

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Works Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) : 151-020-036, -37, -041, and 155-020-015 Case No: Not Applicable

Location: Toro Creek Tributary
Toro Canyon Community Plan area in the First Supervisorial District

Project Title: Toro Oil/Water Separator Facility Response and Cleanup

Project Description:

On Sunday, Jan 1 the CDFW Office of Spill Prevention and Response (OSPR) was notified of release of oil into a creek in the 1000 block of Toro Canyon Road near Carpinteria (Santa Barbara County). The oil is from a natural seepage well built by the Occidental Oil Company in 1882. The US EPA retrofitted the site to prevent seepage in the 1990s by building and oil water separator facility. The County of Santa Barbara has monitored that facility since 2009. The cause of the oil release on Jan 1 is under investigation. Working to protect Californians from the incoming winter storms, Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, throughout California to support the ongoing response to recent winter storms.

The project consists of repairs and cleanup performed after the oil release. A Unified Command was established, comprised of representatives of OSPR, Santa Barbara County Fire, and Santa Barbara County. Santa Barbara County Public Works Department has prepared this Notice of Exemption on behalf of, and as a member of, the Unified Command. As part of the response, oil-cleanup materials and creek protection measures were installed. Absorbent pads and booms were placed in the creek channel. Erosion control materials such as sand-bags and straw wattles were installed across the channel at strategic locations to protect properties from potential oil transport. Installation of the cleanup materials and erosion control measures required crews on foot entering into the creek channel.

Ongoing cleanup and repair actions are underway in response the further heavy rains on January 9-10, 2023 and anticipated rains in the forecast. Actions include sandbagging, creek cleanup, absorbents and boom deployment, facility repairs, and road maintenance to ensure access. The County has developed a contract for services with a contractor to assist in the project (Pacific Petroleum).

The above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15304 (Minor Alterations) and 15308 (Actions for Protection of the Environment) as an emergency response in order to restore, enhance, and protect the environment from damages.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Public Works Division

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption

- Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section:

Cal. Pub. Res. Code Section 21080(b)(4) Specific actions necessary to prevent or mitigate an emergency; CEQA Guidelines Section 15304 Minor Alterations. Minor public or private alterations in the condition of land, water, and/or vegetation. CEQA Guidelines Section 15308. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

Reasons to support exemption findings:

Consistent with CEQA Guideline 15304; the project involves minor alterations in the condition of land, water, and/or vegetation and does not remove large, mature or healthy trees. Consistent with CEQA Guideline 15308; the project involves actions taken by Unified Command for protection of the environment. Therefore, this project can be found to be exempt from CEQA.

The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The area is not anticipated for successive projects of the same type in the same place; therefore this exception does not apply.

- (b) **Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The project does not involve any usual circumstances or specially designated scenic areas (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard. Therefore, this exception does not apply.

- (c) **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The projects do not involve a scenic highway or a project which may result in damage to a scenic resource, removal of trees, rock outcropping or similar resource. Therefore, this exception does not apply

- (d) **Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The site is not an any list compiled pursuant to Section 65962.5 of the Government Code.

- (e) **Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

There are no historic resources in the project sites; therefore this exception does not apply.

Lead Agency Contact Person: Andrew Raaf Phone #: (805) 722-7250

Department/Division Representative: Andrew Raaf Date: January 11, 2023

Signature: 

Acceptance Date: _____

Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Date Filed by County Clerk