

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 10/06/04
Department Name: Planning and Development
Department No.: 053
Agenda Date: 10/12/04
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from: N/A

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director of Planning and Development

STAFF CONTACT: Luis Perez, Energy Specialist, 568-2034
Nicole Horn, Planner, 568-2042

SUBJECT: Aera Energy, LLC Emergency Permit / 04EMP-00000-00002

Recommendation(s):

That the Board of Supervisors:

Receive the Director's report regarding an Emergency Permit issued to Aera Energy, LLC (Aera) for excavation, grading and restoration work necessary to remediate hazardous wastes at the former Hercules Gas Plant site, located in Canada de la Huerta, in the canyon just west of the County's Tajiguas landfill.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2., A Safe and Healthy Community in Which to Live, Work and Visit.

Executive Summary and Discussion:

Pursuant to Section 35-171 of Article II of the County's Zoning Ordinance, when an Emergency Permit is issued, the Director of the Planning and Development Department must report the nature of the emergency and the work involved to the Board of Supervisors in writing. The Director issued an Emergency Permit to Aera on October 5, 2004 for work necessary to remove hazardous wastes and stabilize the site through grading and revegetation, prior to the onset of the 2004-2005 winter rains. This notification fulfills the ordinance requirement.

Background Information

On April 20, 2004, Aera was advised that work conducted to expose, inspect and repair the groundwater drainage system at the Hercules Gas Plant site was in violation of existing land use permits (96-CDP-115, 94-SUP-051), Article II of the County Coastal Zoning Ordinance and Chapter 14 (Grading Ordinance No.

4477) of the County Code. The site is a former gas plant refinery known to contain significant concentrations of Polychlorinated Biphenyl (PCBs), Mercury, hydrocarbon soil and groundwater contamination and Volatile Organic Compounds (VOCs). The site has undergone a large-scale clean-up and remediation effort throughout the last ten years, regulated by the Interagency Workgroup Team (IWT), comprised of the County Energy Division and Fire Department, the California Environmental Protection Agency - Department of Toxic Substances Control, the Regional Water Quality Control Board, the California Department of Fish and Game, and the Air Pollution Control District.

At issue is unpermitted excavation and transfer of contaminated soil throughout a coastal canyon. On April 22 and April 26, Aera's contractors were instructed to discontinue work pending submittal and approval of a grading plan, a sampling plan and a description of work completed and work proposed. The information was necessary to determine required permits. This unpermitted work resulted in the County issuing Aera a Notice of Violation on April 30.

Of greatest concern to the County and other IWT agencies was the spreading of contaminated soil, drainage and exposure of such to natural resources on and offsite. The disposition of soil in the lower canyon area was considered stable prior to the recent unpermitted activity. An estimated 380 cubic yards of soil was excavated, compacted and/or relocated to an upper fill pad area. A sample taken from the stockpile of excavated material indicated that the soil was PCB contaminated.

In a letter dated September 16, the Department of Toxic Substances Control directed Aera to immediately remediate and stabilize the disturbed fill pad slope in the lower canyon. In order to conduct the work, the Energy Division determined that a Coastal Development Permit and Grading Permit would be necessary, as the work was beyond the scope of the original remediation permit (96-SUP-051). However, due to the approaching winter season, an Emergency Permit was determined to be the only option available that would authorize and condition the remediation and full stabilization of the canyon slopes in a timely fashion.

Summary of the Emergency Permit

The scope of work for the slope remediation project includes excavating and stockpiling approximately 2,145 cubic yards of cover soil, as well as the trench that currently exposes the 24-inch lateral culvert on the Plant Site Level 1. The soil will be hauled to appropriate offsite disposal sites, and verification samples will be collected during the excavation to verify target objectives. Once the project objectives are met, the excavated areas will be backfilled and stabilized. A 3-foot thick cover of certified clean engineered fill (approximately 2,556 cubic yards) will be applied to the excavated areas, drainage and storm water runoff controls will be installed, and the slope will be revegetated for erosion control. These controls are for the prevention of future exposures and to mitigate risks related to residual PCBs and Mercury left in place. The end result of the supplemental soil remediation will be to restore the fill pad site to its original grade and condition.

The project is estimated to take approximately five weeks to remove the 2,154 cubic yards of soil, and an additional one to two weeks to remove any additional contaminated soils, while the trench remediation will require approximately one week to complete. A final project report is estimated to be completed within eight weeks subsequent to receipt of the final laboratory analytical results.

A detailed Soil Excavation Work Plan and a detailed Work Plan for PCB/Mercury Supplemental Soil Remediation in the fill pad slope were prepared by URS, both dated September 27. They include a project description, project background, removal target criteria, excavation methodology, remediation scope, verification and analysis plan, a revegetation plan, an erosion control plan, a reporting plan and the project schedule. Detailed plans entitled, Aera – Hercules Gas Plan Soil Removal Plan and Grading and Drainage Improvement, Phase 1 (Sheets 1-7) dated 9/28/04 are included as part of the project description. All of these work plans and drawings are currently under final review by the IWT agencies and must be approved prior to commencement of project activities, as required by Emergency Permit Condition 7.

For more information on the specifics of the emergency work, please refer to the attached permit.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

Fees associated with County incident response and follow-up for this emergency are reimbursed by Aera pursuant to their cost-reimbursement agreement with the County. The project causes no fiscal or facilities impacts to the County.

Special Instructions:

None

Concurrence:

County Counsel

Attachments:

Emergency Permit (04EMP-00000-00002 issued 10/05/04

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