



## EMERGENCY PERMIT

Planning and Environmental Review  
130 Cremona Drive, Suite B, Goleta, CA 93117  
Phone: (805) 961-7500 Fax: (805) 685-2635  
www.cityofgoleta.org

Case No.: 15-062-EMP Planner: Heather Imgrund, Contract Planner Initials HI  
Project Address: City of Goleta Coastline  
A.P.N.: N/A  
Zone District: Resort/Visitor Serving Commercial (C-V) and Recreation (REC)

The City of Goleta issued this Emergency Permit for the development described below, based upon the required findings and subject to the attached terms and conditions. If you have any questions regarding this Emergency Permit, please contact the planner at (805) 961-7557.

**PERMIT APPROVAL DATE:** July 14, 2015

**PERMIT EXPIRATION DATE:** October 12, 2015

**PROJECT DESCRIPTION SUMMARY:** See Attachment A

**PROJECT SPECIFIC CONDITIONS:** See Attachment B

**TERMS OF PERMIT ISSUANCE:**

**1. Applicability.** This emergency permit is for construction staging and operations within City limits associated with the Plains All American GP LLC Refugio Oil Spill. The proposed activities are intended allow for clean-up, response and remediation activities associated with the Refugio Oil Spill impacted by the migration of product into the jurisdiction of the City of Goleta

**2. Posting Notice.** A notice of the emergency work shall be mailed to property owners within 300 feet of the subject property and residents within 100 feet of the subject property. Also, a weather proofed notice of the emergency work shall be posted in three (3) locations on the project site within 24 hours of the receipt of the issued permit and shall remain posted until the emergency work has been completed.

**3. Date of Permit Approval/Issuance.** This Permit shall be deemed effective on the Date of Permit Issuance as identified above.

**4. Time Limit.** This Emergency Permit shall expire on October 12, 2015

**NOTE:** This emergency permit does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any City Policy, Ordinance or other governmental regulation.

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

James Buchanan

James Buchanan  
Plains Pipeline LP

7/20/2015

Date

**EMERGENCY PERMIT ISSUANCE BY:**

Anne Wells

Anne Wells  
Advance Planning Manager

7/20/2015

Date

**Attachment A**  
**PROJECT DESCRIPTION**  
**Emergency Permit 15-062-EMP**

The following project description covers the general tasks involved with the clean-up, response, and remediation activities associated with the Refugio Oil Spill. The project includes the following:

1. Ocean clean-up:
  - Activities include skimming crude from the water surface, collecting free floating crude near the shore, boom deployment at protected estuaries and along the shoreline
  - Equipment includes several boats, helicopter (for aerial observation), boom, shoreline boom, boom deployment equipment and skimmers
  - Staging/storage area: staged at Port Hueneme
  - Decontamination site: at TNT yard at Port Hueneme
2. Beach clean-up:
  - Activities include pick-up and removal of impacted materials; cleaning of cobbles and hardscapes, assessment and collection of impacted wildlife, and assessment of environmental and cultural resources
  - Equipment includes roll-off bins for collection of impacted materials, hand labor with buckets, shovels, and garbage bags; all-terrain vehicles (ATVs) will be utilized; however, no heavy equipment is involved with beach clean-up
  - Staging/storage area: beach parking lot
  - Decontamination site: beach parking lot
3. Other activities:
  - In the event of a storm, it may be necessary to position dams and containment at watercourses (streams) that could be impacted by the incident
  - Equipment potentially includes, but may not be limited to, containment boom, sand bags, and visqueen

All roll-off bins and baker tanks may be staged at the Freeport-McMoRan Gaviota Plant during (and subsequent to) clean-up and remediation activities.

**Attachment B**  
**CONDITIONS OF APPROVAL**  
**Emergency Permit 15-062-EMP**

**Standard Conditions**

1. The Emergency Permit shall expire on October 12, 2015. In addition, the applicant shall apply for approval of a Coastal Development Permit (CDP) and Development Plan (DP) within 30 days of issuance of this emergency permit.
2. This Emergency Permit is based upon and limited to compliance with the Project Description, as described in this Emergency Permit, the *Refugio Incident Comprehensive Response Activities Description Requested by the County of Santa Barbara, City of Goleta, and California Coastal Commission* (date received on June 24, 2015), and the conditions of approval. Deviations from the Project Description and conditions of approval require written or verbal notification to the Director of Planning and Environmental Review (Planning Director) or Advance Planning Manager, who shall determine if the deviations are in conformity with this permit. Failure of the permittee to obtain the above-described review and approval of the City is a violation of this permit.
3. Prior to any project activities authorized under this permit, Plains Pipeline LP shall secure all other necessary federal, state and local permits needed for this project and provide copies of said permits to the City.
4. The Planning Director or the Advance Planning Manager may order an immediate suspension of all or part of the work authorized under this permit if the Director or Advance Planning Manager determines that such action is necessary to avoid or mitigate significant impacts to health and safety or the environment.
5. All emergency development activities shall occur at a time and in a manner that will avoid or minimize (solely if it cannot be avoided) potential impacts/damages to sensitive coastal resources. Special attention shall be made to avoid and minimize (solely if it cannot be avoided) potential impacts to streams, wetlands, estuaries, bird nesting sites (e.g. snowy plovers), and other sensitive habitat areas (e.g., areas with grunion eggs, etc.).
6. A Monitoring and Compliance Program (MCP) shall be funded by the applicant and submitted to the City of Goleta within 14 days from the approval of this permit. The MCP shall, at minimum, include the following:
  - a. All conditions imposed on this project and the impact areas they are mitigating by subject area.
  - b. A plan for coordination and implementation of all conditions and the plans and programs required therein.
  - c. A description of all measures that will be implemented to assure compliance, including clean-up requirements, field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected agencies. MCP Contractor feedback responsibilities include weekly, monthly and/or as specified in the MCP reports to be prepared throughout clean-up response activities. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other relevant or requested data. Further, a final report summarizing project compliance or non-compliance

and the results of such, and any other relevant or requested data shall be submitted to the City within 30-days of clean-up response activity completion.

The MCP preparer and contractor shall be selected by the City of Goleta. These individuals shall be under contract and responsible to the City of Goleta. The Advance Planning Manager shall oversee the MCP and consultant. All costs, City and consultant, shall be funded by the applicant. The MCP contractor shall appoint at least one Onsite Monitor (OM) responsible for overall monitoring, but shall employ as many qualified specialists as necessary (as determined by the City of Goleta) to oversee specific conditions (e.g., archaeologists, biologists). In addition, the OM has the authority and the ability to ensure compliance with all project conditions and to stop work in an emergency. The MCP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.

The decision of the Planning Director or Advance Planning Manager shall be final in MCP or monitoring interpretation.

7. The permittee shall, at permittee's expense, defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, review, set aside, void, or annul, in whole or in part, the City approval of this permit or any condition attached hereto or any proceedings, acts, or determinations taken, done, or made prior to the approval of this permit that were part of the approval process.
8. In the event that any Condition of Approval imposing a fee, exaction, dedication or other mitigation measure is challenged by the permittee in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this permit shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any Condition of Approval is invalidated by a court of law, the project shall be reviewed by the City and substitute Conditions of Approval may be imposed.

**Conditions for Visual Resources:**

9. If any damage to City streets or City street landscaping occurs, the applicant shall submit a plan to the City for restoration within 30 days of the City's notification to the applicant regarding their identification of the damage.
10. Any night lighting shall be directed in such a way to reduce potential impacts to sensitive species and habitats while maintaining safe work conditions. Lighting shall be not directed towards any Environmentally Sensitive Habitat Area or any neighboring properties to the maximum extent feasible as determined by the OM.
11. All materials, equipment, and debris shall be removed from the site upon completion of the project and as inspected by the OM.

### **Conditions for Biological Resources**

12. Plains Pipeline LP shall have a City-qualified biological monitor onsite during clean-up response activities to minimize impacts to the beach and environmentally sensitive habitat areas, as well as, sensitive species that could potentially inhabit the area.

**Monitoring:** The biological monitor will ensure that personnel are adhering to mitigation and avoidance measures as well as address any biological issues within City limits that may arise on a day to day basis. The biological monitor will interact directly with the Plains Pipeline LP site supervisor and the City to ensure that biological issues and mitigation measures are followed per the conditions of the various permits and the area-specific work plan. Should a change in conditions or requirements become necessary, the City biological monitor has complete “stop-work authority” to shut down clean-up response activities while the issue is resolved and documented. The safety of the workers and property will be considered before any changes to mitigation and avoidance measures are implemented.

13. If an incidental take of a protected species should occur, the City-qualified biological monitor shall immediately provide verbal and written notification of the incident to the City, California Coastal Commission (CCC) U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Within three (3) working days of the incident, a report shall be submitted to all agencies including the date, time, location of the carcass, a photograph, cause of death, if known, and any other pertinent information. Care shall be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. The biological monitor will conduct an evaluation of the incident (in consultation with the City, CCC, U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife), impacts to the environment, and any necessary changes in the project description and clean-up activities.

**Monitoring:** The City qualified biological monitor shall site inspect prior to, and throughout, the clean-up response period to ensure compliance.

14. Fencing installed around any sensitive habitats must be removed as soon as project activities are finished, or when determined appropriate by the City qualified biological monitor, to prevent creating barriers to wildlife species.

### **Conditions for Geologic Processes**

15. Clean-up response activities shall minimize erosion by incorporating the following:
16. Best management practices (BMPs), such as temporary berms and sedimentation traps (such as silt fencing, straw bales, and sand bags), shall be installed along the Bell Creek and Tecolote Creek upland buffer and any other environmentally sensitive habitat limits as determined necessary by the City qualified biological monitor. Other BMPs shall be placed at the base of all cut/fill slopes and soil stockpile areas where potential erosion may occur and shall be maintained to ensure effectiveness. The sedimentation basins and traps shall be cleaned periodically and the silt shall be removed and disposed of in a location approved by the City.
17. Non-paved areas shall be revegetated or restored (i.e. geotextile binding fabrics) immediately after project completion, to minimize erosion and to re-establish soil structure and fertility. Alternative materials rather than reseeding (e.g., gravel) may

be used, subject to review and approval by the Planning and Environmental Review Department.

18. Clean-up response activity runoff shall not be directed across exposed slopes.

**Monitoring:** The OM shall site inspect prior to, and throughout, the construction period to ensure compliance.

19. Coastal access roads shall be repaired following project-related water damage, to ensure further erosion does not occur from use of the road for the project.

#### **Conditions for Hazardous Materials/Risk of Upset**

20. No hazardous materials shall be stored (i.e. gasoline/diesel for refueling or portable sanitary facility) within staging areas that are within an ESHA unless there is no other appropriate location as determined by the OM.

21. Sampling and testing of hydrocarbon product (tar or oil) on beaches may be required to determine origin of hydrocarbon product. Sampling and testing may be required as requested by the Advance Planning Manager, but not to exceed 24 samples. If additional samples beyond 24 is required, the City shall consult with Plains Pipeline LP A Hydrocarbon Product Sampling and Analysis Plan shall be provided to the City within 14 days of issuance of this permit for review and approval by the Planning and Environmental Review Department or Advance Planning Manager.

22. Washing of any project equipment shall not be allowed near sensitive biological resources and overnight equipment storage is prohibited within any environmentally sensitive habitat area unless there is no other appropriate location as determined by the City qualified biological monitor.

**Plan Requirements and Timing:** An area designated for washing functions and overnight equipment storage shall be approved by the City qualified biological monitor. The wash off area shall be in place throughout clean-up response activities.

#### **Conditions for Public Facilities**

23. Reclaimed/non-potable water, if available, shall be used for all dust suppression activities during grading and clean-up response activities.

**Plan Requirements and Timing:** Evidence of availability, or lack thereof, shall be provided to the City at the earliest possible time, and no later than 30 days from the initiation of clean-up response activities.

#### **Conditions for Transportation/Circulation**

24. Photo-documentation of access roads, parking lots, stairs, ramps and paths (infrastructure) used for access, including City of Goleta roads, shall be taken before and after the project to document infrastructure conditions and assess impacts, if any. If photo-documentation is not available, the City's Engineer shall inspect access infrastructure and identify any necessary repairs. All repairs and staff time shall be funded by Plains Pipeline LP.

**Plan Requirement and Timing:** This requirement shall be submitted as a part of the follow up, required DP application.

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- End of Conditions