea level (amsl) within the Santa Maria River Valley Ground Water Basin. The Santa Maria River is located approximately 3 miles northeast of the Site at an elevation of approximately 300 feet amsl. According to Regional Water Agency database records, there are no public water supply wells located within at least one mile of the Site. Water well records from USGS-monitored wells within the vicinity indicate that the depth to water in the area ranged from 139 feet below ground surface (bgs) in 1942 to 179 feet bgs in 1979. The site is underlain by non-prime Class 4 soils.

Historic oil extraction activities at Well 3-32, using an oilfield lease road, resulted in an area of hydrocarbon impacted soil. Portions of the compacted oilfield lease road surface (i.e., chip seal) remains visible on the soil's surface. However, a review of historical aerial imagery indicates that the proposed project site has remained relatively unchanged since the early 2000s (Google Earth 1985-2021).

The project is located within the potential range of the California Tiger Salamander (CTS) (*Ambystoma californiense*), a federally-listed endangered species, and within the critical habitat of the American Badger (*Taxidea taxus*), a California species of special concern. There are no known archaeological or historical sites in the vicinity of the project.

### 3.2 ENVIRONMENTAL BASELINE

The environmental baseline from which the project's impacts are measured consists of the current physical environmental conditions in the vicinity of the project, as described above.

## 4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is defined as follows:

**Potentially Significant and Unavoidable Impact:** A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

**Significant but Mitigable:** Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to an Insignificant Impact.

**Insignificant Impact:** An impact is considered adverse but does not trigger a significance threshold.

**No Impact:** There is adequate support that the referenced information sources show that the impact simply does not apply to the subject project.

**Beneficial Impact:** There is a beneficial effect on the environment resulting from the project.

**Reviewed Under Previous Document:** The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.



## 4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Potent. Signif. and Unavoid.	Significant but Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?				X	
b. Change to the visual character of an area?			X		
c. Glare or night lighting which may affect adjoining areas?				X	
d. Visually incompatible structures?				X	

**Existing Setting.** The project site is located approximately 2 miles east of US Highway 101, in a rural area along Telephone Road. Public views in this area are dominated by rolling hills, scattered vegetation and residential/agricultural development. The site is not visible from any designated scenic vistas.

**County Environmental Thresholds.** The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and travel corridors as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas. The guidelines address public, not private views.



FIGURE 3. VIEW OF PROJECT SITE LOOKING EAST FROM TELEPHONE ROAD.

### Impact Discussion.

(a-d). The proposed project comprises excavating approximately 1,700 cubic yards of hydrocarbon impacted soil and road base from a former oilfield lease area, replacing with clean fill in lifts and compacting, and restoring the project site to previous conditions. No project components, including structures, land alterations or lighting, would be visible from any public highways, railroads, public and other open

spaces, trails, beaches or other recreation areas. Construction activities would be visible from Telephone Road due to the lack of natural vegetation, topography, or previous development between the project site and the public roadway. The project would not result in any permanent structures or long term changes to the aesthetics of the project site. Remediation activities would occur over a period of five weeks and would be followed by restoration activities. The post-construction visual contrast should diminish quickly as the affected areas would be backfilled and re-sloped to existing conditions.

The proposed project does not include the installation of any lighting fixtures. Construction activities would be limited to daytime hours between 8 AM and 5 PM (see Noise-02 Construction Hours in section 4.11) and the Project does not adversely alter the character of the landscape or topography. The project would not affect neighboring areas with glare or night lighting.

Project components, including land alterations or lighting, would be temporarily visible from Telephone Road during construction activities (Figure 3 above). Once grading activities are complete, the project site would look comparable as existing conditions. The project would not affect neighboring areas with glare or night lighting. The project would have *no impacts* to aesthetics.

**Mitigation and Residual Impact.** No impacts are identified. No mitigations are necessary.

## 4.2 AGRICULTURAL RESOURCES

Will the proposal result in:	Poten. Signif. and Unavoid.	Significant but Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

**Setting.** *Background.* Agricultural lands play a critical economic and environmental role in Santa Barbara County. Agriculture continues to be Santa Barbara County's major producing industry with a gross production value of over \$1.6 billion (Santa Barbara County Agricultural Production Report, 2019). In addition to the creation of food, jobs, and economic value, farmland provides valuable open space and maintains the County's rural character.

*Physical.* The project site is designated Ag-II-40 by the County Land Use and Development Code. The existing 19.16 -acre parcel (APN 129-010-032) currently supports nurseries/greenhouses. The property adjoins agricultural parcels ranging from approximately 20 to 80 acres; these neighboring properties to the north, south, east, and west are used to grow strawberries, raspberries, and avocados. The site is underlain by non-prime Class 4 soils. The subject parcels are not under Williamson Act contracts.

*County Thresholds Manual.* The County's Agricultural Resources Guidelines (approved by the Board of Supervisors, August 1993) provide a methodology for evaluating agricultural resources. These guidelines utilize a weighted point system to serve as a preliminary screening tool for determining significance. The tool assists planners in identifying whether a previously viable agricultural parcel could potentially be subdivided into parcels that are not considered viable after division. A project which would result in the loss or impairment of agricultural resources would create a potentially significant impact. The Point System is intended to measure the productive ability of an existing parcel as compared to proposed parcels. The tool

compares availability of resources and prevalent uses that benefit agricultural potential but does not quantifiably measure a parcel's actual agricultural production.

Initial Studies are to use this Point System in conjunction with any additional information regarding agricultural resources. The Initial Study assigns values to nine particular characteristics of agricultural productivity of a site. These factors include parcel size, soil classification, water availability, agricultural suitability, existing and historic land use, comprehensive plan designation, adjacent land uses, agricultural preserve potential, and combined farming operations. If the tabulated points total 60 or more, that parcel is considered viable for the purposes of analysis. The project would be considered to have a potentially significant impact if the division of land of a viable parcel would result in parcels that did not either score over 60 in themselves or resulted in a score with a significantly lower score than the existing parcel. Any loss or impairment of agricultural resources identified using the Point System could constitute a potentially significant impact and warrants additional site specific analysis.

#### Impact Discussion.

(a, b). The property currently contains hydrocarbon impacted soil related to the Cox 3-32 oil well, which was previously capped and abandoned in 1966. The site contains hydrocarbon impacted soil and sump material in the vicinity of the abandoned well and disseminated clasts of asphaltic material from the historical oilfield lease road. The remediation site is located on a vacant area of the property line between the two subject parcels. The northern parcel contains multiple single-family residences while the southern parcel contains greenhouses/nurseries. The proposed project would result in temporary disturbance of unused areas nearby the existing greenhouses and residences. The proposed project would not remove any acreage from permanent agricultural production and would not impact any neighboring agricultural operations. The project would not result in the conversion of agricultural land to non-agricultural use, nor would it impair agricultural land productivity or conflict with the Agricultural Preserve Program since the individual work area is small in size and the activities are temporary in nature. The project would result in removal of petroleum hydrocarbon-containing soil that could be an ongoing impediment to agricultural land productivity. The proposed remediation would not substantially interfere with existing Ag and residential activities. The project would have *no impact* on any neighboring agricultural operations.

**Cumulative Impacts.** The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant issue constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for agricultural resources. Therefore, the project's contribution to the regionally significant loss of agricultural resources is not considerable, and its cumulative effect on regional agriculture is insignificant.

**Mitigation and Residual Impact.** No impacts are identified. No mitigations are necessary.

### 4.3a AIR QUALITY

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?		X			

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?		X			

**Setting.** The project site is located within the South Central Coast air basin, a federal and state nonattainment area for ozone (O<sub>3</sub>) and a state non-attainment area for particulate matter (PM<sub>10</sub>). Reactive organic compounds (ROC) and nitrogen oxides (NO<sub>x</sub>), which are precursors to ozone, are considered to be non-attainment pollutants. The major sources of ozone precursor emissions in the County are motor vehicles, the petroleum industry and solvent use. Sources of PM<sub>10</sub> include grading, road dust and vehicle exhaust.

**County Environmental Threshold.** Chapter 5 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (as revised in January 2021) addresses the subject of air quality. Although no quantitative threshold has been established for short-term, construction related PM<sub>10</sub>, NO<sub>x</sub> or ROC, PM<sub>10</sub> impacts are discussed when projects involve ground disturbance. Standard dust control measures are required under the County of Santa Barbara's Grading Ordinance for most projects.

Long-term/operational emissions thresholds have been established to address mobile emissions (i.e., motor vehicle emissions) and stationary source emissions (i.e., stationary boilers, engines, and chemical or industrial processing operations that release pollutants). Long-term air quality impacts occur during project operation and include emissions from any equipment or process used in the project.

#### Impact Discussion:

(a-c). The scope of the project includes removal the chain link fence between the two subject properties and setting up temporary chain link fencing on both properties to delineate work boundaries; excavate hydrocarbon-impacted material and historical oilfield lease road; excavation of impacted soil; testing of soil to determine extent of impact; transportation of excavated material for disposal; restoring topography and replacing the chain link fence. Single-family residences are located approximately 300 feet to the north of the limits of disturbance and the temporary chain link fence delineating disturbance extent would be set up directly adjacent to the existing greenhouses located to the south of the site.

Project-related grading activities would have the potential to cause short-term fugitive dust that could have the potential to impact nearby residential uses. Project related grading would also contribute to regional emissions of PM<sub>10</sub> and PM<sub>2.5</sub>. Dust emissions resulting from project-related construction would be reduced to the extent feasible through the implementation of County Grading Ordinance and the Air Pollution Control District requirements, which require the implementation of standard dust control measures. In addition, County APCD reviewed the project description and provided recommended additional standard dust mitigation measures, in a letter dated August 1, 2022. These standards are included as Attachment 3. With the incorporation of these dust measures, short-term dust emissions from project related grading would be less than significant. The project would not be a substantial long-term source of dust emissions.

Short-term emissions of ozone precursors (NO<sub>x</sub> and ROC) during project construction would result primarily from the use of earthmoving equipment. Based on existing investigation data, project-related grading to remediate the site of contaminated soil would require removing approximately 1,700 cubic yards of contaminated soil. Additional impacted soils above ESLs would be removed as encountered during supplemental investigation, the old oil road removal, and remedial excavation activities. Backfill would be comprised of clean soils from excavations as well as imported clean fill.



Contaminated soil would be stockpiled onsite then sent offsite for disposal at the Santa Maria Regional Landfill approximately 3.5 miles north.

Short-term thresholds for NO<sub>x</sub> and ROC emissions from construction equipment have not been established in the County. Per the Santa Barbara County Environmental Thresholds and Guidelines Manual Published January 2021, emissions of NO<sub>x</sub> from construction equipment in the County are estimated at 1,000 tons per year of NO<sub>x</sub>. When compared to the total NO<sub>x</sub> emission inventory for the County of approximately 17,000 tons per year, construction emissions from all projects Countywide comprise approximately six percent of the 1990 county-wide emission inventory for NO<sub>x</sub> (Santa Barbara County 1993 Rate-of Progress Plan). In general, this amount is not considered significant. However, due to the non-attainment status of the air basin for ozone, contractors would be required to adhere to diesel particulate and NO<sub>x</sub> emission reduction measures as required by County Planning, and outlined in Attachment 3, to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County.

No post remedial activities or permanent structures are proposed at the site and therefore the project would not generate traffic (Section 4.13, Transportation/Circulation) aside from those trips associated with the temporary construction activities.

The project would not result in significant new vehicle emissions (i.e., new vehicular trips to or from the site would be fewer than 100). It would not involve new stationary sources (i.e., equipment, machinery, hazardous materials storage, industrial or chemical processing, etc.) that would increase the amount of pollutants released into the atmosphere. The project would also not generate additional smoke, ash, odors, or long term dust after construction. The project's contribution to global warming from the generation of greenhouse gases would be negligible.

With implementation of standard County Air Quality conditions specified in Air-01 and the additional standard dust mitigation measures, included as Attachment 3, the project's air emissions would not be substantial. Therefore, the project would have a *less than significant impact with mitigation* on air emission.

**Cumulative Impacts:** The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the significance criteria for air quality. Therefore, the project's contribution to regionally significant air pollutant emissions is not cumulatively considerable, and its cumulative effect is insignificant.

**Mitigation and Residual Impact.** The following mitigation measures would reduce the project's air quality impacts to a less than significant level:

**Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times when work activities are being conducted including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day when work activities are being conducted including weekends and/or holidays.

- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued. **MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

Implementation of standard conditions placed on the grading plan as implemented through Chapter 14 (Grading Ordinance) of the County Code, along with standard APCD conditions listed in Attachment 3 would reduce potential short-term air quality impacts to a less than significant level. The project would not result in significant project-specific long-term air quality impacts. No further mitigation measures are required.

#### 4.3b AIR QUALITY - GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions - Will the project:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

**Setting.** Greenhouse gases include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>). The largest source of greenhouse gas emissions from human activities in the United States is from fossil fuel combustion for electricity, heat, and transportation. Specifically, the *Inventory of U.S. Greenhouse Gasses and Sinks* (U.S. Environmental Protection Agency, 2013) states that the primary sources of greenhouse gas emissions in 2013 included electricity production (31%), transportation (27%), industry (21%), commercial and residential (12%), and agriculture (9%). This release of gases creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as “the greenhouse effect,” there is strong evidence to support that human activities have accelerated the generation of greenhouse gases beyond natural levels. The overabundance of greenhouse gases in the atmosphere has led to a warming

of the earth and has the potential to severely impact the earth's climate system. For instance, Santa Barbara County is projected to experience an increase in the number of wildfires, land vulnerable to 100-year flood events, and temperature increases, even under a low-emissions scenario (California Energy Commission, 2015).

Climate change results from greenhouse gas emissions "...generated globally over many decades by a vast number of different sources" rather than from greenhouse gas emissions generated by any one project (County of Santa Barbara Planning and Development, 2008). As defined in CEQA Guidelines Section 15355 and discussed in Section 15130, "...a cumulative impact consists of an impact which is created as a result of the combination of the [proposed] project...evaluated...together with other projects causing related impacts." Therefore, by definition, climate change under CEQA is a cumulative impact.

**Environmental Threshold.** Per CEQA Guidelines Section 15064.4, County staff should consider the following factors, among others, when determining the significance of impacts from GHG emissions on the environment: (1) the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that applies to the project; and (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The CEQA Guidelines also clarify that the County has the discretion to select a model or methodology that it considers most appropriate for estimating GHG emissions, but that it must "support its selection of a model or methodology with substantial evidence" and "explain the limitations of the particular model or methodology selected for use."

In July 2020, the Board affirmed its target to reduce GHG emissions in unincorporated County areas by 50 percent below 2007 levels by 2030. This target is in line with the State's goal of reducing statewide emissions by 40 percent below 1990 levels by 2030.

The County developed the interim thresholds based on the County's 2030 GHG target, which are in line with the State's GHG emission reduction goals. The County developed the interim project-level threshold by determining the portion of the County's 2030 GHG target emissions level that may be attributed to new development.

The Board adopted a numeric Screening Threshold of 300 MTCO<sub>2</sub>e/year for non-industrial stationary source projects and plans. The recommended Screening Threshold results in approximately 15 percent of all applicable future projects, and 87 percent of all applicable future land use emissions, being subject to the Significance Threshold. Approximately 85 percent of future projects would fall below the Screening Threshold and, therefore, would not require further analysis.

#### **Impact Discussion:**

- a.) Generate GHG Emissions. The limited nature and duration of construction activities would not generate considerable greenhouse gas emissions. Once constructed, the project would not require vehicular trips that would generate emissions GHG emissions. Therefore, the project would not exceed the County's Screening Threshold of 300 MTCO<sub>2</sub>e/year for non-industrial stationary source projects, and the impact would be *less than significant*.
- b.) Conflict with an applicable regulations. The project would *not conflict* with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Cumulative Impacts:** The proposed project's total GHG emissions would be less than the applicable threshold. Therefore, the project's incremental contribution to a cumulative effect is not cumulatively considerable and the project's greenhouse gas emissions would not have a significant impact on the environment.

**Mitigation and Residual Impact:** Since the proposed project would not have a significant impact on the environment, no additional mitigation is necessary. Therefore, residual impacts would be less than significant.

#### 4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
<b>Flora</b>					
a. A loss or disturbance to a unique, rare or threatened plant community?			X		
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?			X		
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?			X		
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?			X		
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
<b>Fauna</b>					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?		X			
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?		X			
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?		X			

#### Existing Plant and Animal Communities/Conditions.

##### *Background and Methods:*

Santa Barbara County has a wide diversity of habitat types, including chaparral, oak woodlands, wetlands and beach dunes. These are complex ecosystems and many factors are involved in assessing the value of the resources and the significance of project impacts. For this project, a site visit was conducted on February 2, 2022 and a biological report was prepared by Terra Verde. The survey area included the proposed project footprint and immediate surrounding landscape, and a visual scan of adjacent properties.





FIGURE 4. VIEW OF PROJECT SITE'S DISTURBED VEGETATION LOOKING SOUTHEAST.



FIGURE 5. VIEW OF THE EXISTING GOPHER HOLES TO THE EAST OF THE PROJECT SITE.



No special-status botanical or wildlife species, avian nesting behavior and/or active nests were observed during the survey. It should be noted that the survey was not conducted during the appropriate blooming period (i.e., May – July) for most regionally occurring special-status botanical species and most special-status wildlife species may only be seasonally or temporarily present. The following analysis is based on this information.

*Flora:*

The topography, soils, and vegetation throughout the project site have been impacted at various levels due to routine maintenance and past development activities. Specifically, the portion of the project site located at 2800 Telephone Road is a maintained rural residential landscape and a series of commercial and industrial agricultural structures exist at 2890 Telephone Road. The majority of the project site is characterized as undeveloped non-native annual grassland, dominated by ripgut brome (*Bromus diandrus*) and broadleaf filaree (*Erodium botrys*), which undergoes regular maintenance (i.e., mowing). A narrow stand of knobcone pine (*Pinus attenuate*) line the residential driveway to the north of the project site. The 15.97 and 19.16 acre sites consists primarily of weedy vegetation, annual grasses, and disturbed ground (Figure 4 above). No special-status botanical species were documented during the survey.

*Fauna:*

No special-status species were documented during the survey. However, small mammal burrows, typical of Botta's pocket gopher (*Thomomys bottae*), were observed within the survey area which may provide seasonal/temporary refuge for semi-aquatic amphibians and reptiles during upland migratory and dispersal movements. Additionally, a small number of larger burrow complexes, typical of California ground squirrel (*Otospermophilus beecheyi*), were observed near the northeast corner of the survey area (Figure 5 below).

Because of the lack of natural habitat and highly disturbed condition of the vegetated areas, the potential for special-status wildlife species to occur in the proposed project site is considered low within and adjacent to the project site. Special-status wildlife species determined to have a low potential to occur on site include:

California tiger salamander (CTS; *Ambystoma californiense*); Federally Endangered, State Threatened. This species is restricted to vernal pools and seasonal ponds (including many constructed stock ponds) in grassland and oak savanna plant communities, predominantly from sea level to 2,000 feet, in central California. Ponds must hold water for a minimum of 70 consecutive days to allow successful breeding to occur and for larvae to metamorphose and leave the ponds as adults.

According to CNDDDB records (CDFW 2022), the nearest documented occurrence for this species is a 1986 record approximately 0.65-mile southwest of the project site (Figure 6). An agricultural irrigation pond is present southeast of the project site but undergoes regular disturbances and is unlikely to provide appropriate aquatic habitat for successful CTS reproduction. However, the historic CNDDDB occurrence is located within a known CTS breeding pond (SAMA-1) and numerous other potential CTS breeding ponds are located north and west of the project site. Additionally, the project site is within the mapped potential range of the CTS, adjacent to the East Santa Maria meta-population USFWS designated critical habitat unit.

Coast horned lizard (*Phrynosoma blainvillii*); State Species of Special Concern (SSC). This species inhabits grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose, sandy soil. The breeding season is from May to September, and nests are constructed in loose soil. Habitat conversion to housing and agriculture and the spread of non-native ants have caused this species to decline.

According to CNDDDB records (CDFW 2022), the nearest occurrence of this species is approximately 0.7-mile northwest of the project site. The quality of habitat at the site is degraded as a result of current and historical land uses, but the sandy soils and grassland habitat adjacent to Telephone Road within the survey area provide suitable habitat for coast horned lizard.

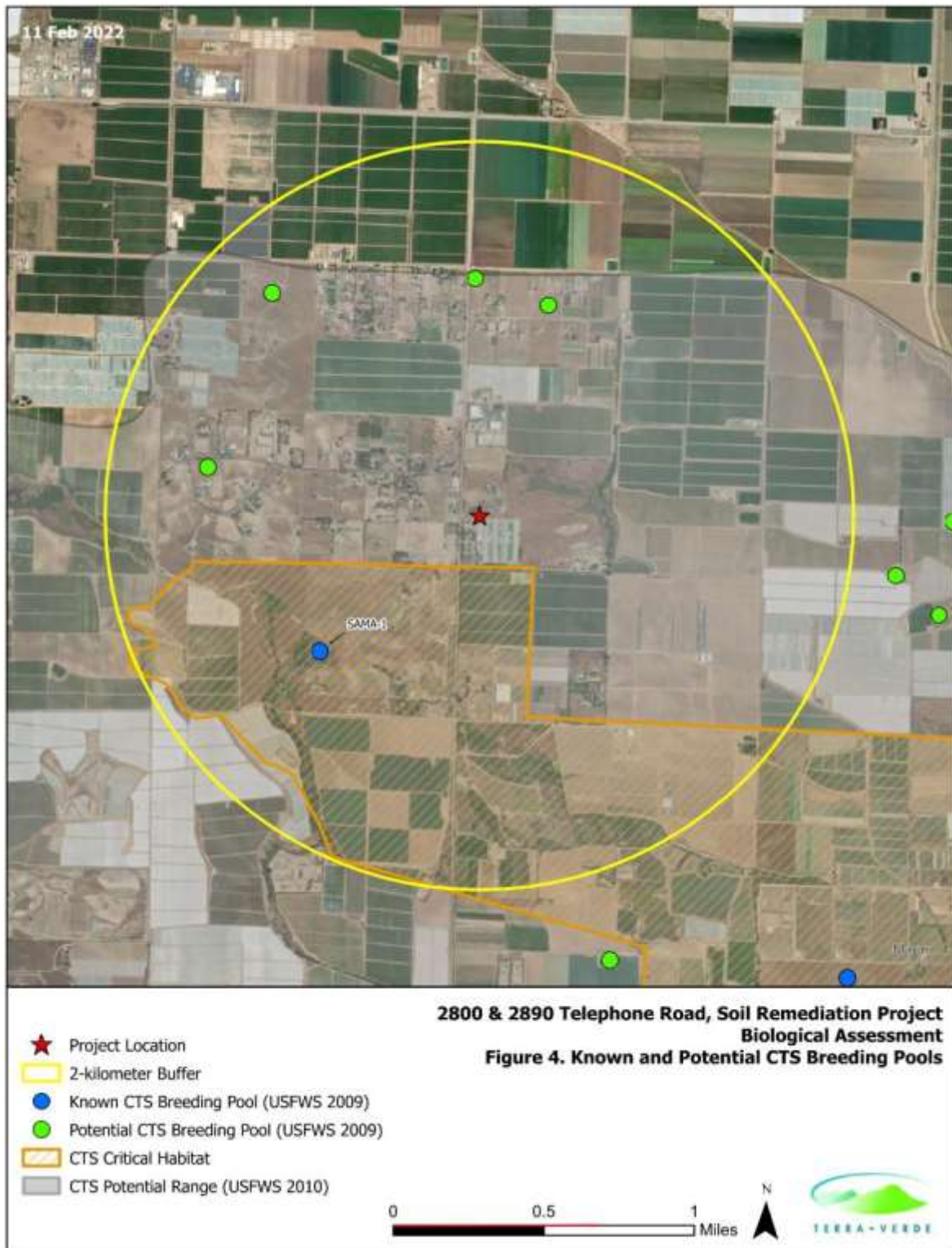


FIGURE 6. MAP OF CALIFORNIA TIGER SALAMANDER INFORMATION.

Northern California legless lizard (*Anniella pulchra*); SSC. The northern California legless lizard occurs in sparsely vegetated areas such as beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. This species prefers moist, warm, and loose soil; can be found in leaf litter; and would seek refuge under surface objects such as rocks, boards, and logs.

According to CNDDDB records (CDFW 2022), the nearest documented occurrence for this species is approximately 0.5-mile southwest of the project site. The quality of habitat at the site is degraded as a result of current and historical land uses, but the sandy soils and woody debris from landscaping activities adjacent to Telephone Road within the survey area provides suitable habitat for this species.

California Red-Legged Frog (*Rana draytonii*); Federal Threatened. California red-legged frog may be found in upland habitats near breeding areas and along intermittent drainages connecting wetlands. California red-legged frogs require cold-water-pond habitats such as pools, streams, and ponds with emergent and submergent vegetation. Although California red-legged frogs can inhabit either ephemeral or permanent streams or ponds, populations probably cannot be maintained in ephemeral streams in which all surface water disappears. Adults are highly aquatic when active but depend less on permanent water bodies than other frog species. Adults may take refuge during dry periods in small mammal burrows or leaf litter in riparian habitats. Although California red-legged frogs typically remain near streams or ponds, studies suggest that they are capable of moving two miles or more in upland habitat or through ephemeral drainages.

According to CNDDDB records (CDFW 2022), the nearest documented occurrence for this species is approximately 1.4 miles west of the project site.

Western spadefoot toad (*Spea hammondi*); SSC. Western spadefoot toad generally inhabits lowlands, sandy washes, and river floodplains but also may be found in woodlands, grasslands, and chaparral where soils are sandy and loose. This species occupies small mammal burrows or uses the hardened spades on its feet to burrow underground where it remains buried for most of the year, only emerging at night during the rainy season to breed in ephemeral pools, sand or gravel washes, and small streams that are often seasonal.

According to CNDDDB records (CDFW 2022), the nearest documented occurrence for this species is approximately 0.1-mile southwest of the project site where individuals were collected in 1986, 1990, and 2003. The agricultural irrigation pond to the southeast and other drainage ditches in the area may be of sufficient quality for successful western spadefoot toad reproduction. The quality of habitat at the site is degraded as a result of current and historical land uses, but the small mammal burrows in the survey area may provide suitable refuge for this species.

Migratory Nesting Birds. The grassland and trees within and adjacent to the project site provide moderately suitable habitat for nesting birds and raptors.

#### *Hydrology:*

No hydrological resources under the jurisdiction of state (i.e., Regional Water Quality Control Board, California Department of Fish and Wildlife) or federal (i.e., Army Corps of Engineers) agencies are present within or immediately adjacent to the proposed project area. No agricultural stock or irrigation ponds are located within or immediately adjacent to the proposed project area.

#### *USFWS General Conservation Plan*

In June 2022, the U.S. Fish and Wildlife Service (USFWS or the Service) finalized a General Conservation Plan (GCP) for Oil and Gas Activities associated with issuance of Endangered Species Act section 10(a)(1)(B) permits for the Santa Barbara County distinct population segment of the California tiger salamander, California red-legged frog, and Lompoc yerba santa within Santa Barbara County, California. The GCP streamlines the application for a Section 10(a)(1)(B) incidental take permit by allowing the Service to develop a single general conservation plan for a local area. Individual non-federal entities may apply for

an incidental take permit, provided they commit to complying with the monitoring, minimization, and mitigation measures in the general conservation plan.

The project is considered a Mistream Activity, which includes habitat restoration activities and therefore falls under the GCP covered activities. The GCP analyses the impacts to listed species and identifies mitigation measures to minimize all unavoidable impacts according to the Mitigation Strategies for the California tiger salamander, California red-legged frog and the anticipated impacts described in the proposed project package application.

According to the GCP, the Service provided impacts to habitat as a proxy to quantify take levels and define the permitted take limits. Within the Western Santa Maria area, there is approximately 12,963 acres of CTS habitat and the GCP allows 260 acres to be temporarily impacted. No permanent impacts to or loss of California red-legged frog aquatic breeding habitat is allowed under the GCP, but it is expected that activities with a duration of 1 year or fewer would impact only one-third of the adult lifespan of the average California red-legged frog and mitigation required to offset impacts would be one-third that of an equivalent permanent impacts.

**Environmental Thresholds.** Santa Barbara County's Environmental Thresholds and Guidelines Manual (2008) includes guidelines for the assessment of biological resource impacts. The following thresholds are applicable to this project:

*Native Grasslands:* In general, project created impacts to native grasslands may be considered significant if they involve removal of or severe disturbance to a patch or a combined patch area of native grasses that is greater than one-quarter (1/4) acre in size. The grassland must contain at least 10 percent relative cover of native grassland species (based on a sample unit). Impacts to patch areas less than one-quarter acre in size that are clearly isolated and not part of a significant native grassland or an integral component of a larger ecosystem are usually considered insignificant.

*Individual Native Trees:* Project created impacts may be considered significant due to the loss of 10% or more of the trees of biological value on a project site.

*Other Rare Habitat Types:* The Manual recognizes that not all habitat-types found in Santa Barbara County are addressed by the habitat-specific guidelines. Impacts to other habitat types or species may be considered significant, based on substantial evidence in the record, if they substantially: (1) reduce or eliminate species diversity or abundance; (2) reduce or eliminate the quality of nesting areas; (3) limit reproductive capacity through losses of individuals or habitat; (4) fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources; (5) limit or fragment range and movement; or (6) interfere with natural processes, such as fire or flooding, upon which the habitat depends.

#### **Impact Discussion:**

(a-d). Plant species. The majority of the project site is characterized as undeveloped non-native annual grassland. Although natural habitat exists in the survey area, the quality is considered low due to current baseline conditions and associated impacts from historic and current anthropogenic disturbances to the natural environment. These activities include oil extraction, lawn maintenance, landscaping, and commercial greenhouse operations (etc), which have occurred throughout the survey area and adjacent properties. The project would result in the loss of a minimal amount of patchy annual grassland that is composed primarily of non-native species (veldt grass) in the disturbance footprint, which is mostly barren land. This habitat does not provide significant habitat value. No special-status botanical species were observed during the survey or are expected to occur based on a lack of suitable habitat. Although the survey was conducted outside of the typical blooming and/or fruiting period for regionally occurring special-status botanical species, none are expected to occur within the project area due to the historical (i.e., oil extraction, agricultural, and residential activities) and existing impacts within the project site, and dominance of non-native/invasive species in the surrounding habitat. The proposed project would replace the contaminated soil with clean fill and restore the project site to existing conditions, therefore creating a

cleaner environmental for native vegetation to grow. The proposed project would not result in a reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants. Because the project site is currently un-vegetated and disturbed, impacts to plant species and quality of vegetation are *less than significant*.

(e, f). Specimen trees Herbicides. A narrow stand of knobcone pine (*Pinus attenuate*) line the residential driveway to the north of the project site. This driveway would be used for access to the project site but the trees are not within the area of disturbance and are not proposed to be removed. The proposed project would not result in the introduction of herbicides, pesticides, animal life, human habitation or other factors that would change or hamper the existing habitat. Therefore, *impacts are less than significant*.

(i). Critical habitat. Although natural habitat exists in the survey area, the quality is considered low. No mapped USFWS-designated critical habitat, CDFW sensitive natural communities, or hydrologic resources under federal or state agency jurisdiction occur within the survey area and none would be impacted. Although suitable habitat for nesting birds and raptors is present within the stand of Pine trees along the driveway, the habitat would not be removed or damaged as a result of the project. Therefore, impacts to critical habitat are *less than significant*.

(g, h, j, k). Animal species. No special-status wildlife species were observed during the survey. However, marginally suitable upland habitat is present for CTS, coast horned lizard, northern California legless lizard, California red-legged frog, and Western spadefoot toad.

California Tiger Salamander. Due to a lack of aquatic habitat at the disturbance areas associated with the project site and access route, there would be no project-related impacts to CTS breeding habitat. However, the project site is within the mapped potential range of the CTS, adjacent to the East Santa Maria metapopulation USFWS-designated critical habitat unit Tiger Salamander Range. As such, the project would result in temporary disturbance to 38,500 square feet (0.88 acre) of potential upland habitat for CTS. Direct impacts to this species, if they are present, may occur from being crushed or trampled by vehicles and equipment. The closest known breeding pond is approximately 0.6 miles south west. For CTS to be present on the site, they would have to travel through intensive agricultural uses (cropland) and road systems. If burrows are established between crops in areas intervening breeding ponds and the project site, they are removed by cultivation soon thereafter and are not available to be used by CTS. The degraded habitat conditions in the survey area coupled with numerous anthropogenic barriers between the project site and the historic CTS occurrence are expected to limit dispersal movements in the area. Following remediation, the areas involved would be backfilled and allowed to naturally recover. There would be no permanent impacts to CTS habitat would occur.

The potential for CTS occurrence within the project site is considered low, due to the presence of cultivated agriculture and residential and commercial actives surrounding the site, and therefore, remediation activities at the project site are not expected to result in take of CTS. However, active ground squirrel burrows were found to the east of the project site in the upland habitat. These burrows may provide seasonal/temporary refuge for CTS during upland migratory and dispersal movements. Because CTS is a federally endangered species, a Section 10(a)(1)(B) incidental take permit of the Service is required when protocol surveys are not performed. The USFWS GCP provides avoidance, minimization, and mitigation measures which are incorporated into BIO-5. These measures include an Environmental Awareness Training (BIO-1), Site Maintenance and General Measures (Bio-2), and California Tiger Salamander Impact Avoidance and Minimization (Bio-4). Therefore the potential of take of CTS during remediation activities would be *less than significant with mitigation*.

Coast Horned Lizard. The Coast horned lizard has the potential to occur in suitable habitat in the project vicinity. Impacts to this species could be significant during excavation activities, when they may be injured or killed. Direct impacts to coast horned lizards may also occur as a result of vehicle strikes if this species is present in work areas and/or basking on roadways. These impacts can be reduced by pre-



activity surveys and relocation of any observed individuals to adjacent suitable habitat (BIO-3). Residual impacts to this species would be *less than significant with mitigation*.

Northern California Legless Lizard. Northern legless lizards have the potential to occur within the project vicinity where loose, sandy soils are present. Northern legless lizards rely on loose sandy soils and may be impacted indirectly by compacting soils within the project footprint or during excavation. If northern legless lizards are present, they may be impacted during excavation activities, when they could be crushed or trampled by vehicles and equipment. Pre-activity surveys prior to excavation activities would reduce the likelihood of direct mortality to the northern legless lizards, in addition to keeping the project footprint within pre-determined boundaries (BIO-3). With the addition of these protection measures the potential impacts to Northern California legless lizards would be *significant but mitigable*.

California Red-Legged Frog. Similar to CTS, the project would not result in impacts to breeding habitat for CRLF. As described earlier, the project site provides upland habitat with possible refuge areas in the form of small mammal burrows near the eastern end of the site. The project would result in temporary disturbance to 38,500 square feet (0.88 acre) of potential upland habitat for CRLF. Following remediation, the areas involved would be backfilled and allowed to naturally recover. There would be no permanent impacts to CRLF habitat. CRLF is a covered species under the USFWS GCP (BIO-5). Take of CRLF at the project site is unlikely, particularly if work avoids the rainy season of the year when sub-adult CRLF could be dispersing. Direct impacts to this species may occur from being crushed or trampled by vehicles and equipment. Mitigation Measures identified in the plan are applicable to the CRLF. Implementation of mitigation measures including an Environmental Awareness Training (BIO-1), Site Maintenance and General Measures (Bio-2), and Surveys and Monitoring (BIO-3) would reduce the likelihood of take of this species during remediation activities to *less than significant* levels.

Western Spadefoot. Direct impacts to this species may occur from being crushed or trampled by vehicles and equipment. Although a few small mammal burrows are present in the project vicinity, implementation of amphibian avoidance minimization measures would avoid impacts to the potentially present western spadefoot. Avoidance and minimization measures include: western spadefoot educational training for all project construction personnel; limiting excavation to daylight hours; removal and relocation of any observed spadefoots to other suitable habitat; sidewall sloping of all trenches to prevent entrapment; and daily inspection of all trenches prior to initiation of remediation activities (BIO-3). With these measures, *potential impacts would be significant but mitigable*.

Impacts to these special status species would be mitigated through the use of Environmental Awareness Training (BIO-1), Site Maintenance and General Measures (Bio-2), Special Status Species Surveys and Monitoring (BIO-3), and California Tiger Salamander Impact Avoidance and Minimization (Bio-4). Suitable habitat for nesting birds and raptors is present within the project site and they may be affected if activities occur during the typical avian nesting season (i.e., February 1 – September 15). Therefore, standard nesting bird protection measures (BIO-6) requiring pre-construction bird surveys to be completed if construction work occurs during the bird nesting season would reduce impacts to raptors and birds to a *less than significant* level.

Therefore impacts to animal species would be *less than significant with mitigation*.

(j). Migratory movement. The project would not result in the construction of any permanent structures. Construction activities would be temporary and would not interfere substantially with the movement of any native resident or migratory wildlife species. The net removal of contaminated soil throughout the project area would not impact the ability for wildlife species to move freely among areas of suitable habitat. Therefore, *no impacts* to wildlife movement by the proposed project are expected to occur.

(k). Human factors. The project would not result in the construction of any permanent structures, however construction activities would introduce light, fencing, noise, and human presence to the site. Standard BMPs

and site maintenance measures (BIO-2) would *mitigate* impacts from human caused factors to a *less than significant level*.

**Cumulative Impacts.** Since the project would not significantly impact biological resources onsite, it would not have a cumulatively considerable effect on the County's biological resources.

**Mitigation and Residual Impact.** The following mitigation measures would reduce the project's biological resource impacts to an insignificant level:

**BIO-1: Environmental Awareness Training.** An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to the start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, specifically California tiger salamander and California red-legged frog, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by discretionary permits (if required), an overview of the Endangered Species Act (ESA), implications of noncompliance with the ESA, and required avoidance and minimization measures.

**PLAN REQUIREMENTS:** This condition shall be noted on any plans. A sign in sheet of construction workers who attended the training shall be provided to P&D Compliance staff.

**TIMING:** The training shall occur before any ground disturbing work (including vegetation clearing and grading) occurs in the construction footprint.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff. P&D processing planner shall ensure measures are on plans.

**BIO-2: Site Maintenance and General Measures.** The following measures shall be implemented to further mitigate impacts to burrowing sensitive species:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site. Inadvertent fluid releases shall be stopped and cleaned immediately.
- After completion of the project's construction activities, all protective fencing/flagging used to delineate the work area shall be removed from the project and disposed of in appropriate waste receptacles or reused.

**PLAN REQUIREMENTS:** The BMPs shall be described and detailed on the site, grading and drainage plans, and depicted graphically. The location and type of BMP shall be shown on the site grading plans.

**TIMING:** The plans and maintenance program shall be submitted to P&D for approval prior to Land Use Permit issuance.

**MONITORING:** P&D compliance monitoring staff shall site inspect for installation prior to Final Building Inspection Clearance.

**BIO-3: Special Status Surveys and Monitoring.** The following measures shall be implemented to further mitigate impacts to burrowing sensitive species:

- A qualified biologist shall conduct a pre-construction survey immediately prior to the start of work to ensure special-status amphibians and reptiles are not present within proposed work areas. During the survey, the biologist shall gently disturb or rake the upper layers of exposed sandy soil to inspect the site for northern California legless lizards.
- Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming) within suitable habitat.
- If coast horned lizard, northern California legless lizard, California red-legged frog and/or western spadefoot toad are found during pre-construction surveys or monitoring, work shall be halted, and they shall be allowed to leave the work area on their own volition or be hand captured and relocated to suitable habitat outside of the area of impact. In the event CTS or CRLF is found, P&D, USFWS, and CDFW would be contacted. Work would not resume until approval to do so is provided by the agencies.
- To minimize the potential for impacts to dispersing/migrating amphibians, work shall occur during dry conditions, as feasible. If work is scheduled to start during the typical rainy season (October through April), when western spadefoot toads are most likely to be dispersing through upland habitat, no work shall occur during or immediately after rain events of 0.25-inch or greater and a follow up survey shall be conducted.
- All project activities shall be limited to daylight hours only. At no time shall any nighttime work be permitted.
- All vehicles, equipment, and materials staged on site overnight shall be inspected each morning by a designated member of the construction crew. If special-status wildlife (coast horned lizard, northern California legless lizard, western spadefoot toad) is found within the staging area, it shall be allowed to leave on its own volition, or be hand captured by a qualified biologist and relocated to suitable habitat outside of the area of impact. In the event CTS are identified all work shall be halted until appropriate resource agencies are contacted for further guidance.
- Steep-walled excavations (e.g., trenches) that may act as pitfall traps will be inspected for wildlife at least once per day and immediately before backfilling. In lieu of daily inspections (weekends, etc.), exclusionary fencing, covers, ramps, or similar measures will be taken to prevent wildlife entrapment.
- Prior to the start of remediation activities, the project site would be enclosed with silt fence or fabric material. The fence would be buried 6 inches deep and extend at least 30 inches above ground. When remediation activities have been completed, the fence material would be removed.
- All work areas shall be inspected by a biologist prior to the commencement of daily activities. Pits and trenches would be inspected before work begins each day, or following any rain event within the previous 24 hours. The biological monitor would also review the level of compliance with all mitigation measures and check the integrity of the silt fencing material.
- All trenches, pits, and holes would be sloped at the end of each work day to prevent entrapment of wildlife.

**PLAN REQUIREMENTS AND TIMING:** This condition shall be printed on project plans submitted for Coastal Development Permit Issuance and installed prior to Grading Permit issuance.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance.

**BIO-4: California Tiger Salamander Impact Avoidance and Minimization.** In addition to BIO-3 above, the following recommendations have been provided to avoid impacts to CTS:

- Prior to any ground disturbing activities within the project disturbance footprint, all rodent burrows shall be identified and clearly marked by a qualified biologist for avoidance, daily. This shall include all equipment staging areas and access routes; or
- If full avoidance of suitable rodent burrows is not feasible, consultation with the resource agencies would be initiated to obtain a CDFW Incidental Take Permit (ITP) and USFWS authorization.
- Upon locating California tiger salamander or California red-legged frog individuals that may be dead or injured as a result of project-related activities, notification will be made within 72 hours to the Service Ventura Field Office at (805) 644-1766. Notification of dead or injured California tiger salamander should also be made to the Department at (562) 342-7100.

**PLAN REQUIREMENTS AND TIMING:** This condition shall be printed on project plans submitted for Coastal Development Permit Issuance and installed prior to Grading Permit issuance.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance.

**BIO-5 Fish and Wildlife Jurisdiction Advisory.** The project site is within the range of the California Tiger Salamander and the California Red Legged Frog, a species listed as Endangered by the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. Based upon a report prepared by Terra Verde, dated February 2022, it has been determined that the probability for the California Tiger Salamander and the California Red Legged Frog occurrence on the site is low. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.

Indemnity for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et seq.). This permit does not authorize, approved or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

**BIO-6: Nesting Bird Surveys.** To avoid disturbance of nesting birds, including raptorial species, protected by the Federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGF), the removal of vegetation, ground disturbance, exterior construction activities, and demolition shall occur outside of the bird nesting season (February 1 through August 31) whenever feasible. If these activities must occur during the bird nesting season, then a pre-construction nesting bird survey shall be performed by a County-qualified biologist. Pre-construction surveys for nesting birds shall occur within the area to be disturbed and shall extend outward from the disturbance area by 500 feet. The distance surveyed from the disturbance may be reduced if property boundaries render a 500-foot survey radius infeasible, or if existing disturbance levels within the 500-foot radius (such as from a major street or highway) are such that project-related activities would not disturb nesting birds in those outlying areas. If any occupied or active bird nests are found,

a buffer shall be established and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. The buffer shall be 300 feet for non-raptors and 500 feet for raptors, unless otherwise determined by the qualified biologist and approved by P&D. Buffer reductions shall be based on the known natural history traits of the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. All construction personnel shall be notified as to the location of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities or vegetation removal shall occur within this buffer until the County-qualified biologist has confirmed that nesting is completed, the young have fledged and are no longer dependent on the nest, or the nest fails, and there is no evidence of a second nesting attempt; thereby determining the nest unoccupied or inactive. If birds protected under MBTA or CFGC are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged and are no longer dependent on the nest, and there is no evidence of a second nesting attempt.

**PLAN REQUIREMENTS AND TIMING:** If construction must begin within the nesting season, then the pre-construction nesting bird survey shall be conducted no more than one week (7 days) prior to commencement of vegetation removal, grading, or other construction activities. Active nests shall be monitored by the biologist at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults, and there is no evidence of a second nesting attempt. Bird survey results and buffer recommendations shall be submitted to County Planning and Development for review and approval prior to commencement of grading or construction activities. The qualified biologist shall prepare weekly monitoring reports, which shall document nest locations, nest status, actions taken to avoid impacts, and any necessary corrective actions taken. Active nest locations shall be marked on an aerial map and provided to the construction crew on a weekly basis after each survey is conducted. Active nests shall not be removed without written authorization from USFWS and CDFW.

**MONITORING:** P&D shall be given the name and contact information for the biologist prior to initiation of the pre-construction survey. Permit Compliance and P&D staff shall review the survey report(s) for compliance with this condition prior to the commencement of ground-disturbing activities and perform site inspections throughout the construction period to verify compliance in the field.

With the incorporation of these measures, residual impacts would be insignificant.

## 4.5 CULTURAL RESOURCES

Will the proposal:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Cause a substantial adverse change in the significance of any object, building, structure, area, place, record, or manuscript that qualifies as a historical resource as defined in CEQA Section 15064.5?			X		
b. Cause a substantial adverse change in the significance of a prehistoric or historic archaeological resource pursuant to CEQA Section 15064.5?			X		
c. Disturb any human remains, including those located outside of formal cemeteries?			X		



Will the proposal:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
<p><b>d.</b> Cause a substantial adverse change in the significance of a tribal cultural resource, defined in the Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>			X		

**County Environmental Thresholds.** Chapter 8 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (2008, revised February 27, 2018) contains guidelines for the identification, significance evaluation, and mitigation of impacts to cultural resources, including archaeological, historic, and tribal cultural resources. In accordance with the requirements of CEQA, these guidelines specify that if a resource cannot be avoided, it must be evaluated for importance under specific CEQA criteria. CEQA Section 15064.5(a)(3)A-D contains the criteria for evaluating the importance of archaeological and historic resources. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the significance criteria for listing in the California Register of Historical Resources: (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history. The resource also must possess integrity of at least some of the following: location, design, setting, materials, workmanship, feeling, and association. For archaeological resources, the criterion usually applied is (D).

CEQA calls cultural resources that meet these criteria “historical resources”. Specifically, a “historical resource” is a cultural resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, or included in or eligible for inclusion in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1. As such, any cultural resource that is evaluated as significant under CEQA criteria, whether it is an archaeological resource of historic or prehistoric age, a historic built environment resource, or a tribal cultural resource, is termed a “historical resource”.

CEQA Guidelines Section 15064.5(b) states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” As defined in CEQA Guidelines Section 15064.5(b), substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired when a project: (1) demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; (2) demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources; or (3) demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

For the built environment, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995), is generally considered as mitigated to an insignificant impact level on the historical resource.

**Existing Setting.** For at least the past 10,000 years, the area that is now Santa Barbara County has been inhabited by Chumash Indians and their ancestors. Based on the Phase 1 Archaeological Investigation from July 7, 2011 (Spanne 2011), cultural resources are not located in the vicinity of the proposed project.

On May 23, 2022, a formal notice of application completeness for the proposed project was sent to Julie Tumamait-Stenslie, Chair, Barbareno/Ventureno Band of Mission Indians and Kenneth Kahn, Tribal Chairman of the Santa Ynez Band of Chumash Indians. The notice provided notification of the opportunity for consultation pursuant to Public Resources Code (PRC) Section 21080.3.1 and in accordance with the provisions of Assembly Bill (AB) 52, and included a description of the proposed project. On June 27, 2022, the Santa Ynez Band of Chumash Indians responded, requesting no further consultation on the project. No other reply was received and no tribal cultural resources (TCRs) were identified on the subject parcel.

#### **Impact Discussion.**

(a, b, c, d). As discussed above, no cultural resources were identified within or adjacent to the project area. As a result, the proposed project would not cause a substantial adverse change in the significance of any historical resource, cause a substantial adverse change in the significance of a prehistoric or historic archaeological resource, disturb any human remains, or cause a substantial adverse change in the significance of a tribal cultural resource. In order to comply with cultural resource policies, the development project would be conditioned with a standard archaeological discovery clause which requires that any previously unidentified cultural resources discovered during site development are treated in accordance with the County’s Cultural Resources Guidelines [Chapter 8 of the County’s Environmental Thresholds and Guidelines Manual (rev.2/2018)]. The disturbed nature of the project site combined with its historical use minimizes the potential for an intact near-surface site. As a result of this, impacts would be *less than significant*.

**Cumulative Impacts.** Since the project would not significantly impact cultural resources, it would not have a cumulatively considerable effect on the County’s cultural resources with implementation of the mitigation measures described below.

**Mitigation and Residual Impact:** No impacts are identified. No mitigations are necessary.

## 4.6 ENERGY

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

### Impact Discussion.

(a-b). The County has not identified significance thresholds for electrical and/or natural gas service impacts (Thresholds and Guidelines Manual). Private electrical and natural gas utility companies provide service to customers in Central and Southern California, including the unincorporated areas of Santa Barbara County. However, only mobile equipment would be used to execute the soil excavation and concrete removal work, which would not result any increase in demand upon nearby energy sources. There are no structures proposed as part of this project, therefore no new energy sources would be required. No adverse impacts would result.

**Cumulative Impacts.** The project's contribution to the regionally significant demand for energy is not considerable, and is therefore insignificant.

**Mitigation and Residual Impact:** No impacts are identified. No mitigation is required.

## 4.7 FIRE PROTECTION

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area or exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?				X	
d. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X	
e. Introduction of development that will substantially impair an adopted emergency response plan, emergency evacuation plan, or fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
f. Development of structures beyond safe Fire Dept. response time?				X	

**County Standards.** The following County Fire Department standards are applied in evaluating impacts associated with the proposed development:

- The emergency response thresholds include Fire Department staff standards of one on-duty firefighter per 4000 persons (generally 1 engine company per 12,000 people, assuming three firefighters/station). The emergency response time standard is approximately 5-6 minutes.
- Water supply thresholds include a requirement for 750 gpm at 20 psi for urban single family dwellings in urban and rural developed neighborhoods, and 500 gpm at 20 psi for dwellings in rural areas (lots larger than five acres).
- The ability of the County's engine companies to extinguish fires (based on maximum flow rates through hand held line) meets state and national standards assuming a 5,000 square foot structure. Therefore, in any portion of the Fire Department's response area, all structures over 5,000 square feet are an unprotected risk (a significant impact) and therefore should have internal fire sprinklers.
- Access road standards include a minimum width (depending on number of units served and whether parking would be allowed on either side of the road), with some narrowing allowed for driveways. Cul-de-sac diameters, turning radii and road grade must meet minimum Fire Department standards based on project type.
- Two means of egress may be needed and access must not be impeded by fire, flood, or earthquake. A potentially significant impact could occur in the event any of these standards is not adequately met.

**Impact Discussion.**

(a - e). The project is not located within a High Fire Hazard Area. Predictions about the long-term effects of global climate change in California include increased incidence of wildfires and a longer fire season, due to drier conditions and warmer temperatures. Any increase in the number or severity of wildfires has the potential to impact resources to fight fires when they occur, particularly when the state experiences several wildfires simultaneously. Such circumstances place greater risk on development in high fire hazard areas. Short-term impacts may arise as a result of the introduction of mechanized equipment during removal work, however, the temporary usage would not hamper fire prevention techniques in the area. No new structures are proposed to be developed. Therefore, *no impacts* are expected.

**Cumulative Impacts.** Since the project would not create significant fire hazards, it would not have a cumulatively considerable effect on fire safety within the County.

**Mitigation and Residual Impact.** No impacts are identified. No mitigation is required.

## 4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?			X		
c. Exposure to or production of permanent changes in topography, such as bluff retreat or sea level rise?			X		
d. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?		X			
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?				X	
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?			X		
j. Sand or gravel removal or loss of topsoil?			X		
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?			X		

**Environmental Threshold.** Pursuant to the County's Adopted Thresholds and Guidelines Manual, impacts related to geological resources may have the potential to be significant if the proposed project involves any of the following characteristics:

1. The project site or any part of the project is located on land having substantial geologic constraints, as determined by P&D or PWD. Areas constrained by geology include parcels located near active or potentially active faults and property underlain by rock types associated with compressible/collapsible soils or susceptible to landslides or severe erosion. "Special Problems" areas designated by the Board of Supervisors have been established based on geologic constraints, flood hazards and other physical limitations to development.
2. The project results in potentially hazardous geologic conditions such as the construction of cut slopes exceeding a grade of 1.5 horizontal to 1 vertical.

3. The project proposes construction of a cut slope over 15 feet in height as measured from the lowest finished grade.
4. The project is located on slopes exceeding 20% grade.

**Impact Discussion:**

- (a, c, l). Potential to Result in Geologic Hazards. The project site is not underlain by any known fault. Liquefaction potential in the area has been determined to be moderate. Any potential for expansive soils would be mitigated by the use of non-expansive engineered fill. There would not be any exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides or ground failure resulting from the proposed project. The proposed project would not involve any permanent changes in topography. No excessive spoils, tailings or overburden is proposed. Per the plan requirements, shallow soil samples would also be collected to confirm the removal of petroleum hydrocarbon-containing soils in excess of action levels. Assessment and remediation would be conducted according to the work plans approved by the appropriate agency. All soils-related hazards would be *less than significant* through the normal grading permit review.
- (b, i). Potential for Grading-Related Impacts. As discussed in the project description, the proposed project comprises excavating approximately 1,700 cubic yards of hydrocarbon impacted soil and road base from a former oilfield lease area, replacing with clean fill in lifts and compacting, and restoring the project site to previous conditions. Petroleum hydrocarbon-containing soils would be handled in accordance with the project's approved Remedial Action Plan (Atlas, February 7, 2022). As mentioned, confirmation soil samples would be collected and chemically analyzed to ensure that the excavation activities have adequately removed soils with petroleum hydrocarbon concentrations in excess of County Environmental Health Services (EHS) approved cleanup levels. EHS would provide oversight of the sample collection and would ensure that the remediation activities are conducted in compliance with the approved work plan and EHS requirements. The project would involve approximately 1,700 cubic yards of excavation for the sump with a maximum depth of 12 feet below existing grade. The excavation sites would be backfilled with clean overburden and imported soil and topsoil would be replaced. Topography would be restored to match the surrounding area. Impacts would be temporary and *less than significant*.
- (e). Potential Erosion and Sedimentation Impacts. Grading operations that would occur on the project site would remove vegetative cover and disturb the ground surface, thereby increasing the potential for erosion and sedimentation impacts. However, the potential for the project to cause substantial erosion and sediment transport would be adequately mitigated by the County's standard erosion control and drainage requirements (GEO-02). Thus, impacts would be *less than significant with mitigation*.
- (j). Sand or gravel removal, or loss of topsoil. As stated above, the project would involve excavation work to remove petroleum hydrocarbon-containing soil and backfill the resulting excavations with clean fill soil. Excavated overburden soils would be used as backfill material and therefore there would be no loss of topsoil. In addition, prior to excavation, topsoil would be removed and stockpiled. It would then be replaced within the upper two feet once the excavation is complete. Impacts would be *less than significant*.
- (d, f, g, h, k). Other Potential Geological Hazards. The project would not cause destruction, covering or modification of any unique geologic, paleontologic, or physical features. The project would not involve the placement of septic disposal systems. No permanent extraction of soil for mineral or ore materials is proposed. This grading work would occur on relatively flat surfaces (approximately 0-10% gradients). The project is not located within the vicinity of the ocean and would not be subject to issues associated with seas-level rise. Any vibrations from construction work that would affect adjoining areas (residence) are likely to be short term, occur during daylight hours, and minimal in comparison to vibrations from the railroad adjacent to the site. *No impacts* are anticipated.

**Cumulative Impacts.** Since the project would not result in significant geologic impacts after mitigation, and geologic impacts are typically localized in nature, it would not have a cumulatively considerable effect on geologic hazards within the County.

**Mitigation and Residual Impact.** The following mitigation measures would reduce the project's geologic impacts to an insignificant level:

**GEO-02 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

With the incorporation of these measures, residual impacts would be insignificant.

## 4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?			X		
b. The use, storage or distribution of hazardous or toxic materials?			X		
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?		X			



Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
d. Possible interference with an emergency response plan or an emergency evacuation plan?			X		
e. The creation of a potential public health hazard?			X		
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?			X		
g. Exposure to hazards from oil or gas pipelines or oil well facilities?			X		
h. The contamination of a public water supply?			X		

**Setting.** The subject property is located approximately 2 miles east of the City of Santa Maria, California. The Site currently consists of multiple Single-family residences and greenhouses/nurseries. The site also contains the Cox 3-32 oil well is identified as American Petroleum Institute (API) number 08302508. The oil well was completed Sept 2, 1947 and produced approximately 70 barrels per day initially, but after 30 days, production had declined to approximately 6 barrels per day. The well was subsequently abandoned in January 1948. The well was recompleted in October 1955 and placed into production. The well was abandoned again in November 27, 1966. According to the CalGEM website, the current status of the well is "Plugged & Abandoned". Field visual observations and laboratory data indicate that the hydrocarbon impacts consist of sump material. Based on laboratory data, hydrocarbon-impacted material with TPH concentrations above 100 mg/kg is present from approximately 6 to 10 feet but may extend up to approximately 5 feet bgs in some areas, and down to approximately 11 feet bgs in some areas.

**Environmental Threshold.** The County's safety threshold addresses involuntary public exposure from projects involving significant quantities of hazardous materials. The threshold addresses the likelihood and severity of potential accidents to determine whether the safety risks of a project exceed significant levels.

#### Impact Discussion.

(a, b, g, h). The project site was historically used for oil exploration and production. The proposed project is a site remediation project which would result in the excavation of petroleum-contaminated soils associated with the former Cos 3-32 wellhead location. The project would involve a one-time removal of petroleum hydrocarbon (TPH) impacted soil and temporary transportation of removed onsite infrastructure including abandoned oil wells and associated appurtenances and miscellaneous oil field debris. If excavated material tests indicate the contamination is above ESLs, excavated material would be sent offsite for disposal the Santa Maria Regional Landfill via truck transportation. Hazardous materials encountered during the remediation, including contaminated soils, would be required to be handled in accordance with the approved Remedial Action Plan. The stockpiled material would be covered with sheeting or a soil binder at the end of each workday and prior to precipitation events. No permanent development is proposed. The work sites involving heavy equipment are not readily accessible to the public. The project would remove potential hazardous materials from the site before project completion and therefore, impacts would be *less than significant* because the project would have a net benefit to the environment.

(c). An excavator would be used to remove the impacted material, which would be staged on adjacent, lined staging areas for waste characterization and offsite disposal. The stockpiled material would be covered with sheeting or a soil binder at the end of each workday and prior to precipitation events.

The primary mechanism to ensure employee, environmental, and public safety at the project site is preparing a site Health and Safety Plan (HASP). The applicant would prepare a site Health and Safety Plan to protect site workers and the public during the course of the proposed site remediation project. Prior to any field work, all site workers were required to review and sign the HASP to acknowledge their understanding of the information contained in it. The HASP is site-specific and task-specific, describing hazardous conditions that may be encountered and prescribes the necessary safety protocols to protect employees from these hazards. Air monitoring would be required by the SBCAPCD during site activities to monitor and prevent contaminants from leaving the Project Site. With these, impacts from the release of hazardous substances is *less than significant*.

(d, e, f). The project would not interfere with any emergency response or evacuation plans, nor would it create a potential public health or safety hazard. The work sites involving heavy equipment are not readily accessible to the public. Impacts would be *less than significant*.

**Cumulative Impacts.** Since the project would not create significant impacts with respect to hazardous materials and/or risk of upset, it would not have a cumulatively considerable effect on safety within the County.

**Mitigation and Residual Impact.** No potentially significant impacts would occur and no mitigation measures are necessary.

**Mitigation and Residual Impact:** No impacts are identified. No mitigation is required.

#### 4.10 LAND USE

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X		
c. The induction of substantial unplanned population growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

**Existing Setting.** The project site is located in a rural area approximately 2 miles east of the City of Santa Maria. The project site is within an Ag-II-40 (agriculture) land use designation. Onsite resources and development include greenhouses/nurseries on the southern parcel and multiple single-family residences on the northern parcel. Two abandoned oil wells are located within the property lines of the subject parcels. The northern parcel is mostly vacant with scattered trees throughout. The site is flat and does not contain any hydrologic features.

**Environmental Threshold.** The Thresholds and Guidelines Manual contains no specific thresholds for land use. Generally, a potentially significant impact can occur if a project would result in substantial growth inducing effects or result in a physical change in conflict with County policies adopted for the purpose of avoiding or mitigating an environmental effect.

#### Impact Discussion.

- (a, c– j). The proposed project comprises excavating approximately 1,700 cubic yards of hydrocarbon impacted soil and road base from a former oilfield lease area, replacing with clean fill in lifts and compacting, and restoring the project site to previous conditions. Therefore, the project would not cause a physical change that conflicts with adopted environmental policies or regulations. The project is not growth inducing, and does not result in the loss of affordable housing, loss of open space, or a significant displacement of people. The project would not result in the addition of any structures or a change in land use, does not involve the extension of a sewer trunk line, and does not conflict with any airport safety zones. No short or long-term adverse impacts to land uses would result from the proposed project. No open space would be lost. No negative economic or social effects would result from the proposed remediation project. The project is compatible with existing land uses and would have *no impact*.
- (b). The intent of the project is to remove and remediate hydrocarbon-containing soils in a manner that protects existing resources. This is consistent with oil and gas and water quality policies listed in Section 9 of this document. On the other hand, the ground disturbance caused by the necessary excavations and soil treatment for the project may affect biological resources that are protected by policies in the Conservation and Land Use Elements of the Comprehensive Plan (also listed in Section 9). The project site is within the range of the Endangered California Tiger Salamander, and the Threatened California Red-Legged Frog. Because of these varied Comprehensive Plan policies that relate to both oil development and conservation of resources, the proposed project and the applicable policies need to be balanced such that the risks are minimized and impacts are reduced. Impacts to existing land use policies are *less than significant*.

**Cumulative Impacts.** The implementation of the project is not anticipated to result in any substantial change to the site's conformance with environmentally protective policies and standards or have significant growth inducing effects. Thus, the project would not cause a cumulatively considerable effect on land use.

**Mitigation and Residual Impact.** With the incorporation of biological and geologic mitigation measures, residual impacts would be less than significant.

#### 4.11 NOISE

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?			X		
b. Short-term exposure of people to noise levels exceeding County thresholds?		X			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?			X		

**Setting/Threshold.** Noise is generally defined as unwanted or objectionable sound which is measured on a logarithmic scale and expressed in decibels (dB(A)). The duration of noise and the time period at which it occurs are important values in determining impacts on noise-sensitive land uses. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level ( $L_{dn}$ ) are noise indices which account for differences in intrusiveness between day- and night-time uses. County noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses, and 3) an increase in noise levels by 3 dB(A) – either individually or cumulatively when combined with other noise-generating sources when the existing (ambient) noise levels already exceed 65 dB(A) at outdoor living areas or 45dB(A) at interior living areas. Noise-sensitive land uses include: residential dwellings; transient lodging; hospitals and other long-term care facilities; public or private educational facilities; libraries, churches; and places of public assembly.

Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals or care facilities, would generally result in a potentially significant impact. According to EPA guidelines average construction noise is 95 dB(A) at a 50-foot distance from the source. A 6 dB drop occurs with a doubling of the distance from the source. Therefore, locations within 1,600 feet of the construction site would be affected by noise levels over 65 dB(A). No other roadways, public facilities, airport approach and take-off zones or other land uses that are substantial noise sources are located in the project area. Multiple single-family dwellings is located approximately 300 feet to the north of the limits of disturbance. Noise sources existing in the project area include noise associated with agricultural operations and residential activities.

#### Impact Discussion.

(a, c.) The proposed project would be short-term in nature and consist of targeted soil removal in areas where soil hydrocarbon concentrations exceed ESLs and confirmation soil sampling, and would not result in: 1) the generation of any noise exceeding County thresholds; 2) substantially increase ambient noise levels in adjoining areas; or 3) exposure of noise sensitive uses on the proposed project site to off-site noise levels exceeding County thresholds. *No long-term noise-related impacts* would result.

(b). Excavation and soil stockpile would result in a temporary increase in noise levels at the project site due to the use of heavy equipment and haul trucks. It is estimated that Remediation activities would occur over a period of 4-5 weeks. The existing residence on the northern parcel is within 1,600 feet of the project site. Therefore, the project could cause short-term construction-related noise impacts to the residence. The highest construction noise levels would most likely result from the use of heavy construction equipment, including bulldozers, excavators, loaders, etc. No nighttime work is proposed. This potential short-term impact would be reduced to a *less than significant level with the implementation of Mitigation Measure Noise-02*, which limits the days and hours that construction (grading) operations may occur.

**Cumulative Impacts.** The implementation of the project is not anticipated to result in any substantial noise effects. Therefore, the project would not contribute in a cumulatively considerable manner to noise impacts.

**Mitigation and Residual Impact.** The following mitigation measures would reduce the project's noise effects to an insignificant level:

**Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-With the incorporation of these measures, residual impacts would be insignificant.

With the incorporation of these measures, residual impacts would be insignificant.

## 4.12 PUBLIC FACILITIES

Will the proposal require or result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any federal, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	

Will the proposal require or result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
d. The relocation or construction of new or expanded wastewater treatment facilities (sewer lines, lift-stations, etc.) the construction or relocation of which could cause significant environmental effects?				X	
e. The relocation or construction of new or expanded storm water drainage or water quality control facilities, the construction of which could cause significant environmental effects?				X	

### Impact Discussion.

(a-e). Existing service levels would be sufficient to serve the proposed project. The soil and oil infrastructure to be removed would be transported and disposed of at the Santa Maria Regional Landfill. The proposed project would not generate solid waste in excess of County thresholds. The project would not cause the need for new or altered sewer system facilities as it is already in the service district, and the District has adequate capacity to serve the project. No additional drainages or water quality control facilities would be necessary to serve the project. Therefore, the project would have *no impact* to public facilities.

**Mitigation and Residual Impact:** No impacts are identified. No mitigation is necessary.

## 4.13 RECREATION

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

**Setting/Threshold.** The Thresholds and Guidelines Manual contains no threshold for park and recreation impacts. However, the Board of Supervisors has established a minimum standard ratio of 4.7 acres of recreation/open space per 1,000 people to meet the needs of a community. The Santa Barbara County Parks Department maintains more than 900 acres of parks and open spaces, as well as 84 miles of trails and coastal access easements.

No designated parks or recreational facilities are located within the project's vicinity. Additionally, no established recreational uses (including parks, biking, equestrian or hiking trails) are located on or adjacent to the proposed project site.



(a - c). The proposed project site is private and not located on or near any established recreational uses, including biking, equestrian or hiking trails. There are no parks or public trails located on or near the project site. The proposed project would not result in any population increase and would have *no adverse impacts* on the quality or quantity of existing recreational opportunities, either in the project vicinity or County-wide.

**Mitigation and Residual Impact.** No impacts are identified and no mitigation is required.

#### 4.14 TRANSPORTATION

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?			X		
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?			X		
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
d. Result in inadequate emergency access?			X		

**Setting:** The proposed project is located along Telephone Road in Santa Barbara County. Telephone Road is managed by the Santa Barbara County Transportation Division, which maintains 1,650 lane miles of roads in the unincorporated areas of Santa Barbara County. The project site is in a rural area approximately 2 miles east of the City of Santa Maria Telephone Road is open with two-way traffic.

SBCAG is responsible for all regional transportation planning within Santa Barbara County, including identifying and funding major infrastructure improvements, determining transit needs, creating and updating bicycle and pedestrian master plans, determining the feasibility of and planning of enhancements to the passenger rail system, and developing and implementing ongoing efforts to reduce traffic congestion throughout the region (SBCAG, 2020). SBCAG adopted the *Regional Transportation Plan and Sustainable Communities Strategy* in 2017, and this plan applies to the proposed Project. Other applicable plans include the Circulation Element of the *Santa Barbara County Comprehensive Plan* (2014) and the *Montecito Community Plan* (1993).

**Environmental Thresholds.** According to the County's Environmental Thresholds and Guidelines Manual, a significant transportation impact would occur when:

**a. Potential Conflict with a Program, Plan, Ordinance, or Policy.** The SBCAG's 2040 Regional Transportation Plan and Sustainable Communities Strategy (SBCAG, 013) and the County's Comprehensive Plan, zoning ordinances, capital improvement programs, and other planning documents contain transportation and circulation programs, plans, ordinances, and policies. Threshold question "a" considers a project in relation to those programs, plans, ordinances, and policies that specifically address multimodal transportation, complete streets, transportation demand management (TDM), and other vehicle miles traveled (VMT)-related topics. The County and CEQA Guidelines Section 15064.3(a) no longer consider automobile delay or congestion an environmental impact. Therefore, threshold question "a" does not apply to provisions that address LOS or similar measures of vehicular capacity or traffic congestion.

A transportation impact occurs if a project conflicts with the overall purpose of an applicable transportation and circulation program, plan, ordinance, or policy, including impacts to existing transit systems and bicycle and pedestrian networks pursuant to Public Resources Code Section 21099(b)(1). In such cases, applicants must identify project modifications or mitigation measures that eliminate or reduce inconsistencies with applicable programs, plans, ordinances, and policies. For example, some community plans include provisions that encourage complete streets. As a result, an applicant for a multifamily apartment complex may need to reduce excess parking spaces, fund a transit stop, and/or add bike storage facilities to comply with a community plan's goals and policies.

**b. Potential Impact to VMT.** The County expresses thresholds of significance in relation to existing, or baseline, county VMT. Specifically, the County compares the existing, or baseline, county VMT (i.e., pre-construction) to a project's VMT. Projects with VMT below the applicable threshold would normally result in a less than significant VMT impact and, therefore, would not require further analyses or studies. Nonetheless, CEQA Guidelines Section 15064(b)(2) states, "Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant." Projects with a VMT above the applicable threshold would normally result in a significant VMT impact and, therefore, would require further analyses and studies, and, if necessary, project modifications or mitigation measures. CEQA Guidelines Section 15064.3 establish VMT as the most appropriate measure of transportation impacts under CEQA.

The County presumes that land use or transportation projects meeting any of the screening criteria would have less than significant VMT impacts and would not require further analysis. County thresholds identify Small Projects as a project that generates 110 or fewer average daily trips. The VMT thresholds of significance are for general use and should apply to most projects subject to environmental review. However, the thresholds may not be appropriate for unique projects. In such cases, CEQA Guidelines Section 15064.7(c) allows the County to use other thresholds "... on a case-by-case basis as provided in Section 15064(b)(2)." The OPR Technical Advisory recommended thresholds of significance for land use projects including Residential, Employment, Regional Retail, Mixed-Use Projects, and Other Land Use types.

Projects subject to Absolute Thresholds and Land Use Plans. Transportation projects and some land use projects are subject to an absolute threshold of significance (i.e., total roadway VMT or total VMT). Projects and plans that exceed the thresholds of significance require project modifications or mitigation measures to avoid or reduce VMT impacts to a less-than-significant level (i.e., below the applicable threshold of significance). As discussed above, the VMT Calculator contains and, therefore, can help applicants assess the effectiveness of possible mitigation measures.

#### Cumulative Impacts

CEQA requires lead agencies to consider a project's individual and cumulative impacts. Specifically, CEQA Guidelines Section 15064(h)(1) states, "the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. The County typically uses one of two methods to determine whether a project's VMT impact is cumulatively considerable. As explained below, one method is for projects subject to an efficiency-based threshold of significance. The other method is for projects subject to an absolute threshold of significance and land use plans.

**c. Design Features and Hazards.** Threshold "c" considers whether a project would increase roadway hazards. An increase could result from existing or proposed uses or geometric design features. In part, the analysis should review these and other relevant factors and identify results that conflict with the County's Engineering Design Standards or other applicable roadway standards.

**d. Emergency Access.** Threshold "d" considers any changes to emergency access resulting from a project. To identify potential impacts, the analysis must review any proposed roadway design changes and determine if they would potentially impede emergency access vehicles.

### Impact Discussion.

- (a). The scope of the project includes targeted soil removal in areas where soil hydrocarbon concentrations exceed ESLs and confirmation soil sampling. Once excavation activities are complete, the site topography would be brought back to existing conditions. No new structures or uses are proposed as a result of the project. No new operational vehicle miles would be introduced to the area besides during excavation activities. Construction equipment would access the site (APN 129-010-036) via a private driveway connecting to Telephone Road (Figure 7 below). From the driveway, a stabilized construction entrance would be constructed immediately after the oil lease road is removed. This would lead to the staging areas where soil would be stockpiled and construction equipment would remain onsite until soil disposal. The project would be consistent with programs, plans, ordinances, and policies related to circulation. Therefore the project would have a *less than significant impact* to existing programs.
- (b). Approximately 128 truck trips are expected to be made for export soil and 128 truck trips for import soil. The export material would be disposed of at the Santa Maria Regional Landfill, approximately 3.5 miles north, trucks would exit the site onto Telephone Road traveling north, turn onto Betteravia Road, and access the Santa Maria Landfill via Philbric Road. According to the Santa Barbara County Environmental Thresholds and Guidelines Manual, amended September 2020, the proposed Project is exempt from further VMT analysis based on Step 1, Project Screening. The project would be similar to existing conditions upon completion of excavation. The proposed project would not decrease future vehicle capacity or create long-term changes to traffic patterns or VMT. Roadway users would continue to be similar to those currently using Telephone Road. No change in traffic patterns, VMT, or ADT would result from the proposed Project. The proposed project would not result in the construction of a permanent structure or use that would intensify the VMT of the area. Therefore, the project would cause a *less than significant impact* under CEQA and would not require further VMT analysis due to its nature and limited duration.
- (c). The proposed project is located on a parcel used for residential and agricultural activities. Once trucks and equipment enter the site, the project would not impact traffic flow of the surrounding roads. The project would not introduce any design features or incompatible uses that would result in new hazards in the Project Study Area or vicinity. The project would maintain sight distance, private property ingress/egress, and emergency access throughout project construction and operation. The Project does not propose a new geometric design which would increase hazardous conditions. The proposed project would have *no impact* in this regard, and no mitigation measures are required.
- (d). Emergency access to surrounding areas is currently available along Telephone Road which is a two way road. During construction, the road would remain open and un-impacted by construction vehicles which would be stored onsite until project completion. The project would be in compliance with applicable regulations, and ensure that there would be no impacts related to traffic hazards, emergency access, and other transportation safety and access considerations. The project would not interfere with police and fire response times or school bus routes. Therefore, the proposed project impacts would be *less than significant*, and no mitigation is required.

**Cumulative Impacts.** The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for transportation. Therefore, the project's contribution to the regionally significant transportation impacts is not considerable, and is insignificant.

**Mitigation and Residual Impact.** No impacts are anticipated Mitigation measures are not required.



FIGURE 7. VIEW OF ACCESS ROAD, CONNECTING FROM THE PRIVATE DRIVEWAY AND TELEPHONE ROAD.

#### 4.15 WATER RESOURCES/FLOODING

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			X		
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			X		
c. Change in the amount of surface water in any water body?			X		
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?			X		
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis, sea level rise, or seawater intrusion?				X	
g. Alteration of the direction or rate of flow of groundwater?			X		
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?			X		
i. Overdraft or over-commitment of any groundwater basin? Or, a significant increase in the existing overdraft or over-commitment of any groundwater basin?			X		
j. The substantial degradation of groundwater quality including saltwater intrusion?			X		
k. Substantial reduction in the amount of water otherwise available for public water supplies?			X		
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?			X		

**Environmental Thresholds.** A project is determined to have a significant effect on water resources if it would exceed established threshold values which have been set for each overdrafted groundwater basin. These values were determined based on an estimation of a basin's remaining life of available water storage. If the project's net new consumptive water use [total consumptive demand adjusted for recharge less discontinued historic use] exceeds the threshold adopted for the basin, the project's impacts on water resources are considered significant.

A project is also deemed to have a significant effect on water resources if a net increase in pumpage from a well would substantially affect production or quality from a nearby well.

**Water Quality Thresholds.** A significant water quality impact is presumed to occur if the project:

- Is located within an urbanized area of the county and the project construction or redevelopment individually or as a part of a larger common plan of development or sale would disturb one (1) or more acres of land;
- Increases the amount of impervious surfaces on a site by 25% or more;
- Results in channelization or relocation of a natural drainage channel;
- Results in removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration projects) from the buffer zone of any streams, creeks or wetlands;
- Is an industrial facility that falls under one or more of categories of industrial activity regulated under the NPDES Phase I industrial storm water regulations (facilities with effluent limitation; manufacturing; mineral, metal, oil and gas, hazardous waste, treatment or disposal facilities;

landfills; recycling facilities; steam electric plants; transportation facilities; treatment works; and light industrial activity);

- Discharges pollutants that exceed the water quality standards set forth in the applicable NPDES permit, the Regional Water Quality Control Board's (RWQCB) Basin Plan or otherwise impairs the beneficial uses<sup>1</sup> of a receiving water body;
- Results in a discharge of pollutants into an "impaired" water body that has been designated as such by the State Water Resources Control Board or the RWQCB under Section 303 (d) of the Federal Water Pollution Prevention and Control Act (i.e., the Clean Water Act); or
- Results in a discharge of pollutants of concern to a receiving water body, as identified by the RWQCB.

### Impact Discussion.

(a-d). None of the proposed activities are expected to significantly alter currents or the course or direction of water movements, percolation rates, surface waters or drainage patterns. The project would not create additional storm water runoff because no new impermeable surfaces (i.e. structures, driveways, patios, etc.) are proposed. Construction activities such as grading could potentially create temporary runoff and erosion problems. Application of standard County grading, erosion, and drainage-control measures would ensure that no significant increase of erosion or storm water runoff would occur. Adherence to standard County grading, erosion, and drainage-control measures would ensure that no significant increase of erosion or storm water runoff would occur. Impacts would be reduced to *less than significant levels*.

(e, f). The inland project is not located in or near any mapped 100-year floodplains and would not alter the course or flow of flood water, or result in exposure of people or property to water related hazards such as flooding. Therefore *no impacts* are expected to occur.

(g, h, i, j). The project would involve the excavation of soil for remediation of petroleum hydrocarbon impacts from historical oil field operations, specifically Cox 3-23 oil well, the historic lease road, and nearby sump. The excavation would be backfilled and compacted following excavation. The excavation site would be restored and the soil stabilized. The proposed project would not decrease available surface or groundwater supplies nor degrade groundwater quality. No streams, ponds, or reservoirs are in the vicinity which could be polluted or impacted by the project. Water needed for dust suppression on the upland portions of the project would be provided by construction water trucks and runoff minimized through erosion control BMPs (Mitigation Measure Geo-1). The project would not involve the placement of septic disposal systems. The project's impact on water supplies would therefore be *less than significant*.

(l). The project could adversely affect surface water quality by introducing excavation equipment which would be used to remove the impacted material, and stored on adjacent staging areas. The stockpiled material for each work area would be covered with sheeting or a soil binder at the end of each workday and prior to precipitation events. Minor amounts of materials from onsite vehicular use would not present a significant potential for release of waterborne pollutants and would be highly unlikely to create a public health hazard. Therefore, impacts are expected to be *less than significant*.

**Cumulative Impacts.** The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for

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<sup>1</sup> Beneficial uses for Santa Barbara County are identified by the Regional Water Quality Control Board in the Water Quality Control Plan for the Central Coastal Basin, or Basin Plan, and include (among others) recreation, agricultural supply, groundwater recharge, fresh water habitat, estuarine habitat, support for rare, threatened or endangered species, preservation of biological habitats of special significance.



water resources. Therefore, the project's contribution to the regionally significant issues of water supplies and water quality is not considerable, and is insignificant.

**Mitigation and Residual Impact:** No mitigation is required. Residual impacts would be insignificant.

## 5.0 INFORMATION SOURCES

### 5.1 County Departments Consulted

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts, APCD

### 5.2 Comprehensive Plan

<u>X</u>	Seismic Safety/Safety Element	<u>X</u>	Conservation Element
<u>X</u>	Open Space Element	<u>X</u>	Noise Element
	Coastal Plan and Maps	<u>X</u>	Circulation Element
<u>X</u>	ERME		

### 5.3 Other Sources

<u>X</u>	Field work	<u>X</u>	Ag Preserve maps
	Calculations	<u>X</u>	Flood Control maps
<u>X</u>	Project plans	<u>X</u>	Other technical references (reports, survey, etc.)
	Traffic studies	<u>X</u>	Planning files, maps, reports
<u>X</u>	Records	<u>X</u>	Zoning maps
<u>X</u>	Grading plans	<u>X</u>	Soils maps/reports
<u>X</u>	Elevation, architectural renderings	<u>X</u>	Plant maps
<u>X</u>	Published geological map/reports	<u>X</u>	Archaeological maps and reports
<u>X</u>	Topographical maps		Other

## 6.0 PROJECT SPECIFIC (*short- and long-term*) AND CUMULATIVE IMPACT SUMMARY

The following is a summary of project-specific impacts:

**Class I Impacts (Significant and Unavoidable):** None identified.

**Class II Impacts (Potentially Significant and Subject to Mitigation):** Air Quality, Biological Resources, Geologic Processes, Hazardous Materials/Risk of Upset, and Noise.

Significant direct short- and long-term project specific impacts would be reduced to a less than significant level through the implementation of the mitigation measures listed in the sections above.

**Class III Impacts (Less than Significant):** Land Use, Transportation, and Water Resources.

The project would have no impacts on Aesthetics, Agriculture, Energy, Fire Protection, Public Facilities, and Recreation.

**Cumulative Impacts:** With the implementation of the mitigation measures discussed above in each section, the proposed project's contribution to cumulative environmental impacts would not be substantial or significant.

## 7.0 MANDATORY FINDINGS OF SIGNIFICANCE

Will the proposal result in:	Poten. Signif. and Unavoid.	Signif. But Mitigable	Insignif.	No Impact / Beneficial Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, contribute significantly to greenhouse gas emissions or significantly increase energy consumption, or eliminate important examples of the major periods of California history or prehistory?		X			
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?			X		
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)		X			
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?				X	

- (1) Substantially Degrade the Quality of the Environment. The proposed site remediation activities would be performed in order to prevent further possible degradation of the environment from petroleum-contaminated soils. As discussed in Section 4.4 (Biological Resources), the project does have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal. However, mitigation measures have been identified to reduce impacts to biological resources to less than significant levels. The proposed project would not contribute significantly to greenhouse gas emissions or significantly increase energy consumption. As discussed in Section 4.5 (Cultural Resources), with the implementation of mitigation measures CulRes-02, CulRes-07, and CulRes-09, the project would not eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be ***less than significant with mitigation*** identified.

As discussed in Section 4.5 (Cultural Resources) the project would not eliminate important examples of the major periods of California history or prehistory. Mitigation measures have been identified, where applicable, to ensure that impacts to these resources are less than significant.

- (2) Disadvantage Long-term Environmental Goals. The proposed project is designed to achieve the goal of removing contaminated soils and abandoned oil infrastructure within rural agricultural areas in Santa Maria. The proposed project does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals. Therefore, impacts would be ***less than significant***.
- (3) Cumulative Impacts. As discussed throughout this document, because the project does not propose a new or significantly different use than the existing use, it does have any impacts that are individually limited, but cumulatively considerable. Any contribution of the project to significant cumulative impacts would be adequately reduced by mitigation measures identified to address project-specific impacts. Therefore, impacts would be ***less than significant with mitigation*** described within each issue area.
- (4) Substantially Affect Human Beings. The proposed project would not create environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Project effects would be very limited in duration. Construction equipment would generate short term noise impacts to the single residence on the site; however, this effect would be minimized with the implementation of mitigation measure NOISE-02. Therefore, impacts would be ***less than significant with mitigation***.
- (5) Disagreement over the Significance of an Effect. There is no disagreement supported by or predicated upon facts and/or expert opinion over the significance of an effect which would warrant investigation in an EIR. Therefore, impacts would be ***less than significant***.

## 8.0 PROJECT ALTERNATIVES

CEQA does not require an analysis of potential project alternatives because the proposed project would not result in potentially significant, adverse and unmitigated impacts.

## 9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

The project is an improvement project necessary to restore the surrounding environment to natural conditions to the maximum extent feasible. The project would restore the site to reflect site conditions as they existed prior to oil activities, which would enhance existing habitat and ground water resources. Preliminary analysis indicates that it would be consistent with applicable subdivision, zoning and comprehensive plan requirements.

An analysis of the consistency of the proposed project with applicable policies of the Comprehensive Plan is provided below. The proposed project, with incorporated mitigation measures is expected to be consistent with all land use and development policies.

**9.1 Zoning Requirements:** The project site is zoned AG-II-40, minimum lot size 40 acres, under the County Land Use & Development Code, and is subject to the requirements of this zone district.

**9.2 Comprehensive Plan Requirements:** The proposed project is subject to the following Policies of the County Comprehensive Plan:

**Land Use Development Policy 13:** Oil and gas facilities shall be dismantled and removed, their host sites cleaned of contamination and reclaimed to natural conditions, or conditions to accommodate reasonably foreseeable development, in an orderly and timely manner that avoids long-term impacts to the health, safety, and welfare of the public and environment.

**Hillside & Watershed Protection Policy 1:** Plans for development shall minimize cut / fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

**Hillside & Watershed Protection Policy 2:** All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

**Hillside & Watershed Protection Policy 4:** Sediment basins (including debris basins, de-silting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.

**Hillside & Watershed Protection Policy 5:** Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.

**Hillside & Watershed Protection Policy 6:** Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

**Hillside & Watershed Protection Policy 7:** Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

**Archaeological Site Poly 1:** All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

**Archaeological Site Poly 3:** When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

**Archaeological Site Poly 5:** Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

## 10.0 RECOMMENDATION BY P&D STAFF

**On the basis of the Initial Study, the staff of Planning and Development:**

\_\_\_\_\_ Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

☒ Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

☐ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

☐ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

☐ With Public Hearing ☒ Without Public Hearing

PREVIOUS DOCUMENT: Not Applicable

PROJECT EVALUATOR: Katie Nall DATE: July 14, 2022

## 11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

☒ I agree with staff conclusions. Preparation of the appropriate document may proceed.  
☐ I DO NOT agree with staff conclusions. The following actions will be taken:  
☐ I require consultation and further information prior to making my determination.

SIGNATURE: Katie Nall

INITIAL STUDY DATE: July 14, 2022

SIGNATURE: 

NEGATIVE DECLARATION DATE: August 1, 2022

SIGNATURE: \_\_\_\_\_

REVISION DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

FINAL NEGATIVE DECLARATION DATE: \_\_\_\_\_

## 12.0 ATTACHMENTS

1. Vicinity Map
2. Site Plan
3. APCD Fugitive Dust Control Measures and Diesel Particulate and NOx Emission Reduction Measures

11 Feb 2022



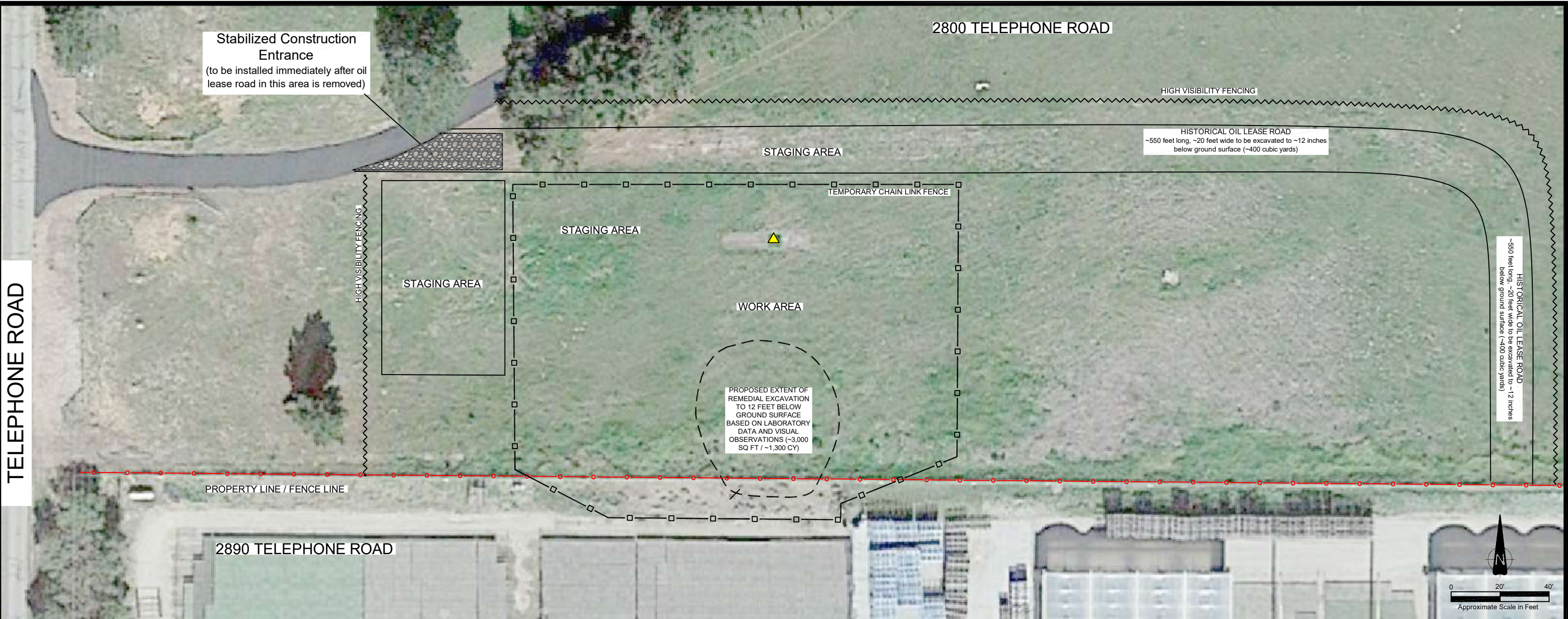
## 2800 & 2890 Telephone Road, Soil Remediation Project Vicinity Map

★ Project Location

0 0.5 1 Miles







**Erosion and Sediment Control Plan:**  
Water and soil cement (as needed) will be applied to soil and temporary stockpiles to prevent soil erosion due to wind. Straw wattles and sandbags will be placed at site boundaries and nearest storm drain inlet as needed to prevent sediment transport offsite. Storm water management shall comply with the California Green Building Standards Code. Where storm water is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency. Best Management Practices (BMPS) to be implemented:

- A. Existing Vegetation** - Existing vegetation will be protected wherever possible.
- B. Sweeping** - All sidewalks, driveways, and approaches shall be swept and maintained free of debris and accumulations of dirt.
- C. Waste Management** - All construction waste shall be contained and disposed of properly; no construction material will be washed to the street.
- D. Vehicles and Equipment** - All construction vehicles and equipment will not cause dirt or mud to be tracked off site. Tires of vehicles leaving the site will be inspected and swept clean (as needed) to ensure dirt and/or mud is not tracked off-site. Additionally, stabilized construction entrance/exits will be installed for vehicles transporting materials to and from the site. Hydrocarbon impacted soil will be loaded onto end dumps/transfer trucks on the loading area within the properties.
- E. Catch Basin Protection** - Storm drain inlets will be covered or otherwise protected from receiving sediment, mud, dirt, or any debris.
- F. Sediment Filters/Barriers** - A properly installed silt fence or equivalent will be installed around the site perimeter as needed and located so that all runoff from the construction site is filtered prior to leaving the site.
- G. Plastic Sheetting or Equivalent** - All temporary stockpiles will be protected with tarp or equivalent soil binding material (soil-cement).

**Biological Protocols:**  
Environmental Awareness Training - An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to the start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by discretionary permits (if required), an overview of the Endangered Species Act (ESA), implications of noncompliance with the ESA, and required avoidance and minimization measures.  
Site Maintenance and General Measures - The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits. Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site. Inadvertent fluid releases shall be stopped and cleaned immediately. After completion of the project's construction activities, all protective fencing/flagging used to delineate the work area shall be removed from the project and disposed of in appropriate waste receptacles or reused.  
Surveys and Monitoring for Coast Horned Lizard, Northern California Legless Lizard, and Western Spadefoot Toad - A qualified biologist shall conduct a pre-construction survey immediately prior to the start of work to ensure special-status amphibians and reptiles are not present within proposed work areas. During the survey, the biologist shall gently disturb or rake the upper layers of exposed sandy soil to inspect the site for northern California legless lizards. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming) within suitable habitat. If coast horned lizard, northern California legless lizard, and/or western spadefoot toad are found during pre-construction surveys or monitoring, work shall be halted, and they shall be allowed to leave the work area on their own volition or be hand captured and relocated to suitable habitat outside of the area of impact. In the event CTS are identified, all work shall be halted until appropriate resource agencies are contacted for further guidance. To minimize the potential for impacts to dispersing/migrating amphibians, work shall occur during dry conditions, as feasible. Work is scheduled to start on May 2, outside of the the typical rainy season when western spadefoot toads are most likely to be dispersing through upland habitat, no work shall occur during or immediately after rain events of 0.25-inch or greater and a follow up survey shall be conducted. All project activities shall be limited to daylight hours only. At no time shall any nighttime work be permitted. All vehicles, equipment, and materials staged on site overnight shall be inspected each morning by a designated member of the construction crew. If special-status wildlife (coast horned lizard, northern California legless lizard, western spadefoot toad) is found within the staging area, it shall be allowed to leave on its own volition, or be hand captured by a qualified biologist and relocated to suitable habitat outside of the area of impact. In the event CTS are identified all work shall be halted until appropriate resource agencies are contacted for further guidance.  
California Tiger Salamander Impact Avoidance and Minimization - Prior to any ground disturbing activities within the project disturbance footprint, all rodent burrows shall be identified and clearly marked by a qualified biologist for avoidance. This shall include all equipment staging areas and access routes. ALL WORK WILL BE CONDUCTED A MINIMUM OF 5 FEET AWAY FROM ANY MARKED RODENT BURROWS.



COX 3-32 WELLHEAD



PROPOSED EXTENT OF REMEDIAL EXCAVATION TO 12 FEET BELOW GROUND SURFACE  
BASED ON LABORATORY DATA AND VISUAL OBSERVATIONS (~3,000 SQ FT / ~1,300 CY)

EROSION, SEDIMENT, AND BIOLOGICAL CONTROL PLAN

COX LEASE: WELL 3-32  
SANTA MARIA  
CALIFORNIA

PROJECT NUMBER: Z079007132	DATE: 1/18/2022	FIGURE 4
APPROVED BY: AH	DRAWN BY: AH	
<div><div>1330 Marsh Street San Luis Obispo, CA 93401 Ph: (805) 543-7007 Fax: (805) 543-7027</div></div>		



August 1, 2022

Katie Nall  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455

Sent Via Email: [nallk@countyofsb.org](mailto:nallk@countyofsb.org)

**Re: Santa Barbara County Air Pollution Control District Suggested Conditions for Conoco Phillips Soil Remediation, 21LUP-00000-00091**

Dear Katie Nall:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of excavation of approximately 1,300 cubic yards (CY) of hydrocarbon impacted soil from the Cox 3-32 oil well sump and 400 CY through removal of the historic oilfield lease road. Excavation of hydrocarbon-impacted material surrounding the oil well sump is proposed to extend to a maximum depth of approximately 12 feet within an approximately 27,500 square feet work area surrounded by a temporary chain link fence. The historical oilfield lease road will be removed to an approximate depth of 12 inches. Hydrocarbon-impacted soil may be temporarily stockpiled onsite. The project will result in approximately 1,700 CY of impacted soil to be removed and replaced. Impacted soil will be excavated, loaded into dump trucks, and transported off-site to the Santa Maria Landfill for disposal. Clean fill will be placed in lifts and compacted. Imported backfill and clean excavated soil (soil above the impacted zone) may be stockpiled onsite and re-used as backfill. The project will include approximately 128 truck trips for export material and 128 truck trips for import material. The property will be restored to existing conditions by grading the area to as near original grade as possible, seeding the excavated area as needed, and removing the temporary fencing. The time to prepare the site, excavate hydrocarbon-impacted soils, backfill the excavation area, and restore the site is expected to take approximately four to five weeks. The total area of disturbance of the excavation of the sump and lease road is approximately 0.88 acres. The project site is located at 2800 and 2890 Telephone Road and is associated with Assessor Parcel Number APNs 0129-010-036 and 129-010-032, zoned Ag-II-40, in the unincorporated area of Santa Maria.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. Prior to grading/building permit issuance, **District Authority to Construct and/or Permit to Operate permits** will be required for the excavation ("dig-and-haul") of contaminated soil. Proof of receipt of the required District permits shall be submitted by the applicant to planning staff.
2. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months.

3. Construction activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see [www.ourair.org/wp-content/uploads/rule345.pdf](http://www.ourair.org/wp-content/uploads/rule345.pdf). Activities subject to Rule 345 are also subject to Rule 302 (*Visible Emissions*) and Rule 303 (*Nuisance*).
4. At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
  - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
  - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
  - See [www.arb.ca.gov/noidle](http://www.arb.ca.gov/noidle) for more information.

In addition, the District recommends that the following **best practices** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, dust and odors:

1. To reduce the potential for violations of District Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*), Rule 302 (*Visible Emissions*), and Rule 303 (*Nuisance*), standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 979-8334 or via email at [WaddingtonE@sbcapcd.org](mailto:WaddingtonE@sbcapcd.org).

Sincerely,



Emily Waddington,  
Air Quality Specialist  
Planning Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Planning Chron File



**ATTACHMENT A**  
**FUGITIVE DUST CONTROL MEASURES**

These measures should be required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks, sprinkler systems, or dust suppressants in all areas of vehicle movement to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. When using water, this includes wetting down areas as needed but at least once in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. 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 Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

**PLAN REQUIREMENTS:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



**ATTACHMENT B**  
**DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION REDUCTION MEASURES**

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO<sub>x</sub>), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO<sub>x</sub> and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see [www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm](http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm).
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO<sub>x</sub> idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**PLAN REQUIREMENTS AND TIMING:** Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.