



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: March 1, 2016
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D. Director, (805) 568-2085
Director(s): Dianne Black, Assistant Director, (805) 568-2086
Kevin Drude, Deputy Director, (805) 568-2519
**SUBJECT: ExxonMobil Emergency Permit for Temporary Oil Trucking
16EMP-00000-00001; Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file this report on Emergency Permit 16EMP-00000-00001, which authorized temporary trucking activities to de-inventory (empty) processed crude oil currently stored at Las Flores Canyon to preemptively prevent potential damage to life health, property and the environment (Assessor Parcel number 081-220-014). A copy of the Emergency Permit is included herein as Attachment A.
- b) Accept that issuance of the Emergency Permit is exempt from the California Environmental Quality Act (CEQA) pursuant CEQA Guideline section 15269(c), as this action was necessary to prevent or mitigate an emergency.
- c) Determine that receiving and filing this report is not a project pursuant to CEQA Guideline section 15378(b)(5), as it is an administrative government activity that will not result in direct or indirect physical changes in the environment.

Background:

On May 19, 2015, the Line 901 pipeline (operated by Plains All American Pipeline Company) ruptured and resulted in shutdown, effectively causing a facility-wide shut-in at ExxonMobil's Las Flores Canyon Facility (LFC) which relies on Line 901 to transport its oil to a refinery destination. The pipeline is currently prevented from returning to active service for a prolonged period of time, a minimum of six months from approval by the federal Pipeline & Hazardous Materials Safety Administration (PHMSA) of the needed corrective actions, due to the need for Plains to undertake physical repairs to the damaged pipeline and respond to Federal regulatory requirements. With Line 901 out of service, ExxonMobil has no permitted means to empty or de-inventory onsite storage tanks which currently hold approximately 425,000 barrels of crude oil.

Summary Text:

Section 35.82.090 of the Land Use and Development Code (LUDC) authorizes the Director of the Planning and Development Department (P&D) to temporarily defer standard permit requirements of the Land Use and Development Code and issue an Emergency Permit when emergency action is warranted. On February 1, 2016, Assistant Director, Dianne Black approved ExxonMobil's request to de-inventory the crude oil tanks under an Emergency Permit (see Attachment A). Section 35.82.090.I of the LUDC requires the Director to submit a written report describing the emergency action to the Board of Supervisors after issuing an Emergency Permit.

The Emergency Permit allows for the temporary trucking of approximately 425,000 barrels (bbls) of oil from the Las Flores Canyon (LFC) facility to receiver destinations in the northern Santa Barbara County area and Kern County over a 3 to 6 month period. The project includes minor improvements (see Attachment B) to the tanker truck loading area to allow for the simultaneous loading of up to two tanker trucks. No more than 30 tanker trucks per calendar day will be allowed to leave the facility. If a natural disaster (fire, flood, earthquake, etc.) were to occur and impact the facility, it would be infeasible for ExxonMobil to promptly and safely empty the storage tanks to prevent a potential release to the environment. Unless permitted to transport oil via temporary trucking, all crude oil will remain in the storage tanks for a prolonged period of time.

An Emergency Permit does not constitute an entitlement to the erection of permanent structures, and Section 35.82.090 of the LUDC requires approval of the otherwise normally required permit. In this case, the emergency response actions will be considered in a Development Plan Amendment pursuant to Section 35.84.040.D of the LUDC. No public hearing would be held and that discretionary action would be appealable to the Planning Commission. Any materials required for a completed application are required to be submitted within 90 days after the issuance of the emergency permit (May 1, 2015), unless this time period is extended by the Planning and Development Department.

Fiscal and Facilities Impacts: The estimated total cost to process this Emergency Permit is approximately \$10,000. These fees are budgeted under the Permitting Budget Program on page D-289 of the 2015/2016 fiscal year budget. All costs incurred from this action are borne completely by the applicant.

Attachments:

Attachment 1: Emergency Permit 16EMP-00000-00001

Attachment 2: Proposed Truck Loading Schematic

Attachment 3: Site Plan

Attachment 4: CEQA Exemption (Emergency Permit)

Attachment 5: CEQA Exemption (Board Letter)

Attachment 6: 87-DP-32 Conditions of Approval

Authored by:

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