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## Exhibit C

### Conditions of Approval – D940227D

## UNOCAL AVILA BEACH CLEANUP PROJECT

### CHANGES TO THE APPROVED PROJECT

1. The project entails removal of the petroleum contamination located under the beach, Front Street and north of Front Street by excavating the areas of contamination pursuant to the Regional Water Quality Control Board's Cleanup or Abatement Order 98-37. ~~The activities to be completed are described in the Project Scope and Work Description section of the staff report. The Project Scope and Work Description contained in the staff report are incorporated into these conditions of approval by reference.~~ As shown in figure one, the excavation project will be broken into ~~two~~ three phases. A sheetpile wall will be installed around the 100 ppm contamination contour line to define the outer perimeter of the excavation. Another sheet pile wall running from north to south at approximately San Miguel Street will divide the area ~~to be excavated town~~ into two separate cells. ~~More cells may be needed to address outstanding consent of property owner consent and/or design issues. The first phase of the project will begin at the west end of town and move to the east. The excavation project will be broken into two phases. A sheetpile wall will be installed around the 100 ppm contamination contour line. Another sheetpile wall running from north to south at approximately San Miguel Street will divide the area to be excavated into two separate cells as depicted in figure 1. One more sheet pile wall running along Front Street will separate the beach into a single cell. The first phase of the project will begin at the west end of town and move to the east.~~ Unocal will first excavate the northwest town cell, then the beach cell, and finally the northeast town cell. The following activities will be completed:

- Mobilize equipment, personnel, and materials/supplies.
- Relocate or reroute utilities (sewer, water, gas, power, telephone and communication cables) in order to maintain service to the community of Avila Beach. To minimize disruption to the consumers, rerouting or revised distribution will be planned and sequenced with the Office of Emergency Services, the Avila Beach Fire Department, the various utility companies and the Avila Community Services District. Work will be carried out by the utility companies themselves or by selected subcontractors.

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- Arrange for stockpile, storage and staging areas. The public lot adjacent to the Post Office, the privately owned lot alongside Avila Beach and the Avila Tank Farm site will be used for stockpiling, storing and staging. Stockpile areas and construction equipment pathways will be constructed at the Avila Tank Farm site, and leading to the gateway at the corner of Front Street and San Rafael Street. Overburden will be stockpiled at the former locations of storage tanks at the tank farm.
- Excavate the San Antonio Street plume. Remove a localized area of affected soil immediately west of the intersection of Front and San Antonio Streets in accordance with guidelines established in CAO 98-37. Demolish the curbing, guardrail and roadway. Remove the affected material to a depth of 11 feet within the perimeter of the excavation. Reroute and remove the existing sewer line if found to be above the 11-foot target depth. Temporarily support the water, gas, power, telephone, and communication cable if these utilities fall within the footprint of the excavation. Stabilize excavation using shoring or benched slopes, not sheet piling.
- Augment Beach Sand — East Side. Maintain a minimum of four feet of clean sand cover on the affected soil plume in the east beach area during the fall and winter of 1998–99.
- Excavate overburden and affected soil — Cells 1, 2, and 3. Demolish structures, the road, seawall, and abandon utilities; drive sheet pile; excavate and stockpile clean overburden; remove contaminated material and truck to an approved disposal site; and replace contaminated soil with clean fill material. Remove the sheet pile wall, restore utilities, and reconstruct the road and sidewalk area.
- Re-construct Front Street. All re-constructive work in the road right-of-way shall be consistent with the Front Street Enhancement Plan. The performance area component of the Front Street Enhancement Plan shall not be constructed unless a coastal development permit is separately considered and approved by the County. As a condition of that permit, staff will review and approve detailed engineering plans and sand studies prior to work beginning on the performance area. The applicant shall submit a permit application prior to work beginning on cell two (beach area).
- The County is expeditiously preparing a specific plan to guide and direct the reconstruction of the town of Avila Beach. The County will give priority processing of land use entitlements and building permits for new construction

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in the area within or near the area to be excavated and will work closely with Avila Beach applicants to ensure consistency with the specific plan.

- Demolish Ferrini Residence (341 First Street ), one of two lots in separate blocks of the downtown area with legal, non-conforming residential structures — the other lot is owned by Unocal (San Luis Street Parcel 2). Unocal intends a like-for-like exchange of its lot for the Ferrini Lot. Unocal intends a property trade of its lot on San Luis Street for Mr. Ferrini's on First Street as a settlement with Mr. Ferrini. The proposed new residence will be constructed in accordance with all County Land Use residence requirements and be reviewed by the County for consistency with the specific area. Mr. Ferrini's First property will be owned by Unocal and available for Commercial retail development.
- Relocate the Yacht Club, which is considered to be a historic structure, subsequent to a structural engineering evaluation. The preferred storage location is the public parking lot at the intersection of First and San Francisco Streets, adjacent to the Post Office.
- The project does not include reconstruction of other buildings. These structures are subject to discretionary permits. All permits will be reviewed by the consultant preparing the specific plan until the plan is certified by the Coastal Commission.
- Unocal must obtain a separate coastal development permit from the Coastal Commission for the area of the project within the Commission's retained jurisdiction.

To make changes to the approved project, ~~the applicant~~ Unocal shall submit to ~~the~~ a written request with supporting materials pursuant to 23.02.038 of the Coastal Zone Land Use Ordinance. ~~The Planning Director may approve a requested change~~ may be approved upon verification of its conformity with title 23, provided that such approval shall not modify the effective date of the land use permit. Unocal shall send a copy of all proposed project amendments to the executive director of the Coastal Commission concurrent with its submittal to the County.— This condition shall be implemented by ~~the applicant~~ Unocal throughout the project.

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## PERMIT TIME LIMITS

2. ~~This Coastal Development Permit/Development Plan approval is valid for a period of 24 months from the effective date of the decision. At the end of such time period, the land use permit shall expire and become void unless All work authorized under this permit must be completed by December 1, 2000. The planning director may grant a maximum 60-day extension pursuant to section 23.02.050 of the County's Coastal Zone Land Use Ordinance. Unocal must request an extension at least 90 days prior to December 1, 2000.~~
  - 2.1. ~~Substantial site work toward establishing the authorized use has been performed pursuant to section 23.02.042 of the Coastal Zone Land Use Ordinance; or~~
  - 2.2. ~~The project is completed pursuant to section 23.02.050 of the Coastal Zone Land Use Ordinance; or~~
  - 2.3. ~~An extension has been granted pursuant to section 23.02.050 of the Coastal Zone Land Use Ordinance.~~

## FIELD MONITORING

3. ~~The applicant Unocal shall fund a qualified contractor monitor to be selected by the County Environmental Division, the executive director of the California Coastal Commission, and the Central Coast Regional Water Quality Control Board (RWQCB), after consultation with the applicant Unocal. The monitor(s) shall be under contract with the County, to act as project monitor(s) provide plan review, condition compliance monitoring and construction field inspector services, for the County of San Luis Obispo, the California Coastal Commission, and Regional Water Quality Control Board and RWQCB. The Monitor shall prepare a specific mitigation monitoring plan and submit it to the Environmental Coordinator and the executive director of the Coastal Commission for review and approval. This condition will be implemented by the applicant Unocal prior to issuance of construction permits.~~
4. ~~The applicant Unocal shall fund a qualified contractor to be selected by the County Health Agency and San Luis Obispo Air Pollution Control District, after consultation with the applicant Unocal. The monitor shall be under contract with the Air Pollution Control District (APCD) and/or the County Health Agency, to act as the community monitor. The applicant Unocal shall prepare a community monitoring plan and submit it to the APCD and the Health Agency for review and~~

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approval. This condition will be implemented by ~~the applicant~~ Unocal prior to issuance of construction permits.

## **TITLE 19 AND BUILDING REQUIREMENTS FOR REMEDIATION PROJECT**

5. All demolition, excavation, and rebuilding activities approved as part of this permit are subject to the provisions of Title 19 of the County Code. Demolition, excavation, moving of structures, and reconstruction activities shall not proceed until the appropriate construction and/or grading permits are issued by the Department of Planning and Building.
6. Prior to issuance of building permits, building permit applications and plot plans shall be revised to reflect the changes made by this approval. Changes to building permit applications shall be reviewed by the Building Division.
7. Each pad shall be certified by a qualified geotechnical professional as suitable for its intended use; i.e. structurally adequate to support construction of a building that may be built on that lot. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal.
8. ~~The applicant~~ Unocal shall submit consent of land owner forms for the private properties where construction activities shall occur. This condition shall be implemented by ~~the applicant~~ Unocal prior to County ~~the~~ issuance of related construction permits.
9. ~~The applicant~~ Unocal shall designate a licensed civil engineer of record at the time of construction permit application. The designee shall be responsible for reviewing and coordinating all submittal documents prepared by other subcontractors, including items to submitted at a later date. The designee shall also be responsible for ensuring overall project design compatibility with changes to the project. ~~The applicant~~ Unocal shall designate a licensed civil engineer of record or at the time of construction permit application submittal to the County.

## **INDEMNITY AND SEPARATION CLAUSES**

10. ~~The applicant~~ Unocal shall as a condition of approval of this Coastal Development Permit/Development Plan defend, at ~~the applicant~~ Unocal's sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a person other than one of the

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Parties as named in the settlement agreement challenging either its decision to approve this Coastal Development Permit/Development Plan for the Avila Beach remediation project or the manner in which the County is interpreting or enforcing the conditions of this Coastal Development Permit/Development Plan, or any other action by a person other than one of the Parties as named in the settlement agreement relating to approval or implementation of this Coastal Development Permit/Development Plan. Unocal Applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his obligation under this condition.

## **FINANCIAL ASSURANCES**

11. ~~The applicant~~Unocal shall comply with all financial assurance provisions described in section 4.7 of Settlement Agreement and Judgement number CV079728.

## **APPROVALS FROM OTHER AGENCIES**

12. Prior to issuance of related construction permits, ~~the applicant~~Unocal shall submit to the Planning Department copies of all approvals from agencies responsible for permitting and/or regulating this activity including but not limited to the following:
  - 12.1. Army Corps of Engineers. Submit a copy of a valid permit from the U.S. Army Corps of Engineers, with any special conditions of approval and any project revisions in compliance with that permit, to the Department of Planning and Building.
  - 12.2. Regional Water Quality Control Board. Submit a copy of a valid NPDES permit from the Regional Water Quality Control Board, with any special conditions of approval and any project revisions in compliance with that permit, to the Department of Planning and Building.
  - 12.3. California Coastal Commission. Submit a copy of a valid Coastal Development Permit from the California Coastal Commission, with any special conditions of approval and any project revisions in compliance with that permit, to the Department of Planning and Building.

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- 12.4. Department of Fish and Game – Office of Oil Spill Prevention and Response. Approval of the contingency plans required in these conditions and overall approval to proceed with the project.
- 12.5. State Lands Commission. If needed, submit a copy of a valid approval with any special conditions of approval to the Department of Planning and Building.
- 12.6. Port San Luis Harbor District. Submit written approval to proceed for components of the project in their jurisdiction to the Department of Planning and Building.
- 12.7. Avila Beach Community Services District. Submit written approval to proceed for components of the project in their jurisdiction to the Department of Planning and Building.
- 12.8. Avila Beach Fire Department. Submit written approval to proceed for components of the project under in their jurisdiction to the Department of Planning and Building.
- 12.9. County Engineering. Obtain encroachment permits from the County Engineering Department for work to be done within the County right-of-way prior to issuance of a building permit.
- 12.10. County Environmental Health. Submit written approval to proceed for components of the project under their jurisdiction to the Department of Planning and Building.
- 12.11. Air Pollution Control District. File an application with the Air Pollution Control District for an "authority to construct" for the proposed project and provide the Department of Planning and Building with evidence that the "authority to construct" has been issued by that agency.

## **SPILL PREVENTION AND RESPONSE**

13. Containment and cleanup equipment shall be kept on site during all site preparation, sheet pile driving and excavation, including site preparation. ~~The applicant~~ Unocal shall provide marine oil-spill response equipment on site during remediation of beach plumes adjacent to the ocean. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal prior to the issuance of related construction permits.

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14. ~~If a marine spill release into State waters occurs, marine tests shall be conducted as required by California Department of Fish and Game on the discharged contaminants. Unocal shall with full oversight by the independent onsite environmental monitor collect samples as soon as practicable such that quantification of the spill volume can be estimated and potential impacts to biota and/or water quality can be evaluated. Unocal shall provide split samples to the California Department of Fish and Game Office of Spill Prevention and Response (CDFG/OSPR) and the Central Coastal Regional Water Quality Control Board (RWQCB) as requested. This condition shall be implemented by the applicant as required by the Department of Fish and Game Office of Oil Spill Prevention and Response.~~

15. ~~An project-specific oil spill response plan(s) shall be developed by Unocal to the satisfaction of the California Department of Fish and Game CDFG/OSPR and the Coastal Commission's executive director, and oil spill response equipment, as specified in the approved oil spill response plan, shall be maintained to control and cleanup any petroleum hydrocarbon releases. The plan(s) shall be prepared with The Plan shall include provisions for responding to spills and releases of regulated substances petroleum hydrocarbons and sediment or suspended or settleable materials into surface water bodies. The wildlife monitoring and contingency plan shall be prepared to the satisfaction of the Department of Fish and Game — Oil Spill Prevention and Response.~~

~~The plan(s) shall have provisions for protecting surface water and provide response actions in the event of a release of sediment or suspended or settleable materials. The plan will shall also account for extreme oceanography conditions that can affect the integrity of spill containment equipment.~~

~~This plan shall be submitted to the California Department of Fish and Game Office of Spill Prevention and Response CDFG/OSPR, the County and the executive director of the California Coastal Commission by the applicant prior to the issuance of related construction permits.~~

16. ~~Containment booms as specified in the Unocal's approved oil spill contingency plan shall be ready for deployment near the creek pursuant to CFG/OSPR direction. Boom shall be stockpiled in close proximity and ready for immediate deployment along the ocean side of the sheet pile wall and/or in the San Luis Obispo eCreek pursuant to CFG/OSPR direction. To avoid a release of foam, a standby measure containment boom shall be deployed along the shoreline of the ocean and the creek while construction is in progress as recommended above during sheet pile installation. The foam and visible film shall be removed~~

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regularly (i.e., 2 to 4 times per day) and contained for disposal. This condition shall be included in construction plans submitted to the County and implemented by the applicant Unocal. This condition shall be included in construction plans submitted to the county and implemented by the applicant.

17. ~~A~~ The applicant Unocal shall prepare a fuel spill contingency plan shall be submitted to respond to fuel spills during the project. The contingency plan should that includes procedures and protocols for preventing and responding to fuel spills as well as for responding to fuel spills. This plan shall be submitted to the County, CDFG/OSPR and executive director of the Coastal Commission prior to the issuance of construction permits.

## **MARINE BIOLOGICAL RESOURCES**

~~The construction of the wave energy break and grading of intertidal sands shall be limited to periods of low tide. This condition shall be included in construction plans submitted to the county and implemented by the applicant.~~

18. Sheet pile installation shall be scheduled to comply with limitations imposed by US Fish and Wildlife Service or California Department of Fish and Game as necessary to protect threatened and endangered species. Unocal shall retain a qualified biological monitor approved by the County, the Coastal Commission's executive director, the USFWS, and the CDFG/OSPR to survey the lower reaches of San Luis Obispo Creek and the estuary for the presence tidewater gobies (*Eucyclogobius Newberryi*) immediately prior to installing or removing sheet pile wall in the vicinity. If the tidewater goby is found to be present, Unocal shall conduct all work according to measures and conditions identified by the Army Corps of Engineers and the U. S. Fish and Wildlife Service to protect tidewater gobies and their habitat. This condition shall be included in construction plans submitted to the county and implemented by Unocal.
19. Prior to commencement of sheet pile installation, Unocal shall submit to the County, CDFG/OSPR, USFWS and the executive director of the Coastal Commission for review and approval a Wildlife Monitoring and Contingency Plan.
20. Unocal shall with full oversight by the independent onsite environmental monitor ~~Collect~~ collect weekly marine water and sediment samples in intertidal waters during remediation of beach plumes and analyze them for elevated hydrocarbon concentrations. This would provide early detection of contaminated material seeping from the cofferdam. This condition shall be included in construction

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plans submitted to the County and implemented by the applicant Unocal throughout the cleanup project to the satisfaction of the CDFG/OSPR.

~~Limit nearshore remediation activities on the beach during peak grunion spawning periods as determined by the Department of Fish and Game. This condition shall be implemented by the applicant to the satisfaction of the Department of Fish and Game and included in construction plans submitted to the county.~~

## **GEOLOGIC AND GEOTECHNICAL HAZARDS/SITE**

21. ~~At the time of construction permit application, the following provisions shall be indicated on the construction plans and completed by the applicant during implementation of the project:~~ Unocal shall provide construction plans for review and written approval by the planning director in consultation with the executive director of the California Coastal Commission. The plans shall assure that:
- 21.1. ~~All trenching and excavation activities~~ plans shall be reviewed ~~prepared~~ and certified by a registered California Professional Engineer, and shall conform to Cal/OSHA and County of ~~San Luis Obispo~~ regulations for trench excavation, shoring, and backfill.
  - 21.2. All HDPE or shoring systems shall be designed to address potential geohazards in accordance with all applicable building codes and ordinances, including wave forces, scour, groundshaking, liquefaction, and seismic settlement. Plans and specifications for such activities shall be subject to the review and approval of the ~~San Luis Obispo County~~ Planning and Building Department. This condition shall be included in construction plans submitted to the County and implemented by the ~~applicant~~ Unocal.
  - 21.3. ~~The applicant~~ Unocal shall be named the responsible party for any and all short-term and long-term damage to Front Street and the seawall resulting from remedial activities. This condition shall remain in effect until such time as all backfill of remediation trenches and excavations are signed off as complete to the satisfaction of the San Luis Obispo County Engineering Department.
  - 21.4. Supplemental pier support within east and west beach shall be designed to provide appropriate lateral support to Avila Pier and existing structures. Design shall include review of Avila Pier design and piling installation

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method to identify lateral support requirements. Installed HDPE or shoring systems providing lateral support to Avila Pier shall be monitored for movement during remediation activities. Should significant movement be detected, appropriate shoring support shall be identified and implemented by the design engineer and construction contractor such that the structural integrity of Avila Pier and ~~Yacht Club~~ are not affected.

- 21.5. After remediation activities are completed, Unocal shall retain a licensed engineer to monitor the Avila Pier and Yacht Club structures ~~shall be monitored~~ for movement annually for a period of five years. ~~As a condition of approval, UNOCAL~~ Unocal shall be ~~identified as~~ the responsible party ~~to for repair of any and all~~ short-term and long-term structural damage to the pier and Yacht Club related to remedial activities. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal.
- 21.6. Excavation activities associated with east beach/San Antonia plume shall be examined with respect to slope stability to ensure that excavation activities will not exacerbate the potential for landsliding. If deemed necessary by either a Registered Professional Engineer or San Luis Obispo County Engineering Department, shoring mechanisms shall be incorporated into excavation design. HDPE or shoring systems shall comply with requirements identified in earlier conditions with respect to geologic hazards.
- 21.7. All shoring, sheet pile and wave-energy breaks seaward of Front Street and the existing seawall shall be designed to withstand the maximum 100-year seasonal storm conditions for the period between May 1, 1999 and October 30, 1999. The maximum 100-year seasonal storm conditions shall be based, at a minimum, on:
- maximum 100-year seasonal wave forces;
  - maximum predicted high tide for the period from May 1, 1999 to October 30, 1999;
  - storm surge;
  - atmospheric pressure; and
  - maximum seasonal beach scour.

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Engineering designs shall be prepared by a licensed civil engineer with experience in coastal processes.

- 21.8. If a wave-energy break is part of the final plans, Unocal shall provide, with the construction plans, plans to insure complete removal of all material in the wave energy break, other than beach quality sand.
- 21.9. The temporary sheet pile protection for Cell 2 has not been designed to withstand winter storms. Accordingly, the excavation of the contamination underlying Cell 2 and removal of Cell 2 sheet pile shall be completed by October 30, 1999. If by September 1, 1999, Unocal has not completed excavation of all contamination underlying Cell 2, Unocal shall also provide a contingency plan for (1) safely vacating the beach by October 30, 1999; (2) insuring no marine release of the remaining hydrocarbons; and (3) prompt removal of all remaining hydrocarbons in Spring 2000. A second excavation of Cell 2 beyond October 30, 1999, shall require an amendment to this permit and would be subject to a Coastal Commission appeal.

## **SURFACE AND GROUND WATER QUALITY**

22. The following conditions shall be implemented by ~~the applicant~~Unocal to the satisfaction of the Regional Water Quality Control Board (RWQCB-CAO 98-37). All related test results and reports shall be submitted to the RWQCB pursuant to its monitoring and reporting program. Further actions may be required by the RWQCB:
- 22.1. ~~The applicant~~Unocal shall retain a qualified monitor to monitor San Luis Obispo Creek and the ocean for turbidity pursuant to RWQCB direction and oversight.
- 22.2. Staging areas, equipment storage areas, materials storage areas, drilling fluids, and soil stockpiles shall be located away from surface water bodies to minimize the potential for releases into surface water. This condition shall be included in construction plans submitted to the County.
- 22.3. Equipment and materials, particularly materials that can cause turbidity and sedimentation, shall be stored inside bermed areas where surface runoff can be controlled and kept away from surface water. This condition shall be included in construction plans submitted to the County.

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- 22.4. Silt fences or other containment devices shall be used in areas where sediment, suspended materials, and settleable materials could be released to surface water. Provisions for these devices should be documented in the Oil Spill Response Plan. Provisions for these erosion control devices should also be documented in the County approved Erosion Control Plan and the SWPPP for the project's NPDES Construction Storm Water Act Permit. This condition shall be included in construction plans submitted to the County by ~~the applicant~~ Unocal prior to the issuance of related construction permits.
- 22.5. Construction best management practices shall be implemented to minimize the potential for accidental release of materials that can cause turbidity, sedimentation, or result in suspended or settleable materials in surface water. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal.
- 22.6. ~~The applicant~~ Unocal shall propose a method of remediating residual hydrocarbons levels in soil and ground water left in the excavation following the removal actions, or monitoring remediation by natural attenuation following excavation. The proposal shall be submitted to the RWQCB for review and approval prior to the issuance of related construction permits.
- 22.7. After skimming operations and before backfilling the excavations, any extracted ground water shall be treated. The treated ground water should be discharged or disposed of in accordance with applicable environmental laws and regulations. A plan to treat and dispose of extracted ground waters shall be prepared and submitted to the RWQCB for review and approval. Ground water monitoring is required through the RWQCB Monitoring and Reporting Program No. 94-85 or modification/revisions to this program, as a means to evaluate the progress of the intrinsic bioremediation processes, and to determine if dissolved phase contaminants continue to impact ground and surface waters above cleanup levels. This plan shall be submitted by ~~the applicant~~ Unocal to the RWQCB prior to the issuance of related construction permits.
- 22.8. After skimming operations and the removal of free product, any extracted ground water from the excavation shall be discharged or disposed of in accordance with applicable environmental laws and regulations. A plan to dispose of extracted free product and treat ground waters shall be

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submitted to the Regional Board for review and approval. Ground water monitoring would be required through the RWQCB Monitoring and Reporting Program No. 94-85 or modification/revisions to this program as a means to evaluate the progress of the intrinsic bioremediation processes and to determine if dissolved phase contaminants continue to impact ground and surface waters above cleanup levels. This plan shall be submitted by ~~the applicant~~ Unocal to the RWQCB prior to the issuance of related construction permits.

- 22.9. After skimming operations and the removal of free product from the surface of ground water, intrinsic bioremediation shall be enhanced with the addition of biodegrading nutrients and other appropriate additives based upon a the plan previously submitted by ~~the applicant~~ Unocal and approved by the RWQCB to remediate residual hydrocarbons. Ground water monitoring is required through the RWQCB Monitoring and Reporting Program No. 94-85 or modification/revisions to this program as a means to evaluate the progress of the intrinsic bioremediation processes and to determine if dissolved phase contaminants continue to impact ground and surface waters above cleanup levels.
- 22.10. After backfilling the excavations with imported fill material, dissolved oxygen levels should be increased in ground water with the addition of biodegrading nutrients and/or other appropriate additives based upon a the plan previously submitted by ~~the applicant~~ Unocal and approved by the RWQCB to remediate residual hydrocarbons. Ground water monitoring is required through the RWQCB Monitoring and Reporting Program No. 94-85 or modification/revisions to this program as a means to evaluate the progress of the intrinsic bioremediation processes and to determine if dissolved phase contaminants continue to impact ground and surface waters above cleanup levels.
23. The foam/mousse shall be skimmed from the ground water as it is being generated during backfilling and contained for disposal. The foam shall be removed regularly (i.e., 2 to 4 times per day). The foam will be sampled and analyzed for TPH and BTEX. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal.

## **AIR QUALITY**

24. The following conditions shall be implemented by ~~the applicant~~ Unocal to the satisfaction of the San Luis Obispo Air Pollution Control District (APCD). All

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related test results and reports shall be submitted to the APCD pursuant to its monitoring and reporting program. Further actions may be required by the RWQCB:

24.1. A Dust Control Plan shall be submitted to the ~~San Luis Obispo~~ APCD for approval prior to construction. The plan shall include measures ~~for to~~ watering of disturbed areas, ~~stabilization~~ stabilize of stockpiles, and inspection of heavy duty equipment to reduce particulate emissions. This condition shall be included in construction plans submitted to the APCD prior to issuance of construction permits and implemented by ~~the applicant~~ Unocal.

24.2. To the satisfaction of the APCD, ~~the applicant~~ Unocal shall prepare an Emission Reduction Plan describing the emission reduction strategies to be implemented for all heavy-duty, diesel-fueled equipment used during the project. The Plan could include the following components:

- NOx reduction strategies for off-road construction equipment, including possible implementation of injection timing retard (2–4 degrees) in conjunction with the installation of high pressure injectors or use of ceramic coated combustion chamber components, or equivalent low emission engine technologies, on all applicable heavy-duty diesel powered construction equipment to the fullest extent feasible.
- NOx and ROG reduction strategies for on-road heavy-duty trucks and other equipment. Potential strategies could include conversion of some equipment to use compressed natural gas (CNG) or other clean fuel; providing incentives to encourage subcontractors to use haul trucks that meet or exceed the 1994 or 1998 California on-road heavy-duty truck certification standard when bidding on contracts to haul contaminated material from Avila Beach; or other similar strategies.
- Use of CARB-approved diesel fuel for all diesel powered equipment.

This Emission Reduction Plan shall be submitted to the APCD for review and approval prior to the issuance of construction permits.

24.3. All construction equipment not modified as described above, shall be maintained in-tune as per manufacturers specifications to reduce ROG,

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NOx and PM10 emissions. ~~This condition shall be implemented by the applicant Unocal.~~

- 24.4. ~~The applicant Unocal shall provide emission offsets for unmitigated project emissions to the extent required by the APCD. The offsets program should focus on reducing emissions from air pollution sources in the vicinity of Avila Beach to the fullest extent possible. This could include programs to improve alternative transportation infrastructure in the area, repowering of marine vessels operating in and around Port San Luis with lower emitting engines, repowering of older, diesel powered agriculture pumps with more modern diesel engines or electric motors, or other similar strategies.~~

Due to regional nature of project emission impacts, and the limited potential to fully offset project emissions using sources in the immediate vicinity of Avila Beach, offsets may also be provided from outside of the immediate Avila Beach area but within the confines of the borders of San Luis Obispo County. A plan describing the proposed offset program shall be submitted to APCD for review and approval prior to issuance of construction permits.

- 24.5. ~~The applicant Unocal shall install emissions control technology onto the thermal oxidizer, if used by the applicant Unocal, in agreement with the San Luis Obispo Air Pollution Control District APCD to reduce NOx emissions. This condition shall be implemented by the applicant Unocal.~~
- 24.6. ~~Excavation activities shall minimize the area of exposed hydrocarbon to reduce the emissions of ROG due to off-gassing. This condition shall be implemented by the applicant Unocal.~~
- 24.7. The Avila Beach Cleanup Project is subject to the federal requirements specified in Code of Federal Regulations (CFR) section 61.145 "Standards for Demolition and Renovation", as well as other applicable CFR sections. This includes, but is not limited to:
- The removal of any load bearing wall; or the removal or disturbance of any asbestos containing materials; or renovation of any structure.
  - The moving or demolition of any structure.

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The ~~applicant~~ Unocal shall prepare, to the satisfaction of the SLOAPCD, an Asbestos Management Plan showing compliance with the applicable CFR requirements. The Plan should include, but not be limited to, the following information:

- contractors roles and responsibilities for work involving the asbestos survey, renovation and demolition, air monitoring clearance checks, etc.
- an asbestos survey of the site and all affected structures by an accredited person;
- a detailed time schedule and task list;
- provision for an independent, accredited person to work with the District to assure compliance;
- appropriate training in asbestos work hazards specified for all workers on-site;
- other elements as appropriate.

24.8. The ~~Project~~ project is considered to be one site for the purpose of asbestos requirements. Thus, ~~it is required that Unocal~~ shall submit to the APCD a comprehensive notification initially, with appropriate updates as required.

## **PUBLIC SERVICES AND UTILITIES**

25. In consultation with affected utility service providers, ~~the applicant~~ Unocal shall prepare construction plans designed to protect utilities, ensure continued essential services, and provide for repair or replacement of damaged lines to current standards and codes. ~~The applicant~~ Unocal shall provide the plans to affected jurisdictions for review, revision, and final approval prior to construction. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal prior to issuance of construction permits.
26. In consultation with the Avila Beach Community Services District, ~~the Applicant~~ Unocal shall provide a bypass water supply system in the event a water main is damaged. Damaged equipment will also be repaired as appropriate. This

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condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal with approval from the Community Services District.

27. ~~The applicant~~Unocal shall notify emergency response providers on a weekly basis of construction activity, locations, and road closure schedules prior to and during construction. Unocal shall immediately notify ~~The~~the Avila Fire Department ~~shall be notified by the applicant~~Unocal ~~immediately~~ of any changes to the above information. This information will be included as part of the construction and emergency response plans for the project. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal.
28. ~~The applicant~~Unocal shall demonstrate to the satisfaction of the Planning Department that ~~they~~it ~~have~~has entered into agreements with the Avila Beach Fire Department, Avila Beach Community Services District, and the Port San Luis Harbor District ~~that~~to compensate those agencies for their staff time, materials and other costs associated with providing support, review or processing of activities associated with construction and remediation. This condition shall be implemented by ~~the applicant~~Unocal prior to issuance of construction permits.
29. ~~The applicant~~Unocal shall provide a demolition waste plan that indicates how waste from construction activities will be handled. The plan shall clearly indicate the amount of anticipated waste, and the locations of proposed disposal, as well as the designated waste facility expected average waste stream. If the facility is a publicly owned facility amount of generated waste is in excess of 5% of the total average waste stream, the plan shall include waste recycle provisions to reduce the waste generated to less than 5% of the total average waste stream. This plan shall be submitted to the County for review and approval prior to issuance of related construction permits.
30. ~~The applicant~~Unocal shall provide a contaminated soil disposal plan that indicates how petroleum contaminated soils will be disposed. The plan shall clearly indicate the amount of anticipated waste, and the locations of proposed disposal, as well as the designated waste facilities expected average waste stream. If the facility is a publicly owned facility, and the amount of generated waste is in excess of 5% of the total average waste stream, the plan shall include on-site treatment and reuse to reduce the waste generated to less than 5% of the total average waste stream. This plan shall be submitted to the County for review and approval prior to issuance of related construction permits.

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31. ~~The applicant~~Unocal shall restore or replace all public structures and facilities, the pier, lifeguard building, and public restrooms to pre-project condition, or other agreed to condition, to the satisfaction of the owner or jurisdictional agency. This condition shall be included in construction plans submitted to the County and implemented by the applicant.
32. ~~The applicant~~Unocal shall ensure that restoration activities are not unduly delayed by issues within ~~their~~its control (i.e., funding). This does not include, for example, delays due to jurisdictions changing design plans, etc. ~~This condition shall be implemented by the applicant.~~

## **CULTURAL RESOURCES**

33. Prior to issuance of construction permits, ~~the applicant~~Unocal shall provide for review and approval of the Environmental Coordinator a cultural resources mitigation plan. The plan shall include:
  - 33.1. The plan shall include a Monitoring—monitoring schedule by a County-qualified archaeologist and local Native American representative ~~shall be provided~~. In the event potentially significant archaeological or historical materials are identified, work shall be temporarily redirected and ~~the applicant~~Unocal shall fund a Phase 2 archaeological assessment of the find. If the materials are determined to be significant under CEQA Appendix K criteria, or if ~~the applicant~~Unocal agrees to assume that the resources are significant, ~~the applicant~~Unocal shall fund a Phase 3 data recovery mitigation program to collect a representative sample of the materials that would be lost. All investigations shall be performed by a County-qualified archaeologist and local Native American representative retained by ~~the applicant~~Unocal. This condition shall be implemented by ~~the applicant~~Unocal prior to issuance of construction permits.
  - 33.2. If feasible, provisions for moving buildings at buildings at 324,354,360, 480, and 498 Front Street and associated Harbor District buildings shall be made. If removed off-site, the buildings shall be replaced on their sites and repaired after remediation work is completed.

If it is not feasible (technically, economically, legally) to move the entire building, or if the property owner wishes to replace the structure, ~~the applicant~~Unocal shall provide a Historical Resources Evaluation for the affected structures prepared by a qualified historical resources specialist and architectural historian. The Evaluation shall include evaluation per

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the criteria found in the California Register of Historic Resources, and identification of the historically important features of each structure. To the extent feasible (technically, economically, legally) historically important features shall be saved and incorporated into the design of the building to be reconstructed, and the building to be demolished should undergo historical evaluation and documentation prior to and during demolition. Economic feasibility exists if the cost is not more than two times the average cost in California to move a similar building. This condition shall be included in construction plans submitted to the County and implemented by the applicant.

## **VISUAL RESOURCES**

34. ~~The applicant~~Unocal shall stockpile and use the clean overburden for backfilling the uppermost portion of the excavated beach areas. This condition shall be included in construction plans submitted to the County ~~and implemented by the applicant.~~
35. All imported sand shall be (a) similar in color and grain size to the native material which it is replacing or augmenting, (b) clean of organic debris, and (c) shall be free of chemical contaminants. To assure grain size similarity, d10, d50, and d84 of borrow material shall be similar to native material and the calculated overfill ratio shall be between 0.8 and 1.2. If native material varies throughout the project area, borrow material should vary with location to most closely mimic the native material.

Final selection of borrow material shall be made by the planning director in consultation with the executive director of the California Coastal Commission's. To evaluate borrow material suitability, ~~the applicant~~Unocal shall provide the planning director and executive director of the California Coastal Commission the following information:

- 35.1. Volume of borrow material needed;
- 35.2. Sieve analyses for all possible borrow material and native sands (16<sup>th</sup>, 50<sup>th</sup>, and 87<sup>th</sup> percentile grain sizes by weight, at a minimum);
- 35.3. Overfill ratio; and
- 35.4. Color analysis and color sample of all borrow and native material.

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All clean overburden shall be stockpiled and reused as final cover material. Beach sand shall be stockpiled separately.

## **DRAINAGE, EROSION, AND SEDIMENTATION**

36. Excavation activities shall include a phased drainage control plan, that specifically identifies drainage control best management practices (BMPs) for each phase of the excavation within the Front Street and north of Front Street areas. The plan shall address both conveyance of runoff from upstream areas, as well as potential downstream sedimentation and capacity impacts. The plan shall be reviewed and approved by ~~both the RWQCB, and the San Luis Obispo County Building and Planning Department,~~ the County engineer, and the executive director of the Coastal Commission. This plan shall include:

36.1. ~~Flood~~ flood hazard information as required by LUO Sections 23.07.064 and 23.07.066.

36.2. ~~Construction~~ construction of off-site drainage facilities for an adequate outlet, or provision of evidence of adequate drainage easements.

36.3. ~~Complete~~ complete drainage calculations shall be prepared ~~which that~~ demonstrate necessary measures to prevent flooding on any properties surrounding any grading or stockpile site, ~~and shall be submitted to the County Engineer for review and approval.~~

36.4. ~~The applicant~~ Unocal shall prepare an engineered drainage plan, including necessary erosion and sedimentation control measures. ~~The drainage plan shall that~~ demonstrates how existing stormwater drainage patterns throughout the area of work will be handled for each phase of operations.

~~This plan shall be submitted to the RWQCB and the county for review and approval prior to the issuance of construction permits.~~

37. ~~The proposed project~~ Prior to issuance of construction permits, Unocal shall obtain a NPDES Construction Storm Water Activity Permit from the RWQCB. The permit's pollution prevention plan shall specify the installation and maintenance of BMPs—Best Management Practices to reduce erosion of disturbed soils within and adjacent to construction and staging areas. These may include, but are not limited to: utilization of hay bales, silt fences, sediment traps, coffer dams, containment berms, or other measures identified by the

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~~applicant Unocal's contractor. It is recommended that the The project's Unocal's NPDES Stormwater Pollution Prevention Plan shall be keyed to individual excavation phases in order to efficiently address potential erosion impacts. This permit shall be obtained from the RWQCB prior to the issuance of construction permits.~~

~~The proposed temporary wave energy dissipator shall be designed to withstand maximum credible wave event, as determined by a coastal engineer. The design shall be reviewed and approved by the U.S. Army Corps of Engineers, the Coastal Commission, and the County Planning and Building Department prior to issuance of related construction permits.~~

~~If feasible, within the overall project schedule, excavation of the east beach should be conducted outside of winter months from December to April to reduce the probability of high energy wave erosion, preferably October and November. If this not feasible, the applicant Unocal shall provide written documentation verifying the reason to the County as to why the schedule cannot be implemented. This condition shall be included in construction plans submitted to the county and implemented by the applicant Unocal.~~

## RECREATION

38. ~~The applicant Unocal shall submit a public information program to the County Planning Department for review and approval prior to the issuance of construction permits that includes the following provisions:~~
  - 38.1. Provide noticing in local newspapers (such as the San Luis Obispo County Telegram Tribune, Five Cities Press Recorder, New Times) describing location/duration of beach closures and the location of relocated recreational equipment during remediation activities. Additional noticing may be necessary in newspapers in other regions. The advertisements shall be placed prior to the issuance of construction permits an on a monthly basis thereafter, or more often if needed.
  - 38.2. Inform groups that have historically held annual/special events of the beach closure schedule.
  - 38.3. In coordination with Caltrans and to extent feasible, place signs near both freeway exits and on U.S. Highway 101 giving notice of beach closure to avoid unnecessary trips to Avila Beach. This condition shall be included

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in construction plans submitted to the County and implemented by the applicant Unocal.

- 38.4. Provide signage in key visitor access points identifying location of relocated recreational equipment for the duration of proposed remediation activities. The signs shall be in place prior to the issuance of construction permits and updated on a regular basis.
- 38.5. Provide signage in town that clearly identifies parking areas, pedestrian routes, cross walks, and access points to the beach for the duration of remediation activities. The signs shall be updated minimum on a monthly basis at a minimum and more often id needed. This condition shall be included in construction plans submitted to the County and implemented by the applicant Unocal prior to the issuance of construction permits.
- 38.6. ~~The applicant Unocal~~ shall develop a public relations campaign/program utilizing newspapers and magazines to recapture the tourists that did not visit the town during the remediation. This condition shall be developed and implemented by ~~the applicant Unocal~~ prior to final inspection by the County.
39. To the extent reasonable and safe, Unocal shall maintain a lateral access corridor that extends the length of the beach during Cells 1 and 3 remediation activities for the duration of the project. No beach access is required during Cell 2 remediation activities that will be completed by October 30, 1999. If necessary, Unocal shall relocate recreational equipment to another portion of the beach, pursuant to the Port San Luis Harbor District's direction, for the duration of proposed remediation activities. Unocal shall repair and replace recreational equipment damaged during this relocation effort. This condition shall be included in construction plans submitted to the County and implemented by the applicant.
40. Unocal shall provide free parking proportional to expected beach use within close proximity to the portions of the beach areas that are open during Cell 1 and 3 remediation activities. If an area cannot be found proximate to the beach, a shuttle shall take beach visitors from a nearby parking lot to the beach area for the duration of the proposed remediation activities. Unocal shall maintain tThe post office parking lot shall be maintained during the construction and remediation period. This condition shall be included in construction plans submitted to the County and implemented by the applicant Unocal.

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## TRANSPORTATION/CIRCULATION

41. A Traffic Control Plan shall be prepared to detail specific roadway construction information; road surface maintenance; pedestrian/bicycle circulation and traffic safety; parking limitations; road use restrictions; emergency response routes; signing for closures; and public notification identifying location, scheduling and duration of construction spread. The traffic control plan must address the appropriate items as outlined in the Caltrans Design Manual, Section 110.6. This management plan shall be finalized and approved by the appropriate agencies. The plan shall include the following elements:
  - 41.1. Coordination between proposed road closures, and peak use months, and should avoid closures that will significantly disrupt traffic during these time periods whenever possible.
  - 41.2. Detours will be planned around temporary street closures through coordination with local traffic agencies, and signs will be provided to direct motorists to alternate routes.
  - 41.3. Provisions to keep at least one lane open on an affected street whenever possible. If full closure is required, or significantly expedites clean-up operations, the Plan shall assure reasonable circulation for emergency vehicles and traffic.
  - 41.4. At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over trenches, short detours, and alternate routes. This element shall be implemented by ~~the applicant~~ Unocal to the satisfaction of the Avila Beach Fire Department.
  - 41.5. Designated alternative routes, accessible to disabled persons, when construction activities obstruct pedestrian routes.
  - 41.6. At locations where trenching activities cross sidewalks or other established pedestrian routes, plating shall be provided to maintain access to these routes.
  - 41.7. Provisions to properly restore all roads disturbed by construction activities or construction vehicles shall be properly restored to ensure long-term protection of road surfaces and safety of road users.

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- 41.8. The use of flaggers, warning signs, lights, barricades, and cones shall be established according to standard guidelines outlined in the Caltrans Traffic Manual and the Work Area Traffic Control Handbook.

This plan shall be submitted to the following agencies for review and approval prior to the issuance of construction permits; the Engineering Department, the County Department of Planning and Building, Avila Beach Community Services District and Fire Department. The plan shall be submitted to CDF/County Fire, Highway Patrol and Sheriff for review and comment prior to the issuance of construction permits.

## **ACCESS/IMPROVEMENTS**

42. Street improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer, ~~and submitted to the County Engineer for approval.~~ The plans are to include street plan and profile, drainage ditches, culverts, and other structures, as drainage calculations require, public utilities, retaining walls, sidewalks, curbs and gutters. The plans shall identify and evaluate the installation and maintenance of Best Management Practices to prevent or control runoff to coastal waters. These may include, but are not limited to: reductions in impervious surfaces such as street and sidewalk widths, storm drain filters and catch basins, filter strips/swale areas and other buffers, and connections between the storm drain and sanitary sewer system. The plans shall be reviewed and approved by the RWQCB, the County engineer, and the executive director of the Coastal Commission. Streets shall be constructed to the following standards:
- 42.1. Front Street constructed to an A-2 (urban) section, as modified by the Front Street Enhancement Plan as adopted by the Board of Supervisors in the planning area standards of the San Luis Bay Area Plan. Construction shall comply with Section 19 of the Caltrans Standard Specifications for subgrade compaction.
- 42.2. San Juan Street, San Francisco Street, San Miguel Street and San Luis Street constructed to an A-2 (urban) section, in compliance with the Front Street Enhancement Plan, where applicable, as adopted by the Board of Supervisors in the planning area standards of the San Luis Bay Area Plan. Construction shall comply with Section 19 of the Caltrans Standard Specifications for subgrade compaction.

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- 42.3. Upon completion of construction, any County-maintained roads damaged by project activities shall be restored to their original condition, as documented by an independent pavement engineering firm to be contracted by the County Engineering Department.
- 42.4. ~~The applicant~~Unocal shall enter into an agreement with the County for checking the street improvement plans and for inspection of said improvements.
- 42.5. The engineer, upon completion of the improvements, must certify to the County Engineer that the improvements are made in accordance with Planning Commission requirements and the approved plans.
43. ~~The applicant~~Unocal shall provide a pickup street sweeper, or equivalent, available at all times to clean up any material spilled along any County-maintained road.
44. ~~The applicant~~Unocal shall post security to secure performance of the Access and Drainage conditions with the County Engineering Department pursuant to section 4.7 of Settlement Agreement and Judgement number CV079728. Additionally, ~~the applicant~~Unocal shall post security to guarantee the Access access improvements for a period of five years; with the exception that, in any location where a new roadway is constructed on greater than five feet depth of disturbed or new fill, the guarantee period shall be ten years for that portion of the work.
45. A soils engineering report shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil or Geotechnical Engineer. This engineer shall inspect work on-site and verify that all work has been performed consistent with the intent of their plan review and engineering geology report. The engineer shall also issue a final report which identifies changes observed during construction, recommendations offered for mitigation, and must certify that the improvements, when completed, are made in accordance with the intent of the report's recommendations. Should the services of the civil or Geotechnical engineer be terminated prior to final inspection, ~~the applicant~~Unocal shall submit to the County Engineering Department a transfer of responsibility statement.

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## NOISE

46. Unocal shall conduct all construction activities involving motorized equipment between the hours of 6:30 a.m. and 10:30 p.m. Monday through Saturday. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal. This condition may be modified by the planning director upon consultation with the Avila Beach Community Services District, ~~and~~ Fire Department, Port San Luis Harbor District, executive director of the California Coastal Commission ~~the Avila Beach~~ residents and interested public.
47. Prior to the issuance of construction permits Unocal shall ~~Provide~~ provide a minimum of one week advance notice to the community of Avila Beach of the construction schedule. Notification shall be by mail and newspaper. The announcement shall state where and when construction will be scheduled. It shall also provide information on reducing noise intrusion (e.g., closing windows facing the construction area). ~~This condition shall be implemented by the applicant~~ Unocal ~~prior to the issuance of construction permits~~.
48. Unocal shall establish an 800 telephone number for receiving complaints and develop procedures for responding. The number shall be included in the above notification. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~ Unocal prior to the issuance of construction permits.
49. Unocal shall ~~Maintain~~ maintain proper mufflers on all internal combustion and vehicle engines to reduce noise to the maximum extent feasible. Unocal shall also ~~Limit~~ limit speed and engine rpm of trucks when in Avila Beach and prohibit trucks from engine braking when in Avila Beach. This condition shall be included in construction plans submitted to the County ~~and implemented by the applicant~~.
50. Unocal shall implement noise attenuation barriers, as appropriate. This condition shall be included in construction plans submitted to the County ~~and implemented by the applicant~~.
51. Unocal shall ~~R~~elocate residents requesting relocation that are significantly impacted by noise levels within the area. ~~The applicant~~ Unocal shall consider on a case by case basis relocating residents. This condition shall be included in construction plans submitted to the County ~~and implemented by the applicant~~.

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52. If any proposed soil treatment system is used it shall be located at the ~~UNOCAL~~Unocal Tank Farm at least 800 ft away from the nearest sensitive receptor. If the soil treatment system cannot be located at least 800 ft from a sensitive receptor, noise barriers shall be implemented to prevent noise levels from exceeding standards.

## **PUBLIC SAFETY**

53. ~~The applicant~~Unocal shall prepare an Odor Control Plan to be approved by the ~~SLO~~APCD prior to issuance of construction permits. The plan should include at a minimum, the identification and characterization of potentially odorous compounds (especially the highly odorous sulfur based compounds that can be associated with petroleum products) likely to be emitted during remedial activities, mechanisms of odorous compound release, location and characteristics of potential receptors, the identification of control measures and procedures to be implemented to reduce or abate potential odor nuisance conditions, and procedures for odor complaint response and District notification. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal prior to the issuance of construction permits.
54. During remedial activities in this area, ~~the applicant~~Unocal shall conduct ambient air quality monitoring while this plume area is exposed. The specific compounds to be monitored would be based on the results of the analyses required by the appropriate agencies, County Health Agency and ~~Air Pollution Control District~~APCD. This condition shall be implemented by ~~the applicant~~Unocal to the satisfaction of the ~~Health agency~~Agency and APCD.
55. ~~The applicant~~Unocal shall develop a plan to prepare remedial workers for potential hazards and emergency situations. The plan shall include detailed information on when and how workers should respond to the potential hazard, evacuation procedures, public notification procedures and abatement procedures. The following shall be incorporated in to the plan:
- 55.1. ~~The applicant~~Unocal shall be prepared to abate vapor emissions from remedial activities that involve the excavation and/or disturbance of the plume.
- 55.2. Abatement methods could include the application of foam over the exposed plume area, or any other vapor suppression method that has been previously demonstrated to be effective in the control of vapor

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emissions. A mechanical foam that has recognized attributes for vapor suppression, such as aqueous film-forming foam (AFFF), should be used (CCPS, 1997).

This plan shall be submitted to the Avila Beach Fire Department, County Office of Emergency Services, County Health Agency for review and approval prior to issuance of construction permits. The California Highway Patrol and County Fire Department shall be consulted prior to the issuance of construction permits.

56. ~~Unocal shall establish a staging area to store~~ shall be established for the storage of equipment and materials for the project. Fueling of vehicles and storage of heavy equipment shall be in the staging area with the exception of tracked vehicles within the excavation area, which may be refueled consistent with the Fuel Spill Contingency Plan. The staging area shall be constructed so fuel releases can be contained for recovery. This condition shall be included in construction plans submitted to the County and implemented by the applicant.

~~The seaward edge of the sheetpile wall used to contain beach excavation activities shall be designed to withstand the maximum seasonal 100-year event wave runup height. FEMA has identified a 100-year wave runup height of 18 ft for Avila Beach. This condition shall be included in construction plans and submitted to the U.S. Army Corps of Engineers, the county, and other agencies as appropriate for review and approval prior to the issuance of construction permits.~~

57. ~~The applicant~~ Unocal shall prepare a detailed plan for each remedial activity to prevent the public from being exposed to mechanical hazards caused by the project. The plan will include analyses for each type of remedial activity and methods that can be used to separate the public from areas where mechanical hazards would be present. This plan shall be submitted to the Avila Beach Fire Department and the County by ~~the applicant~~ Unocal prior to the issuance of construction permits.

## **SOCIOECONOMIC**

58. A facility called the Project Information and Coordination Program (PICP) will be maintained in a building within Avila Beach, located as close as possible to the project site. The primary purpose of the PICP is to provide information to the community. The PICP will be staffed by an ombudsman employed by the firm that is carrying out the remediation project and an employee or contractor of the County who will also serve as a liaison from the County to the community, the

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firm carrying out the project and Unocal. The PICP shall incorporate the following components:

- 58.1. The PICP will assist persons adversely affected by the remediation activities by providing information and guidance on how to respond to problems and present claims for resolution. If all parties agree, mediation services may be arranged through the PICP when claims cannot otherwise be resolved.
- 58.2. An information packet providing a description of the proposed project shall be distributed before the start of the project to Avila Beach residents, landowners and business owners and to local news agencies. The information provided shall include an overall description of the project, along with information about the timing and length of anticipated closures of local roads, the beach, the businesses and other area facilities. A description of project impacts should also be included in the information packet. It will also include the process for making and review of financial loss claims. The packet will also be available at the PICP.

This condition shall be implemented by ~~the applicant~~Unocal throughout the remediation project. The information packet shall be submitted to the County for review and approval prior to the issuance of construction permits.

59. The construction phase of the project should be completed as quickly as possible, without endangering public health and safety, in order to minimize disruption of business revenues. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal throughout the remediation project.
60. The loan guarantee program established by ~~UNOCAL~~Unocal in the period prior to remediation shall be continued for a period of five years (after the completion of construction). This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal.
61. ~~The applicant~~Unocal shall obtain the services of an independent firm that specializes in resolving claims caused by community disruptions associated with environmental cleanups similar to the project. Unocal shall authorize the firm to settle all reasonable cleanup-related claims as quickly as possible without requiring claimants to release whatever rights they might have against Unocal to obtain additional compensation for other claims. The firm shall be hired prior to issuance of construction permits and retained throughout the remediation

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project. The program shall continue after remediation is completed as necessary.

62. At Unocal's expense, Avila Beach residents significantly affected by cleanup activities shall be offered the opportunity to relocate to a functionally equivalent residence during cleanup related disruptions. Alternatively, such residents shall be offered other impact related assistance at Unocal's expense. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal throughout the remediation project.
63. Information shall be distributed on a regular basis (a minimum of monthly) to Avila Beach residents, landowners and business owners and to local news agencies about the project. The information provided shall include an overall description of the progress of the project, along with information about the timing and length of anticipated closures of local roads, the beach, the businesses and other area facilities. A description of project impacts related to monthly activities should also be included in the information packet. This condition shall be included in construction plans submitted to the County and implemented by ~~the applicant~~Unocal throughout the remediation project.
64. Unless otherwise agreed by Unocal and the ~~permit applicant~~property owner, Unocal shall pay all land use, coastal development, and/or construction permits fees (as applicable) required for the reconstruction functionally equivalent structures in excavated areas. This condition shall be implemented by ~~the applicant~~Unocal in consultation with property owners or permit applicants.

~~The San Luis Obispo County Department of Planning and Building will give priority to the processing of land use entitlements and building permits for new construction in the area within or near the area to be excavated.~~

## **NEGOTIATED SETTLEMENT CONDITION**

~~The negotiated settlement between the State of California, private environmental organizations, and the County shall be agreed to and signed by all parties prior to issuance of building permits.~~

65. Unocal shall comply with all provisions of the settlement agreement (Case Number CV079728) entered into on June 25, 1998.— The County considers the settlement agreement a key feature in providing necessary mitigation for Unocal's cleanup project.— If there are any changes to the settlement

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agreement, the changes may require an amendment to this Coastal Development Permit/Development Plan.

## REBUILD OF SEAWALL

66. As part of the construction plans for Cell 2 Unocal shall provide — for review and written approval by the planning director and the Coastal Commission’s executive director — plans for the replacement seawall. The replacement seawall shall:
- Be designed for 100-year maximum storm conditions, which include, but are not limited to: wave forces, tidal elevation, storm surge, atmospheric pressure, and beach scour;
  - Use the same footprint as the existing seawall and be no higher than current wall design;
  - Fill gaps in the existing seawall with a straight line wall to create a continuous new seawall.

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