

ATTACHMENT 3 CONDITIONS OF APPROVAL

SME/LCSD Recycled Water Pipeline 13LUP-00000-00102

I. PROJECT DESCRIPTION

1. Proj Des-01 Project Description

This project is based upon and limited to compliance with the project description, the hearing exhibits dated April 24, 2013, the description reviewed in 12EIR-00000-00003, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The LCSD recycled water pipeline will be eight miles in length, 16 inches in diameter, and primarily constructed of polyvinyl chloride (PVC), with a peak flow rate of 2,000 gallons per minute (gpm). A pump station will be installed on LCSD-owned land near the intersection of Blosser Road and Clark Avenue, and a second pump station will be located at approximately pipeline milepost 6.0 within an area to be acquired in fee on the west side of Graciosa Road.

The pipeline path would cross the Santa Maria Airport, be located within Blosser Road, Clark Avenue, Marcum Street, Old Highway 1, passing under Highway 135 and be located within Graciosa Road (public roadways/road right-of-ways) and in an easement across private property. At creek crossings, the pipeline trench will be would either be bored beneath the channels or installed using open trench methods. The Orcutt Creek crossing will be horizontally directionally drilled.

Work hours will normally be from 7:00 am to 5:00 pm, Monday through Friday. Work in the undeveloped portions of the Santa Maria Public Airport District property construction will be scheduled during the late spring, summer and early fall months to avoid California tiger salamander movement periods. Work in Graciosa Creek will occur during the summer to avoid surface water flows within the creek channel.

The pipeline is being constructed by Santa Maria Energy (SME) in cooperation with, and pursuant to LCSD standards and, following construction and acceptance by LCSD, the pipeline would be operated and maintained by LCSD for the purposes of distributing recycled water from the LCSD's wastewater treatment facility.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. Proj Des-02 Project Conformity

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above

and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. CONDITIONS BY ISSUE AREA – MITIGATION MEASURES FROM 12EIR-00000-00003

3. MMLCSD AQ-1. Dust Control.

Santa Maria Energy (SME) shall comply with the following dust control components at all times including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by LCSD or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all project plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide LCSD monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.

- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to construction. The dust control components apply from the beginning of any grading or construction throughout all development activities.

MONITORING: SME shall ensure measures are on project plans. LCSD shall spot check to ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

4. MM LCSD BIO-1. General Habitat/Native Vegetation/Wildlife Protection

The following measures shall be fully implemented to avoid, minimize and mitigate adverse effects to habitats, native vegetation, and wildlife in proximity to the pipeline alignment:

1. A Biological Resources Mitigation Compliance Plan shall be prepared by SME. This Plan shall describe how each biological resource mitigation measure, including BIO-2 through BIO-10, below, will be implemented. The Plan shall also include the schedule and responsible party for implementing biological resource mitigation measures.
2. An educational briefing shall be conducted by a County-approved biologist for all project personnel prior to the start of the project. The briefing shall include a discussion of all sensitive species and habitats that may be encountered during construction, the laws and codes that regulate these resources, and the protection measures that must be followed to avoid and minimize project-related impacts.
3. The LCSD pipeline alignment, construction corridor, staging areas, and access routes shall be clearly marked in the field to prevent impacts outside of the designated work areas.
4. For any construction within the migratory bird nesting period, pre-construction surveys shall be conducted along the pipeline alignment to detect any sensitive species or nesting birds protected under the Migratory Bird Treaty Act.
5. All work areas will be approved by the Project Engineer in consultation with an approved biologist.
6. No new disturbance to native habitats for equipment lay-down, parking, staging, or other support shall be developed. Previously disturbed areas shall be employed to support these work zones.
7. All concrete and asphalt debris shall be removed from the site for recycling or proper disposal. Materials shall not be placed outside of the work zone and left for future disposal. If materials are re-used at the project site, stock piles shall be placed within the work zone in areas previously disturbed and free of small mammal burrows.
8. Grading, trenching, ground disturbance, construction activities, and structural development shall occur outside of the critical root zone of onsite and adjacent oak trees and willow trees that are not slated for removal. This protection shall include installation of tree protection fencing when trees are within 10 feet of ground disturbance. Any willows removed shall be replaced at a 5:1 ratio.
9. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur in areas where polluted water and materials can be contained for

subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody, or sensitive biological resources.

10. Tracked vehicles and other construction equipment shall be weed-free prior to entering and working within undeveloped areas.
11. Best available erosion and sediment control measures shall be included in a Storm Water Pollution Prevention Plan (SWPPP). These measures may include sediment basins, gravel bags, silt fences, geo-bags, or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected. Sediment control measures shall be maintained in proper working order for the duration of the grading and until graded areas have been stabilized. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways.

PLAN REQUIREMENT AND TIMING: The Biological Resources Mitigation Compliance Plan shall be prepared by SME and approved by LCSD and shall include the biological resource mitigation measures adopted as conditions of approval of this LUP.

MONITORING: LCSD shall ensure compliance in the field. LCSD or the LSCD approved construction manager shall conduct periodic site inspections during construction.

5. MM LCSD BIO-2. Sensitive Habitat/Native Vegetation/Wetlands Protection and Restoration Plan ("PRP")

The following measures shall be fully implemented to minimize and mitigate adverse effects to wetland habitats, native grasslands, and vernal pools along the pipeline alignment.

1. Temporary fencing and/or flagging shall be used to delineate the work area within and adjacent to Graciosa Creek to minimize inadvertent damage to riparian vegetation.
2. Riparian habitat at Graciosa Creek (approximately 1,655 square feet/0.04 acres; to be confirmed in pre-construction survey) shall be restored following completion of construction activities. Restoration would include, but not be limited to, the following measures and/or as required by CDFW and ACOE regulatory approvals or permits:
 - a. Restoration of the stream banks and stream bottom to pre-project grade and elevation.
 - b. Impacted areas within Graciosa Creek shall be replanted with native riparian species. Willow trees removed shall be replaced at a 5:1 ratio; other riparian perennials shall be replaced at a density commensurate with pre-project conditions.
 - c. Any non-native species shall be removed at the direction of the biological monitor.

3. Areas of native grasslands (estimated to be between 7,920 square feet/0.18 acre and approximately 26,120 square feet./0.6 acre) shall be restored to similar species composition after pipeline construction. Site-specific surveys to delineate and quantify native grassland within the LCSD waterline construction corridor in Segment 1 shall be conducted prior to construction.
4. Plantings shall be installed and invasive non-native plant species, as defined by CAL-IPC, and with the exception of annual grasses, removed prior to November of the year following construction completion.

PLAN REQUIREMENT AND TIMING: The above measures shall be included in the PRP which shall be submitted to LCSD, and other resource agencies as appropriate, for review and approval prior to approval of the contract for pipeline construction. Restoration shall be implemented following completion of construction activities at Graciosa Creek and other sensitive areas. The requirement for temporary fencing and/or flagging shall be included in the construction specifications. Fencing/flagging shall be in place prior to commencing construction. Restoration components of the PRP shall include, but are not limited to the following:

- Restoration of all temporarily disturbed sensitive areas, currently estimated at approximately 0.04 acre of willow riparian woodland within Graciosa Creek and up to 0.6 acre of native grassland.
- Goals and objectives of the restoration program shall be, at a minimum, to replace all temporarily disturbed habitats “in-kind” in areas where they were impacted.
- A timeline for restoration and subsequent monitoring to track progress and success per performance criteria. Restoration shall be initiated no later than one year after completion of construction at the restoration sites. Subsequent monitoring shall occur on at least a quarterly basis for the first year and annually thereafter until performance criteria are met. Monitoring reports shall be submitted to P&D and LCSD.
- A schedule and measures for site-specific seed collection, transplant, and/or propagation at the appropriate time of year. For example, *Juncus* seed is most easily collected in summer to fall, whereas foothill needlegrass is best collected spring to summer. Optimum time for planting or transplanting shall be identified and used for each species.
- Performance criteria for grasslands shall be, at a minimum: (1) at least 10% absolute cover native grassland species (including but not limited to *Stipa pulchra*, *S. lepida*, any *Juncus* species, *Sisyrinchium bellum*, *Grindelia camporum*, *Dudleya*, *Horkelia cuneata*, and other native grass species) for at least three years in a row within restoration polygons; (2) successful replacement of existing hardscape habitat features (e.g., sandstone indurations), based on quantification as outlined in item 3 above; and (3) less than 5% cover non-native invasive species, excluding annual grasses. Cover is to be measured within restoration polygons established using acceptable scientific methods such as fixed-line intercept, quadrat-base, and/or rapid assessment sampling methods.

- Performance criteria for Graciosa Creek are same as above in item 2 (replant willows at 5:1).
- Performance criteria for vernal pool complexes shall include at a minimum (1) no alteration of local hydrology (see MM LCSD BIO-3).
- Monitoring and maintenance (e.g., weed removal) for five years or until performance criteria are met, whichever comes first.
- Contingency plans, such as reseeding and/or replanting in the event of plant die-off and/or continued weed removal, in event of failure to meet performance criteria.

MONITORING: SME shall ensure the PRP is prepared and implemented in the field. Biological monitors shall field check progress in meeting performance criteria and shall submit periodic progress reports to the regulatory agencies CDFW would be responsible for monitoring any elements of the PRP required for compliance with the Streambed Alteration Agreement.

6. MM LCSD BIO-3. Vernal Pools and Vernal Pool Complexes

The following measures shall apply to all vernal pools and vernal pool complexes within the vicinity of the proposed alignment to minimize and mitigate adverse effects to the pools and resident wildlife:

1. Construction shall be restricted within 250 feet of the edge of any pool, except for the alignment in the vicinity of Wetland 4. At Wetland 4, construction shall be limited to the northern side of the existing trunk sewer line, as indicated by the presence of the raised berm.
2. Pools within 250 feet of the proposed alignment and not separated by an existing barrier shall be demarcated with exclusion fencing prior to construction activities, to prevent accidental or incidental disturbance; with the exception of Wetland 4. Where paved and compacted dirt roads are present within 250 feet of pool edges, the roadways shall remain open for construction vehicle usage.
3. No discharge or any material, including grass cutting, shall be permitted within the vernal pools and buffer areas.
4. Detailed pre-construction and post-construction topographic/land survey of work areas shall be completed to ensure that pipeline construction activity does not alter local hydrology that creates and sustains vernal pools.

PLAN REQUIREMENT AND TIMING: The above mitigation requirements shall be included on the project construction plans and included in the project construction specifications.

MONITORING: The LCSD shall ensure compliance prior to and during construction. Biological monitor shall field check for delineation and compliance with setback requirements.

7. MM LCSD BIO-4. Sensitive Amphibians

Prior to commencing any ground disturbing activities, SME and/or LCSD shall consult with USFWS and CDFW regarding potential impacts to federal- and state-listed species. SME and/or LCSD shall obtain all necessary permits/approvals and shall implement avoidance and minimization measures as required by these permits and approvals. These measures shall include, but not be limited to:

1. All trenches, pits, and holes shall be backfilled or covered at the end of each work day to prevent entrapment of wildlife. Pipeline trenching shall be limited to advancing only the distance necessary to complete pipeline construction.
2. All work areas shall be inspected by a USFWS-authorized biologist prior to the commencement of daily activities. Covered pits and trenches shall be inspected prior to or during the removal of coverings before work begins each day.
3. Open-ended small mammal burrows within excavation sidewalls shall be plugged by a USFWS-approved biologist with lightly compacted native soils to prevent access to the trench from undisturbed burrow systems.
4. Small mammal burrows within the project footprint shall be examined with an infrared burrow scope to look for California tiger salamanders and western spadefoot prior to construction. If salamanders or spadefoot are observed, the burrows shall be carefully hand-excavated and the salamanders or spadefoot shall be relocated by a biologist approved and permitted by the USFWS and CDFG, in accordance with federal and state permits.
5. A USFWS-authorized biologist shall provide a briefing for all site workers prior to beginning work. Topics shall include field identification of vernal pool fairy shrimp, western spadefoot, California tiger salamander and California red-legged frog, their regulatory status, and specific measures required to ensure protection of the species. Limits of work areas and designated access routes and staging areas shall be reviewed.
6. All work shall be conducted during daylight hours.
7. Trenching on the Santa Maria Airport property (Segments 1, 2 and a portion of 3), in Segment 5 south of the Marcum Street gate shall occur during the dry season, approximately May 1 through October 31. If dry conditions exist outside of this period, the Applicant may contact the USFWS and CDFW for approval to work outside of this seasonal window.
8. If a listed species is found in the project work area during construction, work in the vicinity shall stop until the individual(s) can be relocated by a USFWS-authorized biologist in accordance with the requirements set forth in the project USFWS Biological Opinion and CDFW Incidental Take Permit.

PLAN REQUIREMENTS AND TIMING: Copies of the project's state and federal permits shall be included in the project's construction specifications.

MONITORING: The LCSD shall ensure field surveys are conducted and SME shall contract with a USFWS authorized biologist to monitor construction activities in compliance with the permit conditions. The authorized biologist shall submit monitoring reports to LCSD and LCSD will forward reports to USFWS and CDFW as required.

8. MM LCSD BIO-5. Nesting and Roosting Raptors

The following measures shall be fully implemented to minimize impacts to nesting and roosting raptors:

1. Pre-activity surveys shall be conducted within 48 hours of commencement of construction activities (if construction activities fall within the raptor nesting period). All potential nest trees within 500 feet of the pipeline alignment (for portions of the pipeline alignment not within the roadway or roadway shoulder) shall be examined.
2. A 300-foot buffer shall be established for any active raptor nests. This buffer may be reduced to 200 feet if a full-time biological monitor is present to observe the birds' behavior and to stop work if any disruption to nesting activities is observed, with the approval of CDFG and USFWS.

TIMING These measures shall be included in the project specifications. Surveys shall be conducted prior to ground disturbance during the nesting period.

MONITORING: SME shall retain a qualified biologist to conduct field surveys and to ensure compliance with setback requirements. The authorized biologist shall submit survey and monitoring reports to LCSD.

9. MM LCSD BIO-6. Burrowing Owls

The following measures shall be fully implemented to minimize impacts to nesting burrowing owls:

1. Pre-activity surveys shall be conducted immediately prior to construction (within 48 hours of initial construction activities) where the pipeline is proposed to be installed in non-paved areas. All potential burrows shall be observed for evidence of burrowing owl use (e.g., whitewash, feathers, and pellets).
2. If an active nest is confirmed the nest will be given a 500-foot buffer until the chicks have fledged and are independent of the nest.
3. If a solitary or non-nesting burrowing owl is observed using a burrow, a 200-foot buffer shall be established. If a buffer is not feasible due to the location of the burrow with respect to the pipeline alignment, then appropriate passive relocation techniques shall employed.

TIMING: The above mitigation requirements shall be included in the project specifications. Surveys shall be conducted prior to construction activities.

MONITORING: SME shall retain a qualified biologist to conduct field surveys and to ensure compliance with the setback requirements. The approved biologist shall submit survey and monitoring reports to LCSD.

10. MM LCSD BIO-7. Nesting Season Restrictions

Construction activities such as clearing and grubbing of vegetation communities shall be avoided during the nesting season (February 1 through August 15). If the nesting period cannot be avoided a qualified, County-approved biologist shall conduct pre-construction bird surveys within 48 hours prior of initial construction activities to avoid impacts to raptors, special status breeding birds and other nesting birds protected by the Migratory Bird Treaty Act. The survey area shall extend approximately 500 feet around the

construction work areas (or to the limits of the property line where it occurs within 500 feet of the work area, unless access is obtained from the property owner). If an active nest of a common migratory bird is observed, a 300-foot buffer (or a buffer distance as determined necessary by the project biologist based on field conditions) shall be implemented until continued monitoring demonstrates that the nest is vacated and the juveniles have fledged. In the event an active nest of any raptor or other special status breeding birds is observed within the construction work area, construction work shall be delayed until (a) after September 15; or b) a buffer of 500 feet shall be established around the nest until continued monitoring demonstrates that the nest is vacated and the juveniles have fledged.

TIMING: The biologist shall conduct any pre-construction nest surveys within 48 hours prior to construction. Any required buffer zones shall be established prior to initiation of construction activities.

MONITORING: SME shall retain a qualified biologist to conduct field surveys and to ensure compliance with the setback requirements. The approved biologist shall submit survey and monitoring reports to LCSD.

11. MM LCSD BIO-8 American Badger

The following measures shall be fully implemented to prevent impact to this species:

1. Pre-activity surveys shall be conducted not more than 48 hours prior to construction where the pipeline is proposed to be installed in non-paved areas to identify potential dens.
2. Potential dens shall be monitored for 3 days using tracking medium at the potential den entrance to detect badger use.
3. If the den is inactive, the den shall be carefully excavated or dismantled and refilled with soil, after which the proposed project would be initiated.
4. If an active natal den is observed a 300-foot buffer shall be established. No work related to the proposed project would take place within this buffer while the natal den is active. Once abandoned the den would be dismantled or excavated.

PLAN REQUIREMENTS AND TIMING: SME shall retain a qualified biologist to conduct field surveys. The LCSD shall ensure that the field surveys are conducted by a qualified biologist prior to the start of construction. If active dens are observed during construction of the recycled water pipeline, the survey biologist shall ensure that the appropriate buffer is in place prior to construction.

MONITORING: SME shall retain a qualified biologist to conduct field surveys. Prior to construction, the biologist shall report any findings to LCSD and submit a report to LCSD regarding the result of the pre-construction survey and any subsequent monitoring, or den dismantling (if required) to LCSD.

12. MM LCSD BIO-9. Other Sensitive Species

The following measures shall be fully implemented to prevent impact to silvery legless lizards and coast horned lizards:

1. Biological monitors shall perform pre-activity surveys within 48 hours of construction, and relocate any individuals found in harm's way to adjacent suitable habitat.
2. Biological monitors shall be present to observe the top layers of excavation to reduce likelihood of direct mortality to silvery legless lizards.
3. Construction activity shall be restricted to the project footprint, within pre-determined boundaries.

PLAN REQUIREMENTS AND TIMING: The above mitigation requirement shall be included in the project specifications.

MONITORING: SME shall retain a qualified biologist to conduct field surveys. Prior to construction, the biologist shall report any findings to LCSD and LCSD shall ensure that the biological monitors are present and that field surveys are conducted prior to and during initial ground disturbance. The approved biologist shall submit monitoring reports to LCSD.

13. MM LCSD BIO-10. Frac-Out Contingency Plan

A frac-out contingency plan shall be prepared by SME and include measures for training, monitoring, worst-case scenario evaluation, equipment and materials, agency notification and prevention, containment, clean up, and disposal of released drilling mud. Site-specific contingency measures shall be developed for the bore site, taking into consideration terrain, access, resource sensitivities, and proximity of suitable areas for staging frac-out response equipment. Preventative measures shall include incorporation of the recommendations of a geotechnical investigation to determine the most appropriate drilling depth and drilling mud mixture for the HDD bore site. In addition, drilling pressures shall be closely monitored so that they do not exceed those needed to penetrate the formation. Monitoring by a minimum of two monitors (located both upstream and downstream) shall occur throughout drilling operations to ensure swift response in the event of a frac-out, while containment shall be accomplished through construction of temporary berms/dikes and use of silt fences, straw bales, absorbent pads, straw wattles, and plastic sheeting. Clean up shall be accomplished with plastic pails, shovels, portable pumps, and vacuum trucks.

PLAN REQUIREMENTS AND TIMING: Prior to commencing of the HDD pipeline installation activity, the frac-out contingency plan shall be prepared by SME and submitted to the LCSD for review and approval. The plan shall include training of the construction crew, monitoring, worst-case scenario evaluation, equipment and materials, agency notification and prevention, containment, clean up, and disposal of released drilling mud. The plan shall be kept on site during construction and contingency measures shall be printed on project plans for Orcutt Creek crossing.

MONITORING: Field monitors shall be in place during HDD pipeline installation and SME shall report to LCSD on the status of drilling activities. LCSD shall site-inspect as determined necessary.

MM LCSD BIO-11. Fish and Game and Army Corps of Engineers Compliance

No alteration to the channel or banks of Graciosa Creek shall be permitted until the SME and/or LCSD demonstrates receipt of all necessary authorizations from the California Department of Fish and Wildlife and/or the Army Corps of Engineers.

PLAN REQUIREMENT AND TIMING: CDFG/USACE authorizations/permits shall be acquired before the start of any vegetation removal or any ground disturbing activities in Graciosa Creek. The permits shall be included in the construction specifications.

MONITORING: SME shall retain a qualified biologist to conduct field surveys and site inspections to ensure compliance and report to LCSD. LCSD shall spot check for compliance.

14. MM LCSD CulRes-1. Phase 1 Survey

The portion of the pipeline alignment between Clark Avenue and Highway 135 (Segment 5), where pedestrian access was not available shall be surveyed for cultural resources prior to construction activities. If archaeological resources are discovered during the survey, they should be avoided or evaluated for significance pursuant to Phase 2 investigation of the County Archaeological Guidelines. If remains are found to be significant and the site cannot be avoided, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines.

PLAN REQUIREMENTS AND TIMING: SME shall contract with a qualified archaeologist to complete the required survey. The survey shall be completed following acquisition of the easement and prior to the start of construction.

MONITORING: LCSD shall ensure the survey is completed and shall ensure compliance with recommendations following the survey.

15. MM LCSD CulRes-2. Construction Monitoring

Native American and archaeological monitors shall be present during ground disturbing activities at the pipeline crossing at the confluence of Orcutt Creek and Pine Creek Canyon Creek. If archaeological resources are discovered during earth moving activities, all construction activities within 50 feet of the find (or as deemed appropriate by the monitoring archaeologist) shall cease until the archaeologist evaluates the significance of the resource.

PLAN REQUIREMENTS/TIMING: These conditions shall be included in the project plans and specifications. SME shall retain the required monitors.

MONITORING: The Native American and archaeological monitors shall monitor construction and report any findings to LCSD. LCSD shall spot check for compliance.

16. MM LCSD CulRes-3. Stop Work at Encounter

The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on the pipeline construction plans.

MONITORING: LCSD shall check plans and staff shall spot check in the field throughout grading and construction.

17. MM LCSD FIRE-1: Catalytic Convertors

Vehicles equipped with catalytic converters shall not be parked in areas that are susceptible to fire, such as tall grass.

MM LCSD FIRE-2: Water Truck. A water truck will be present during all welding activities to mitigate for fire hazards.

PLAN REQUIREMENTS AND TIMING: The measures shall be included in project specifications.

MONITORING: SME shall ensure that a water truck is present during all welding activities and that vehicles are parked appropriately. LCSD shall spot-check for compliance.

18. MM LCSD HAZ-1: Site Remediation Plan

If soil and/or groundwater contamination is observed during trenching activities, work is to cease immediately in the impacted area and a workplan to determine the lateral and vertical extent of the contamination shall be submitted to FPD and a site remediation plan shall be submitted to the FPD or the RWQCB for review and approval. Depending on the type and extent of contamination, remediation may include excavation and off-site disposal, on-site aeration, on or off-site treatment and backfilling of the trench with clean fill. The APCD shall also be contacted to determine if any permits are required for the remediation activities. Construction contingency plans and a Site Health and Safety Plan shall be prepared as necessary.

PLAN REQUIREMENTS AND TIMING: The mitigation measure shall be included in the contract bid documents and specifications. A Remediation Plan shall be completed by SME and submitted to LCSD and the required agencies upon the discovery of any contaminated soil.

MONITORING: LCSD shall insure the measure is included in the bid documents. LCSD and the Fire Department Hazardous materials Division shall ensure compliance with the Remediation Plan if contamination is encountered.

19. MM LCSD NOISE-1 Construction Hour Limits

To minimize potentially significant noise impacts to adjacent residences, the following measure shall be implemented:

- Pipeline installation activities involving heavy equipment or heavy-duty truck traffic within 1,600 feet of residences shall be limited to the hours of 7 am to 5 pm, with no work on weekends.

PLAN REQUIREMENT AND TIMING: This condition shall be included in the project specifications.

MONITORING: LCSD shall spot-check for compliance.

20. MM LCSD Trans-1 Traffic Control and Haul Route Plans

Plans shall be developed for the LCSD Waterline project in accordance with Roadway Encroachment permit requirements from Caltrans, the County of Santa Barbara, and the City of Santa Maria. At a minimum, the Plans shall include the following:

Road Closures and Access. Access to driveways and businesses shall be maintained at all times during the project. Road closures, including lane closures and parking restrictions, shall be in accordance with the Encroachment Permit requirements of the issuing agency and the approved Traffic Control Plan. As required by Caltrans, Santa Barbara County and/or the City of Santa Maria, appropriate signage and flagmen shall be provided to allow safe access through the work area.

Haul Routes, Queues, and Deliveries. Haul routes shall be in accordance with the approved Haul Route Plan. Staging areas shall be clearly identified on the Haul Route Plan. Deliveries shall be coordinated with requirements of the Traffic Control Plan and Haul Route Plan to minimize delays and disturbances to the flow of traffic. The Haul Route Plan shall clearly identify the haul routes for construction materials, as well as the staging areas and delivery locations. As required by the County of Santa Barbara, City of Santa Maria, and/or Caltrans, haul routes shall use major roads where possible and avoid the use of residential streets at all times. Acceptable roads within the project limits include Clark Avenue, Blosser Road, Union Valley Parkway, Graciosa Road, Highway 101 and Highway 135.

Pedestrian and Bicycle Safety. Pedestrian and bicycle access shall be maintained along Blosser Road at all times. Any necessary sidewalk closures shall be included in the approved Traffic Control Plan and alternative access for pedestrians and bicyclists identified.

PLAN REQUIREMENTS AND TIMING: The Traffic Control Plan shall be prepared in accordance with the California Manual on Uniform Traffic Control Devices. The Traffic Control Plan and Haul Route Plan shall be provided to the County, City of Santa Maria, and Caltrans for approval prior to construction within project area roadways. Traffic control measures shall be implemented prior to the start of construction and maintained throughout construction.

MONITORING: The County and/or City roadway encroachment agency staff will monitor compliance with the approved Encroachment Permit(s), including the Traffic Control Plan and Haul Route Plan. Construction within the Caltrans right of Way will be monitored by the assigned State Inspector.

21. MM LCSD WR-1a. Frac-Out Contingency Plan

A frac-out contingency plan shall include measures for training, monitoring, worst-case scenario evaluation, equipment and materials, agency notification and prevention, containment, clean up, and disposal of released drilling mud. Site-specific contingency measures shall be developed for the bore site, taking into consideration terrain, access, resource sensitivities, and proximity of suitable areas for staging frac-out response equipment. Preventative measures shall include incorporation of the recommendations of a geotechnical investigation to determine the most appropriate drilling depth and drilling mud mixture for the HDD bore site. In addition, drilling pressures shall be closely monitored so that they do not exceed those needed to penetrate the formation. Monitoring by a minimum of two monitors (located both upstream and downstream) shall occur throughout drilling operations to ensure swift response in the event of a frac-out, while containment shall be accomplished through construction of temporary berms/dikes and use of silt fences, straw bales, absorbent pads, straw wattles, and plastic sheeting. Clean up shall be accomplished with plastic pails, shovels, portable pumps, and vacuum trucks.

PLAN REQUIREMENT AND TIMING: Prior to commencing of the HDD pipeline installation activity, the frac-out contingency plan shall be submitted to the LCSD for review and approval. The plan shall include training, monitoring, worst-case scenario evaluation, equipment and materials, agency notification and prevention, containment, clean up, and disposal of released drilling mud.

MONITORING: LCSD shall review and approve the frac-out contingency plan. This information shall be printed on all project plans.

22. MM LCSD WR-1b. Site-Specific Geotechnical Investigation

A site-specific geotechnical investigation shall be completed in areas proposed for jack and bore operations and for the HDD Orcutt Creek crossing.

PLAN REQUIREMENT AND TIMING: Preliminary geotechnical borings shall be drilled to verify that the proposed depth of horizontal drilling is appropriate to avoid frac-outs (i.e., the depth of finest grained sediments) and to determine appropriate drilling mud mixtures for specific types of sediments. The site-specific investigation shall be completed prior to commencing of pipeline installation activity at each site.

MONITORING: LCSD shall review and approve the geotechnical report and ensure any recommendations are included in the Frac-out Contingency Plan.

23. MM LCSD WR-1c. Storm Water Pollution Prevention Plan

The project would require coverage under the General Permit for Storm Water Discharges Associated with Construction Activity (Water Quality Order 2009-0009-

DWQ). As required by the conditions of the General Permit, a Storm Water Quality Pollution Prevention Plan (SWPPP) would be prepared, which would include best management practices to be implemented and a monitoring program. At a minimum, the following Best Management Practices shall be incorporated into the SWPPP to minimize potential water quality impacts:

- Ground disturbance shall be limited to the dry season or periods when rainfall is not predicted, if project schedule requires construction during the wet season (due to other seasonal constraints [e.g., nesting birds], best management practices shall be in place during construction and construction shall not occur while it is actively raining to minimize erosion and sediment transport to surface waters.
- Disturbed areas shall be stabilized or re-vegetated prior to the start of the rainy season.
- Straw wattles (or equivalent measures) shall be used to trap suspended sediment around work areas containing disturbed soils.
- Groundwater discharged to surface waters (if any) shall be allowed to settle to reduce suspended sediment, prior to such discharge.
- Impacts to vegetation within and adjacent to creeks and storm drains shall be minimized. The work area shall be flagged to identify its limits. Vegetation shall not be removed or intentionally damaged beyond these limits.
- Construction materials and soil piles shall be placed in designated areas where they could not enter creeks or storm drains due to spillage or erosion.
- Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from watercourses, and shall be disposed of regularly.
- All fueling of heavy equipment shall occur in a designated area removed from Orcutt Creek and other drainages, such that any spillage would not enter surface waters. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.
- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and coolant, and shall be examined for leaks on a daily basis. All maintenance shall occur in a designated offsite area. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.
- Any accidental spill of hydrocarbons or coolant that may occur on the construction site shall be cleaned immediately. Absorbent materials shall be maintained on the construction site for this purpose. The Regional Board shall be notified immediately in the event of an accidental spill to ensure proper clean up and disposal of waste.
- Where the paved roadway is disturbed by pipeline installation:
 - Concrete, asphalt, and seal coat shall be applied during dry weather conditions to prevent contaminants from contacting stormwater runoff.

- Storm drain inlets and manholes will be covered when paving or applying seal coat, slurry seal, fog seal, etc.
- Paving machines shall be parked over drip pans or absorbent materials.
- Pavement saw-cuts shall use as little water as possible and storm drain inlet shall be completely covered with filter fabric during the sawing operation and the saw cut slurry shall be contained by placing straw bales, sandbags, or gravel dams around the catch basins. Slurry residue shall be removed from the pavement or gutter by shovel or vacuum.
- Exposed aggregate concrete shall only be washed down when the wash water can: (1) flow onto a dirt area; (2) drain onto a bermed surface from which it can be pumped and disposed of properly; or (3) be vacuumed from the area along the curb where sediment has accumulated by blocking a storm drain inlet.
- Sweepings from exposed aggregate concrete shall not be discharged into a street or storm drain.
- Where possible broken concrete and asphalt shall be recycled.

PLAN REQUIREMENT AND TIMING: Prior to commencing of pipeline installation activity, a SWPPP shall be prepared for SME by a qualified SWPPP preparer (consistent with RWQCB requirements) which includes Best Management Practices to minimize potential water quality impacts.

MONITORING: LCSD shall review and approve the SWPPP. LCSD shall spot-check for compliance.

III. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

24. Rules-01 Effective Date

This Land Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.

25. Rules-03 Additional Permits Required

The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

26. Rules-05 Acceptance of Conditions

The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

27. Rules-23 Processing Fees Required

Prior to issuance of the Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

28. Rules-30 Plans Requirements

The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

29. SPEC Rules-31 Mitigation Monitoring Required

The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

1. Contact LCSD compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
2. Pay fees prior to approval of the Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for LCSD to hire and manage outside consultants when deemed necessary by LCSD staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with LCSD recommendations to bring the project into compliance. The decision of the LCSD shall be final in the event of a dispute;
3. Note the following on each page of grading and building plans "This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Environmental Impact Report 12EIR-00000-00003;"
4. Contact LCSD compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by LCSD compliance monitoring staff and attended by all parties deemed necessary by LCSD, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

30. Rules-33 Indemnity and Separation

The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

32. Rules-32 Contractor and Subcontractor Notification

SME shall ensure that potential contractors are aware of County requirements. SME shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to LCSD compliance monitoring staff.

33. Rules-37 Time Extensions

The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
