



**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: July 21, 2015
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Planning & Development
Director(s) Glenn Russell, Ph.D. Director, 568-2085
Contact Info: Kevin Drude, Deputy Director, 568-2519
SUBJECT: Emergency Permit for the Plains Pipeline Oil Spill Response at Refugio

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

1. Receive and file this report on Emergency Permit 15EMP-00000-00005, which authorized cleanup activities related to the Refugio Oil Spill to minimize impacts to human health and the environment. A copy of the Emergency Permit is included herein as Attachment A.
2. Accept that the 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.
3. 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:

According to the applicant, Plains Pipeline, L.P.:

- Plains Pipeline, L.P. (Plains) owns and operates Line 901, a 24-inch diameter, 10-mile long buried pipeline that transports crude oil from the Las Flores Canyon Processing Facility to the Gaviota Oil & Heating Facility (GOHF) at Gaviota. Line 901 was originally permitted by the County under a Final Development Plan (88-DPF-033) in 1988. The Pipeline was constructed from 1989 to 1991 and operations began on June 28, 1991.

- On May 19, 2015, an estimated 101,000 gallons or 2,400 barrels of crude oil (according to Plains Pipeline, L.P.) were released from the Plains All American Pipeline into the environment.
- The pipeline ruptured approximately one hundred yards north of Highway 101, and oil traveled through a drainage culvert to the Pacific Ocean approximately ¼ mile west of Refugio State Park.
- The oil subsequently traveled both east and west from the spill site, impacting beaches in the vicinity and as far away as Los Angeles County.

Emergency response operations were immediately initiated under the direction of a Unified Command led by the United States Coast Guard and the United States Environmental Protection Agency (EPA), in consultation with the California Department of Fish and Wildlife, County OEM and Plains All American Pipeline. Emergency response operations to date have included: excavation of contaminated materials at the spill site and along the coastal bluff top; excavation, removal and repair of the damaged section of pipeline; cleaning of culverts; excavation and repair of four pipeline anomalies located west of the spill site; removal of contaminated sand from beaches; cleaning of rocks and coastal cliffs; and on-water operations for oil containment and removal.

Pursuant to conditions in the Final Development Permit (88-DPF-033), emergency response operations are being monitored by the County's Environmental Quality Assurance Program (EQAP) monitors. Because EQAP monitors have biological and cultural resources expertise, they are able to play an important role in ensuring that additional damage to important resources is minimized throughout cleanup efforts. The County's EQAP monitors are essential in documenting the day-to-day activities associated with the oil spill response field work. They continue to provide detailed daily reports to County staff including photographs, document field practices of the Shoreline Cleanup Assessment Team (SCAT) and maintain regular communication with personnel at the Incident Command Center in order to remain aware of the status of the cleanup operations.

Summary Text:

On May 20, the Director of Planning and Development gave verbal and email authorization to Plains to conduct emergency response operations pursuant to the County's Article II Coastal Zoning Ordinance (see Attachment D). Plains followed this authorization by submitting a formal Emergency Permit application on May 29, 2015 pursuant to Section 35-171.3 of the County's Article II Coastal Zoning Ordinance. P&D subsequently provided Plains with a request for additional information on June 5th, to which Plains responded with all required information on June 24th. The Emergency response/operations were formally permitted by the County in Emergency Permit Case No. 15EMP-00000-00005 which was issued on July 3, 2015 (see Attachment A). Issuing this Emergency Permit is consistent with the County's Comprehensive Plan and Article II Coastal Zoning Ordinance as the action provides an immediate response to abate an uncontrolled release of oil into the environment. Issuing the Emergency Permit is also consistent with Section 25-2 of the Petroleum Code, which requires protection of the health, safety, public welfare, physical environment and natural resources of the County by reasonable regulation of onshore petroleum facilities and operations. P&D granted the Emergency Permit with the issuance of a categorical exemption (CEQA Guidelines Section 15269(c)), a copy of which is included with the Emergency Permit in Attachment A.

An Emergency Permit does not constitute an entitlement for the purposes of permitting, and Section 35-171.5.3 of the Coastal Zoning Ordinance requires approval of the otherwise normally required permit. In this case, the emergency response actions will be considered in a discretionary Coastal Development Permit with hearing (CDH). The Coastal Development Permit will require a hearing before the County Zoning

Administrator, and would be appealable to the Planning Commission, Board of Supervisors, and eventually the California Coastal Commission (CCC). Any materials required for a completed application are required to be submitted within 90 days after the issuance of the emergency permit (July 1, 2015), unless this time period is extended by the Planning and Development Department. Plains submitted the follow-on CDH application on June 24, 2015 and it is now in process with Planning & Development.

Because the oil spill and related response effort spanned the jurisdictions of the County, the City of Goleta and the California Coastal Commission, P&D worked closely with the City of Goleta and the CCC to ensure that the descriptions and conditions of approval for the respective agency Emergency Permits were consistent with each other. As part of processing of the follow-on permit, the emergency response and restoration activities will be subject to environmental review pursuant to CEQA. The County is in the process of forming a Joint Review Panel to coordinate environmental review with the City of Goleta and the California Coastal Commission, which will also issue emergency permits for portions of the emergency response activities within their respective jurisdictions. While it has not yet been determined, the County expects to act as the CEQA lead agency for the future environmental document.

Fiscal and Facilities Impacts:

The estimated total cost to process this Emergency Permit is approximately \$75,000. These fees are budgeted under the Energy & Minerals Division Permitting Program on page D-212 of the 2014/2015 fiscal year budget. All costs incurred from this action are borne completely by the applicant who provided an initial deposit of \$12,500 with their permit application.

Attachments:

- Attachment A: Emergency Permit 15EMP-00000-00005
- Attachment B: Map – Spill Response Sections 1-5
- Attachment C: Map – Santa Barbara County Shoreline Divisions
- Attachment D: Emergency Permit Authorization Email
- Attachment E: CEQA Exemption

Authored by: Matt Young, Planner 568-2513