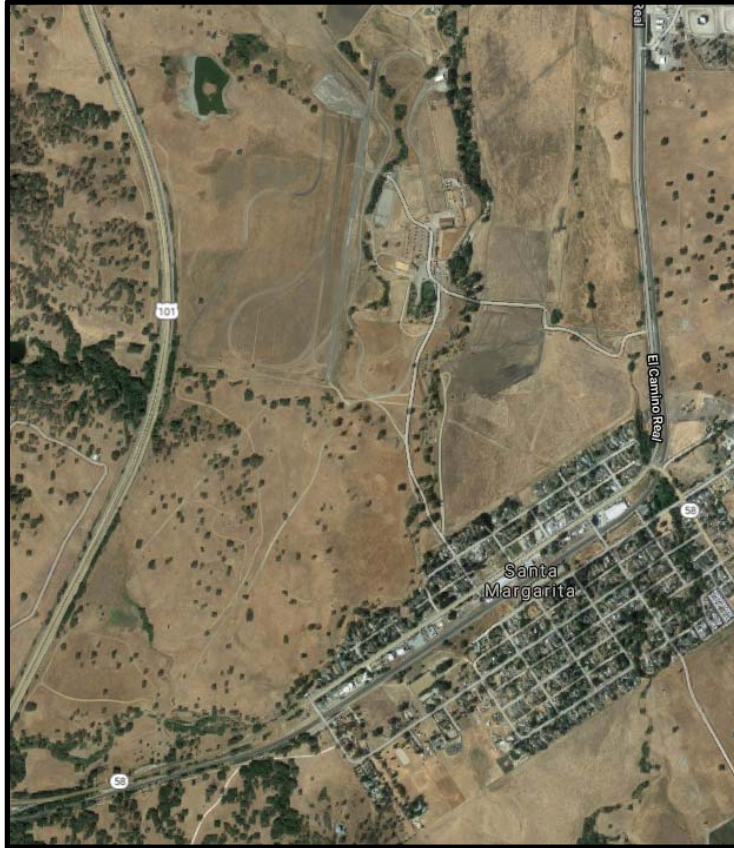


Phillips 66 Santa Margarita Remediation Project

Final Environmental Impact Report

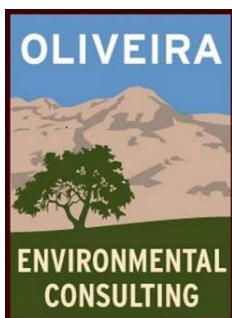


Prepared for:

County of San Luis Obispo
Planning and Building Department
976 Osos Street, Room 200
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Project# PMTG2019-00065 / ED19-204
State Clearinghouse Number 2020060361

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November 2020



Phillips 66 Santa Margarita Remediation Project

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November 2020



Table of Contents

Section	Page
Executive Summary	ES-1
1.0 Introduction.....	1-1
1.1 Overview of the Proposed Project	1-2
1.2 Purpose and Legal Authority	1-3
1.3 Scope and Content of the EIR.....	1-3
1.4 Lead, Responsible, and Trustee Agencies.....	1-5
1.5 Areas of Controversy	1-5
1.6 EIR Process.....	1-5
2.0 Draft EIR Comments and Responses	2-1
2.1 Summary of Comment Letters	2-1
2.2 Comment Letters and Associated Responses.....	2-5
3.0 Minor Edits to the Draft EIR	3-1
3.1 Edits to the Draft EIR	3-1
4.0 List of Preparers.....	4-1
Attachments (Incorporated by Reference)	
Phillips 66 Santa Margarita Remediation Project Draft Environmental Impact Report (SCH# 2020060361)	
Attachment A	Initial Study Checklist
Attachment B	Mitigation Monitoring and Reporting Program (MMRP)
Attachment C	NOP with Comments and Responses
Attachment D	Regional Water Quality Control Board Acceptance Letter (Including Links to Project CAP and CAP Addendum)
Attachment E	Preliminary Grading Plans (Partial Set)
Air Quality/Greenhouse Gas Emissions:	
Attachment F	Air Quality and Greenhouse Gas Study for Santa Margarita Ranch Remediation Project
Biological Resources:	
Attachment G	Response to CDFW Comments on the Phillips 66 Santa Margarita Ranch (Rossi) Major Grading Permit
	Response to Comment Letter, Santa Margarita Ranch Remediation Project
	Biological Resources Analysis, Santa Margarita Ranch Remediation Project
Geologic Resources:	
Attachment H	Geotechnical Memorandum – 01, Geotechnical Input for Remediation Design, Phillips 66 Santa Margarita Ranch Remediation Project
Traffic and Circulation:	
Attachment I	Traffic Assessment for Santa Margarita Ranch Remediation Project

ES-1 Executive Summary

The purpose of this Final EIR (FEIR) is twofold. First, this document provides copies of the comment letters made on the Phillips 66 Santa Margarita Remediation Project and Draft EIR and provides written responses to all environmental issues raised in these comments on the Draft EIR (see Public Resources Code, Section 21091(d)(2)(B); CEQA Guidelines, Section 15088(c)). Second, this document is designed to function as the Final EIR for the proposed project, and as such has been designed to meet the content requirements of a Final EIR as specified in the California Environmental Quality Act (CEQA). See Public Resources Code, Section 21000 et seq. and the CEQA Guidelines [California Code of Regulations, title 14, Section 15000 et seq.].

This Final EIR comprises four sections that meet the requirements of the State CEQA Guidelines, as outlined above. The four sections that make up this Final EIR are as follows:

- **“Executive Summary”** provides a brief project description and presents a summary table of the proposed project’s environmental effects.
- **Section 1, “Introduction”** provides a brief overview of the proposed project, environmental compliance activities conducted to date, and outlines the contents and organization of the Final EIR
- **Section 2, “Draft EIR Comments and Responses”** provides a list of commenters and a copy of written comments received on the Draft EIR during the public review period, and provides the County’s response to each comment received.
- **Section 3, “Minor Edits to the Draft EIR”** includes any corrections and/or additions to the Draft EIR text as a result of comments made on the Draft EIR. These changes to the draft EIR are indicated by revision marks (underline for new text and strikeout for ~~deleted text~~).
- **Section 4, “Report Preparation”** provides a list of the individuals involved in the preparation of the Final EIR.

In reference to Section 15132(a) of the State CEQA Guidelines, the Draft EIR for the proposed project has been incorporated by reference into this Final EIR. A copy of the Draft EIR is on file at the County of San Luis Obispo Planning and Building Department located at 976 Osos Street, Room 200, San Luis Obispo, CA. A copy can also be viewed by visiting the County’s Environmental Documents page on the Planning and Building Department web site at the following link: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Environmental-Documents/Phillips-66-Santa-Margarita-Remediation-DEIR.aspx>

The following section summarizes the characteristics of the proposed Santa Margarita Remediation Project, alternatives considered in this EIR, environmental impacts associated with the proposed project, recommended mitigation measures, and the level of significance of project impacts after mitigation.

Please note that where changes to the Draft EIR Executive Summary text resulted from the responses discussed in Section 2.0 (Draft EIR Comments and Responses) or edits shown in Section 3.0 (Minor Edits to the Draft EIR), those changes are presented in the text of the Final EIR Executive Summary below as shown by underlining new text (e.g., new text) and striking out text to be deleted (e.g., ~~deleted text~~).

ES-1.1 Project Location and Setting

The proposed project is located on a portion of the Santa Margarita Ranch (APN 070-091-036) (Ranch) in the unincorporated community of Santa Margarita, San Luis Obispo County, California. The entire parcel is approximately 900 acres located on the east side of Highway 101, within the Agriculture land use category. Phillips 66 Pipeline Company LLC (Phillips 66) currently operates two parallel 8-inch diameter petroleum pipelines which traverse a portion of the site from the eastern side of Highway 101 to the Phillips 66 Pipeline Santa Margarita Pump Station located on the east side of El Camino Real. A 6-inch diameter natural gas pipeline owned and operated by

Phillips 66 is also present within the pipeline easement. Please refer to Figure 1, Project Location, for additional details.

The pipeline alignment extends across the site for a distance of approximately 1.8 miles. Average surface elevations along the pipeline corridor from north to south range between approximately 975 feet above mean sea level (msl) in the floodplain areas near Yerba Buena and Santa Margarita Creeks, to approximately 1,000 feet msl in the terrace area that contains the historic ranch headquarters structures, and finally to an elevation of 1,090 feet msl in the hilly areas near Highway 101. Santa Margarita Creek, a seasonal tributary to the Salinas River, flows across the site in an easterly direction where it crosses onto the southern portion of the site. The creek then turns generally northerly, flowing through the remainder of the site.

Hydrocarbon-impacted soils have been identified within the pipeline alignment at two locations on the Santa Margarita Ranch. The proposed project entails excavation of impacted soils at two distinct segments of the pipeline alignment within the property. These segments are referred to as the Western Remediation Area and the Eastern Remediation Area. Work activities will occur on approximately 20 acres of the Ranch, including use of existing ranch access roads to the Western and Eastern Remediation Areas. Of this area, excavation will occur over a combined area of approximately 4.3 acres at the two segments, and the remaining project work areas will be used for staging and access.

Western Remediation Area

The Western Remediation Area is an approximately 750-foot segment of the pipeline alignment located on undeveloped pasture land in the southwestern portion of the property. The site is located approximately 1,000 feet east of Highway 101, and approximately 2,700 feet northwest of Highway 58 (El Camino Real) where the road traverses the western portion of the community of Santa Margarita. The width of the work site, including excavation areas and staging, varies from approximately 150 feet at the eastern end to less than 50 feet in the middle section (please refer to Figure 3, Conceptual Remedial Excavations, Western Excavation Area). The disturbance footprint for remedial activities is approximately 2 acres, including staging. The site is level at approximately 1,000 feet msl in the eastern portion and then gradually slopes to an elevation of approximately 1,100 feet msl in the eastern portion. Little Tassajara Creek, an intermittent tributary to Santa Margarita Creek flows in an east-west direction through the Western Remediation Area. Excavation activity will avoid creek resources and tree removal.

Eastern Remediation Area

The Eastern Remediation Area is an approximately 1,500-foot segment of the pipeline alignment located in the central portion of the property (please refer to Figure 4, Conceptual Remedial Excavations, Eastern Remediation Area). The alignment traverses a corral and is in proximity to existing ranch structures. The eastern end of the segment is located near the top of the western bank of Santa Margarita Creek. The site is approximately 1,900 feet west of El Camino Real, north of Santa Margarita. The width of the excavation area varies from approximately 250 feet at the northeastern end to less than 100 feet in the southwestern section. The disturbance footprint for remedial activities is approximately 3 acres, including excavation areas and staging. The site is on level land at an elevation of approximately 1,000 feet above msl. Limited tree pruning or removal may be required in the developed areas of the ranch central event area. Excavation activity will avoid creek resources.

ES-1.2 Project Background

The purpose of the project is to implement remedial actions at the subject sites in accordance with a Corrective Action Plan (CAP and CAP Addendum 01), as approved by the Central Coast Regional Water Quality Control Board (Regional Board).

As discussed in the project CAP, the original study of the project site contamination was initiated during pipeline removal activities in 1994. At the time, the previous easement owners collected soil samples beneath the removed pipelines, some of which contained detectable concentrations of total extractable petroleum hydrocarbons (TEPH).

Soil samples analyzed for benzene, toluene, ethylbenzene and total xylenes (BTEX) did not contain detectable levels of benzene or toluene and detection of ethylbenzene and xylenes was limited to two soil samples only. As a result of the soil sampling in 1994, 13 individual areas of petroleum impacts at the site were identified and numbered in the order in which impacts were found. One of the smaller areas of potential impact, Site 21, was originally identified by a single soil sample in 1994. Three subsequent borings advanced at Site 21 did not identify impacts to soil. Therefore, there are now considered to be 12, rather than 13, areas of hydrocarbon impacted soil along the pipelines.

Subsequent to the initial site testing, a series of additional studies and extensive testing was initiated in order to inform the remediation program for the identified release. This includes subsurface investigations and soil borings in 1996 and in 1999, supplemental site-specific investigations to evaluate impacts to groundwater and to characterize separate phase hydrocarbon (SPH) encountered on groundwater in 2006, aquifer testing in 2009, site-wide soils assessment and additional soil borings in 2012 and again in 2013-2014, soil vapor surveys and risk evaluations in 2015 and 2017, and geophysical investigations to develop an image of the SPH plume in association with bedrock characteristics in 2016. This also included interim remedial actions and monitoring efforts, including manual SPH recovery and testing from 2006 to 2009, weekly SPH recovery from on-site monitoring/recovery wells in 2013, vacuum enhanced recovery evaluations in 2014, and extensive groundwater and surface water monitoring beginning in 2013. These efforts culminated in the preparation of the CAP that was approved by the Regional Board, which outlines the proposed remediation project goals, objectives and methods.

The primary activity entails excavation of impacted soils at varying depths and widths within the two-pipeline alignments and restoration to current grade.

ES-1.3 Project Description

As discussed above, the purpose of the project is to implement remedial actions at the subject sites in accordance with a CAP, as approved by the RWQCB. Please refer to Exhibit B, Project Figures, for a detailed depiction of the project location, overall site plan, and the Western and Eastern Excavation Areas.

The primary activity entails excavation of impacted soils at varying depths and widths within the two pipeline alignment areas as detailed in the CAP, and then backfilling of the excavations and restoration of the sites to current grade.

A total volume of 83,851 cubic yards of excavation are planned, as follows:

- 57,153 cubic yards of anticipated impacted soils
- 1,429 cubic yards of over-excavation contingency
- 22,219 cubic yards of clean overburden
- 3,050 cubic yards of anticipated seedbank (top 6-inches of surface soils)

The 1,429 cubic yards of over-excavation contingency are planned in the event that additional unanticipated impacted soils are encountered. The contingency volume is 2.5% of the anticipated volume of impacted soils.

A total volume of 92,670 cubic yards of backfill are planned, as follows:

- 14,885 cubic yards of slurry cement
- 52,516 bulk cubic yards of clean fill material from the onsite borrow source; this volume accounts for an additional 20% of fill material for compaction;
- 22,219 cubic yards of clean overburden which will be tested prior to use; and
- 3,050 cubic yards of clean segregated seedbank (top 6-inches of surface soil from the excavations).

Remedial Excavation

Impacted soil is proposed to be excavated to the prescribed depth, varying from 6 – 20 feet below ground surface or to the point of contact with shallow bedrock at each remediation area. The excavation process will entail several excavation techniques designed to protect and maintain structural integrity of the existing oil and gas pipelines which will remain active during Remediation Project activities.

Conventional excavation techniques are proposed in the Western and Eastern Remediation Areas outside of the pipeline easement to excavate to the proposed depths. The same techniques will also be used outside of a 2-foot radius safety buffer around the pipelines. Conventional excavation techniques utilize standard earth moving equipment such as an excavator, backhoe, or dozer.

Suction excavation is proposed for the Western and Eastern Remediation Areas to expose the pipelines as a safety measure to prevent inadvertently striking and breaching the pipelines with mechanical equipment. Suction excavation is similar to hydro-excavating or air-knifing but on a larger scale. Suction excavation utilizes high pressure dry air to break up the soil while vacuuming the loose soil into a seal-tight compartment. Suction excavation is considered a soft-dig technique and safe alternative to hand-digging of impacted soils adjacent to the pipelines.

Slot trenching is proposed along the pipeline easement to removed impacted soils beneath the pipelines. Slot trenching addresses the safety concerns associated with excavating along and beneath active pipelines where the span of the exposed pipelines will be greater than 15 feet and proposed excavation depth is greater than 10 feet (i.e. sections of Excavation 5 and all of Excavation 8). Slot trenching consists of excavating sets of 15 - 25-foot wide trenches perpendicular to the pipeline alignment at forty-five (45) linear foot intervals using a telescoping excavator. The telescoping excavator starts removing soil from underneath the pipelines allowing impacted soils around the active pipelines to fall into the trench for removal. The slot trenches are immediately backfilled with cement slurry. Once the slurry cures in the first set of slot trenches, a second set of slot trenches are installed adjacent to the first set of trenches in a "hopscothching" fashion. This method of "hopscothching" slot trenches allows for maximizing the span of the exposed pipelines while excavating beneath the pipelines and maintaining lateral and vertical support. The process of slot trenching is repeated until all the impacted soils beneath the pipelines are removed to the proposed depth. This technique is a safe alternative to using mechanical equipment to excavate around the pipelines and inadvertently striking the pipelines.

Dewatering

To minimize the accumulation of groundwater during excavation activities and the need for dewatering efforts, all excavations are proposed to be backfilled in a timely manner following collection of confirmation soil samples.

It is not anticipated that groundwater will be encountered for excavations ranging between 6 and 10 feet below ground surface since the depth to groundwater in the excavation areas ranges from 11 – 25 feet below ground surface.

The proposed excavation depth for two small areas of excavation (Excavation 5 and most of Excavation 8) is 15 below ground surface. It is anticipated that moist or lightly saturated soils may be encountered in these areas, but it is not anticipated that groundwater will accumulate, and dewatering efforts be required since the Remediation Project will be implemented in the dry season when groundwater elevation is at the lower range and most likely greater than 15 feet below ground surface.

The excavation depth of the most eastern end of Excavation 8 is proposed to 20 feet below ground surface if shallow bedrock is not encountered at a shallow depth. Heavily saturated soils and groundwater may be encountered in this portion of Excavation 8 and dewatering efforts may be required to facilitate removal of impacted soils to the proposed excavation depth. Measures to minimize the accumulation of groundwater will be implemented to the extent possible. However, in the event that dewatering efforts are required, submersible pumps, hoses, and fittings, or, vacuum trucks will be used for dewatering. All dewatered groundwater will be stored in temporary, portable steel tanks with secondary containment and activated carbon canisters for emissions control. The recovered groundwater from dewatering will be sampled for characterization prior to transport to an approved off-site disposal

facility. Excavated impacted soil that is heavily saturated will be segregated and blended with other dry impacted soils to facilitate drying prior to being transported for off-site disposal facility.

Separate Phase Hydrocarbon (SPH) Recovery

SPH is not anticipated to be encountered during the excavation process as recoverable free product. However, it is anticipated that hydrocarbon-saturated soils may be encountered in the excavations proposed to a depth of 15 feet below ground surface or greater. If SPH free product is encountered, it is anticipated to be very limited in volume or as a layer on top of groundwater. In the event that SPH free product is encountered, it will be recovered from the excavation using appropriate technologies depending on the thickness and depth to groundwater. Recovery methods may include absorbent materials, recovery during dewatering efforts, or via use of a vacuum truck. The recovery effort will seek to maximize removal of SPH while minimizing groundwater recovery. The recovered SPH will be placed into portable steel tanks within secondary containment and activated carbon canisters for emission control. It is not anticipated that separate storage tanks will be required for SPH and dewatered groundwater.

Excavation Confirmation Soil Sampling

Once the limits of excavations have been achieved, confirmation soil samples would be collected from the sidewalls and bottom to document removal of hydrocarbon-impacted soil to the established cleanup goals in the CAP and to characterize remaining soils left in-place. Soil samples collected from the excavations will be analyzed for the following constituents:

- Total petroleum hydrocarbon (TPH) as gasoline range (TPHg), diesel range (TPHd), and oil range (TPHo); and
- Benzene, toluene, ethylbenzene and total xylenes (BTEX) and naphthalene.

Additional but limited over-excavation may be required based on the results of the confirmation soil samples. For planning purposes, the total volume of impacted soils to be trucked off-site for disposal includes a 2.5% contingency. Confirmation sampling details including frequency, quality control, and total number of confirmation samples anticipated are provided in the CAP.

Offsite Waste Disposal

Impacted soil is proposed to be transported under waste manifest by licensed haulers to an approved and permitted recycling/disposal facility. The disposal facility will be selected prior to commencement of Remediation Project activities. The preferred destination for impacted soil is Waste Management Inc. in Kettleman City, located in western Kings County, approximately 70 miles from the project site. Other potential locations include the Clean Harbors Buttonwillow facility or the McKittrick facility in western Kern County; these facilities are located approximately 100 miles from the Remediation Project. For evaluation of the air emissions, the Clean Harbors Buttonwillow Facility was assumed to account for the longest distance to a disposal facility.

All trucks for off-site hauling of impacted soils or other waste streams will access the Remediation Project via Highway 101 to Highway 58 to Stagecoach Road during non-peak hours only. Loaded trucks will travel west on Highway 58 from Stagecoach Road to Highway 101 north, to State Route 46 (Highway 46) east in Paso Robles, to State Route 41 (Highway 41) north at the James Dean Memorial Junction, to Waste Management in Kettleman City near the intersection of Highway 41 and U.S. Interstate 5 in King County.

Backfilling

The excavations are proposed to be backfilled using a combination of cement slurry, clean fill, segregated clean overburden and seedbank materials.

Backfilling outside of the pipeline easement will consist of a combination of clean fill, clean overburden, and re-spreading of the seedbank stockpile to finished grade. Clean overburden that has been inspected for sensitive cultural artifacts will be used to backfill 4 – 5 feet below top of grade. Clean fill will then be applied over the clean overburden to 6-inches below top of grade. Seedbank material will be used to backfill the top 6-inches to finished grade. Finished grade be will restore the original topography to the greatest extent possible.

Proposed Hauling Schedule

The implementation of the tasks discussed above are interdependent, the timing of which can be dependent on multiple factors. As such, the proposed trucking and hauling schedule is subject to change based on equipment availability, weather conditions, personnel shifting, etc. In order to accommodate the dynamic nature of the project and provide a hauling schedule for the required environmental impact analysis, three off-site trucking timeframes have been considered (Scenarios A, B and C) and have been adopted as part of the proposed project.

These three scenarios were evaluated in the air quality analysis and traffic assessment prepared for this project to ensure that air quality and traffic impacts remain below established thresholds to ensure that any of the potential hauling scenarios could be used in as individual schedules or in combination as needed during project implementation. The proposed scenarios are discussed below.

Scenario A.

It is anticipated that off-site hauling will be completed during daytime non-peak hours only as shown below. Under Scenario A, it is estimated that 35 – 37 trucks will depart the Project Area Monday through Thursday and 15 – 18 on Friday with an average of 8 trucks per hour.

Table ES-1. Scenario A Proposed Hauling Schedule

Dates	Days	Period	Time
June to October 2021	Monday to Thursday	Daytime	9:00 AM to 3:00 PM
	Friday	Daytime	9:00 AM to 12:00 PM

Scenario B.

If off-site trucking delays are encountered either due to truck availability or reallocation of personnel or equipment from loading trucks to other project activities, off-site trucking will continue into the evening non-peak hours as shown below. Under this scenario, the estimated number of trucks departing the Project Area will remain unchanged at 35 – 37 Monday through Thursday and 15 – 18 trucks on Friday. However, by increasing the duration of daily trucking by adding the evening shift, the average trucks per hour is reduced to 4 - 5 trucks. It should be noted, that in order to maintain compliance with air quality standards the number of trucks per day cannot be increased. Additionally, evening off-site trucking is limited to one hour past sunset at which time all trucking activities are required to cease.

Table ES-2. Scenario B Proposed Hauling Schedule

Dates	Days	Period	Time
June to October 2021	Monday to Thursday	Daytime	9:00 AM to 3:00 PM
		Evening	6:00 PM to 1 hour after sunset
	Friday	Daytime	9:00 AM to 12:00 PM

Scenario C.

If long term trucking delays are encountered either due to truck availability, weather conditions, or reallocation of personnel or equipment from loading trucks to other more critical project activities, it is probable that off-site trucking will cease or be reduced during the 2021 project period and would not be completed prior to the onset of the rainy season. Impacted soils that are not trucked off-site prior to the rainy season will be stockpiled and secured during the rainy months and trucking will resume in the early part of 2022.

Table ES-3. Scenario C Proposed Hauling Schedule

Dates	Days	Period	Time
June to October 2021	Monday to Thursday	Daytime	9:00 AM to 3:00 PM
		Evening	6:00 PM to 1 hour after sunset
	Friday	Daytime	9:00 AM to 12:00 PM
March to May 2022 ¹	Monday to Thursday	Daytime	9:00 AM to 3:00 PM
	Friday	Daytime	9:00 AM to 12:00 PM

¹ The off-site trucking that would resume in 2022 is estimated to occur between March and May. However, weather permitting, it is possible that off-site trucking begins earlier in the year.

Site Demobilization and Restoration

In undeveloped locations, backfilled areas will be graded to match the surrounding grade and lightly scarified. Salvaged seedbank material will be redistributed over the top 6-inches to the extent possible. An appropriate seed mixture and soil amendments, if needed, will be applied to promote revegetation of the disturbed areas and appropriate erosion controls will be installed.

In developed areas, ground surface will be graded to match the surrounding material (i.e., asphalt, road base etc.). Pre-existing roads, narrow-gauge rail, fences or other improvements removed during Remediation Project activities will be replaced in-kind. Removed vegetation will be restored/replaced in accordance with a restoration plan. All construction equipment and temporary facilities will be removed from the work areas upon completion of Remediation Project activities.

ES-1.4 Project Objectives

The objective for the proposed remediation project excavations is to pursue case closure from the Regional Board by:

- Removing contaminated soil exceeding the proposed cleanup goals identified below to a maximum depth of 10 feet bgs at Sites 2/4B and up to 15 or 20 feet bgs or encountered bedrock at Sites 9/11, respectively, subject to any limitations imposed in the excavation project entitlements or permits.
- Recovering measurable SPH on groundwater within open excavations to the extent practicable and within a designated timeframe prior to backfilling. For the purposes of this CAP, the definitions of SPH, measurability and recoverability to meet the project remedial action objectives are as follows:
 - SPH is defined as measurable separate phase liquid petroleum product, separate from water and floating on top of groundwater.
 - “Measurable” means SPH greater than one-fourth (1/4) inch in thickness.
 - “To the extent practicable” means that SPH will be removed until it is no longer present in Measurable quantities after having twenty- four (24) hours to recharge, provided, however, that the excavation will not be left open more than one week, unless a shorter time is required by applicable permits.
- Restoring the disturbed areas and removed surface structures/improvements to pre-existing conditions to the extent practicable, promoting revegetation and drainage of storm water, and minimizing erosion.
- Completing all site restoration activities without health and safety incidents including property damage and personal injury.

- Preparing a soil and groundwater management plan (SGMP) to address affected soil remaining in place on-site post-remediation.

No specified vertical cleanup goal is proposed to be utilized for excavations deeper than 15 feet bgs at Sites 9/11. Under the approved CAP and CAP Addendum, the cleanup approach to be utilized for excavations from 15 feet bgs to the shallower of bedrock or 20 feet bgs at Sites 9/11 is, to the extent practicable, to remove SPH where it has been identified, either prior to the commencement of remediation activities pursuant to the CAP or during the performance of remediation activities pursuant to this CAP down to 15 feet bgs.

ES-1.5 Summary of Impacts and Mitigation Measures

Tables ES-4 - 6 at the end of this section, contains a detailed listing of the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts. Impacts are categorized by classes: Class I impacts are defined as significant, unavoidable adverse impacts, which require a statement of overriding considerations pursuant to Section 15093 of the *CEQA Guidelines* if the project is approved (see Table ES-4). Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the *CEQA Guidelines* (see Table ES-5). Class III impacts are adverse, but less than the identified significance thresholds (see Table ES-6).

ES-1.6 Alternatives

Section 15126.6(a) of the CEQA Guidelines states that:

“an EIR shall describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

As stated above, an EIR is required to consider a “range of reasonable” alternatives to foster informed decision-making and public participation. During the evaluation of possible remedial actions to address the hydrocarbon impacted soil on-site, the following were taken into consideration:

1. Remedial requirements from the Central Coast Regional Water Quality Control Board (RWQCB) including the following:
 - a) exposure of chemicals of concern (COC) to human health;
 - b) cleanup goals with respect to Environmental Screening Levels (ESLs) and potential future land use; and
 - c) direct impacts to groundwater.
2. Impacts of the remedial actions to Ranch operations and events including the exposure of Ranch staff and visitors to COC;
3. Impacts to cultural and tribal cultural resources; and
4. Impacts to biological resources.

The nature of the proposed project consists of the prescribed requirements for site clean-up and remediation under the CAP and CAP Addendum and implemented under the jurisdiction of the Regional Board. This includes (but is not limited to) the methods for remediation, extent of the remediation and the boundaries for excavation, testing and treatment methods, remediation goals and objectives, disposition of impacted soils, technologies utilized, criteria for successful clean-up, etc. As such, the proposed remediation project represents a multi-jurisdictional effort to establish an approved project design to ensure a successful remediation effort that meets the requirements of all applicable agencies. Therefore, the County of San Luis Obispo is limited with respect to the ability to prescribe project alternatives.

CEQA requires the EIR to identify feasible alternatives to the proposed project that will avoid, or at least lessen, significant impacts associated with the project. CEQA defines “feasible” as follows:

“‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.”

Two alternatives to the Phillips 66 Santa Margarita Remediation Project have been evaluated in this EIR. Each alternative is described below.

No Project Alternative: This alternative evaluates environmental conditions that would result if the proposed remediation project were not implemented.

Mitigated Project Alternative: This alternative evaluates environmental conditions that would result upon implementation of the proposed remediation project with all of the required mitigation measures identified in this EIR adopted into the project description.

Environmentally Preferred Alternative: The No Project Alternative would not disturb the site at all, so there would be no impacts to environmental resources, including (but not limited to) cultural and tribal cultural resources. There would also be no traffic, air quality, or noise generated. However, it would not fulfill the basic objectives of the RWQCB requirements, as there would be remaining impacts with respect to water quality and hazards that could affect future use of the site. Further, the No Project alternative would not preclude on-site contaminants from further polluting ground water sources in the vicinity.

Based on the potential for the No Project Alternative to reduce environmental impacts when compared to the impacts of the proposed project, it would be the environmentally superior alternative. The No Project alternative, however, would not implement any of the proposed projects’ objectives. CEQA Guidelines Section 15126.6(e)(2) indicates that

“if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify the environmentally superior alternative among the other alternatives.”

As required by CEQA, this section identifies the environmentally superior alternative. As shown in this EIR under Section 6.3, Mitigated Project Alternative, each of the impact issue areas were evaluated for the change in impact significance as a result of implementation of this Alternative. The net change of impact significance is noted at the end of each impact assessment.

The Mitigated Project Alternative includes redesign of key project elements intended to further reduce environmental impacts identified in the EIR. Specifically, this would consist of the adoption of the mitigation measures identified in this EIR into the design of the proposed remediation project as revised project elements intended to reduce environmental impacts to the extent feasible.

Otherwise, the Mitigated Project Alternative details would remain the same as the proposed project. As a result of the incorporation of the identified mitigation measures into this Alternative, implementation would result in reduced impacts related to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, transportation and tribal cultural resources. This alternative would also fully implement the requirements of the RWQCB. Overall, this is considered the environmentally superior alternative.

ES-1.7 Incorporation of Studies, Reports and Other Documents

This Final EIR contains references to studies, reports and other documents that were used as a basis for, or a source of, information summarized in the body of the Draft EIR. These documents are incorporated by reference in this Final EIR in accordance with Section 15150 of the CEQA Guidelines. Where a study, report or document is briefly cited or referred to for convenience in the body of this Final EIR, the reader should consult the “References” section of the Draft EIR document for the full citation.

ES-1.8 Areas of Public Controversy

Pursuant to State CEQA Guidelines § 15123(b)(2), this EIR acknowledges the areas of controversy and issues to be resolved which are known to the County of San Luis Obispo or were raised during the scoping process. An NOP was circulated for a 30-day public review period that began on June 20, 2020 and ended July 22, 2020. In addition, the County included an extensive stakeholder and jurisdictional agency referral program as part of the early project application process. This included coordination with the applicant team on preparation of the technical studies prepared in support of this project, and consulting with all jurisdictional agencies (including, but not limited to, the Air Pollution Control District, CDFW, US Fish and Wildlife Service, CalTrans, Native American Heritage Commission, and the Regional Board) throughout that process.

The County and applicant team also worked cooperatively with local Native American tribal representatives under the requirements of AB52 in order to coordinate the details of the project archaeological testing program, disposition of sensitive cultural and tribal resources, and monitoring of all subsurface testing. Through this coordination, and as reflected in the NOP responses (please refer to Attachment D), the primary issue area with potential for significant impacts considered controversial or of primary importance to stakeholders is considered to be cultural and tribal cultural resources, which will be the focus of this EIR. All of the other required environmental impact issue areas are analyzed under Attachment A, Initial Study Checklist.

**Table ES-4. Summary of Significant and Unavoidable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class I: Significant and Unavoidable Impacts		
<i>CULTURAL and TRIBAL CULTURAL RESOURCES</i>		
<p>Impact CTR-2. Implementation of the proposed Phillips 66 Santa Margarita Remediation Project could cause a substantial adverse change in the significance of known and potentially undiscovered tribal and archaeological resources that are either listed or eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic resources. This impact is considered to be Class I, significant and unavoidable.</p>	<p>The following mitigation measures are consistent with the recommendations provided in the project cultural resource studies and measures discussed with tribal representatives as part of the AB52 Native American consultation and project cultural resource team tribal outreach and would reduce impacts on archaeological resources to the extent feasible.</p> <p>CTR-2(a): Avoidance Plan. Prior to permit issuance the applicant shall submit an Avoidance Plan to the County Planning and Building Department that identifies areas where the avoidance of proposed excavation and earth disturbance is possible. Avoidance areas shall be identified based on the potential for significant impacts to known and undiscovered cultural and tribal cultural resources. The Avoidance Plan shall include an assessment of the nature of the hydrocarbon contamination in areas proposed for avoidance in relation to the potential for leaving contamination in place. Prior to submittal to the County, the Avoidance Plan shall be reviewed and approved by the RWQCB and appropriate jurisdictional agencies. The Avoidance Plan shall also include methodology and criteria for any discovery of human remains and the feasibility of select avoidance and shall include the factors considered for avoidance, the technical feasibility for avoidance and shall include a demonstration for achieving RWQCB remediation criteria for avoidance areas. The County shall submit the Avoidance Plan to the identified tribal group MLDs as designated by the State NAHC for review.</p> <p>The Avoidance Plan shall also specify that the boundaries of all avoidance areas shall be defined and an exclusion zone shall be placed around each avoidance area and labeled as "Environmentally Sensitive Area" in all documents. An exclusion zone is a fenced area where construction equipment and personnel are not permitted. The exclusion zone fencing shall be installed (and later removed) under the direction of a qualified archaeologist. If avoidance cannot be achieved, other forms of mitigation, such as data recovery, will lessen the impacts but will not mitigate the loss of integrity to a less than significant level.</p> <p>CTR-2(b): Deed Restriction. Prior to completion of <u>final</u> remediation activities, <u>or Grading Permit Final Inspection</u>, the applicant shall submit a recorded deed restriction to the County of San Luis Obispo Planning and Building Department that protects all</p>	<p>Although impacts would be reduced through the above mitigation measures, no mitigation is available to avoid significantly impacting identified and previously unidentified cultural and tribal resources. Impacts would remain significant and unavoidable.</p>

**Table ES-4. Summary of Significant and Unavoidable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
	<p>areas of known and potentially undiscovered areas proposed for the repatriation of cultural and tribal cultural resources within the project site from future disturbance related to construction or development.</p> <p>CTR-2(c): Archaeological Data Recovery: Prior to issuance of grading permits, an Archaeological Data Recovery Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. The Archaeological Data Recovery Plan shall include a program for recovering archaeological data and scientific samples from CA-SLO-1430. The approach to data recovery excavations, laboratory sorting, artifact analysis, reporting, and curation shall be driven by the Archaeological Data Recovery Plan to be prepared by a Registered Professional Archaeologist (RPA) who is familiar with both prehistoric and historic period cultural resources. The Archaeological Data Recovery Plan shall include the following:</p> <ul style="list-style-type: none"> • a review of historic maps and aerial images to identify possible locations of historic period features and to document modern landscape modifications; • a prehistoric and historic period context; • a research design outlining important prehistoric and historic period themes and research questions applicable to CA-SLO-1430; • data requirements and appropriate field and laboratory methods and procedures to mitigate the effects of the project on CA-SLO-1430; • provide for a final technical report on the findings of data recovery at CA-SLO-1430; • agreement for curation and final disposition of cultural items recovered; • procedures for handling of human remains if found during data recovery; • outline involvement of the local Native American communities and their recommendations for data recovery; and • a public outreach program to inform both the scientific and local communities on the findings of data recovery. <p>Data recovery shall be completed prior to the start of remediation activities. However, if appropriate, a staged data recovery approach may be implemented where the first stage of data recovery occurs prior to construction work and the second stage will occur in tandem with construction. The purpose of this approach is to collect a viable sample prior to construction and then use the construction process to open up and observe larger exposures. If features, artifact concentrations or human remains are encountered during the second stage, construction work will be diverted while controlled excavations target newly discovered</p>	

**Table ES-4. Summary of Significant and Unavoidable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
	<p>deposits.</p> <p>In advance of this mitigation requirement, the applicant has prepared an "Archaeological Work Plan for CA-SLO-1430" (Applied Earthworks, Inc., February 2020). The goal of the effort described in this Work Plan is to collect and analyze data from CA-SLO-1430 in order to preserve important information that will be lost during remediation activities.</p> <p>The Work Plan provides a framework for the planned excavations at CA-SLO-1430 including fieldwork approach, handling of human remains, laboratory methods, and analysis and reporting for CA-SLO-1430. The project cultural resources team will use a mixed approach to archaeological excavations at CA-SLO-1430, employing a combination of methods to address depth and subsurface integrity of midden deposits, recover data from intact features, and use controlled backhoe excavations to identify and record intact features. The goal for fieldwork is to target areas that appear to contain intact archaeological deposits, recover sensitive cultural materials that will be highly impacted (i.e., destroyed during remediation), and try to locate any features or human remains prior to construction.</p> <p>The applicant's Work Plan shall be reviewed by the County Planning and Building Department against the requirements listed above under Mitigation Measure CTR-2(c). Additionally, the Work Plan shall be submitted to the tribal representatives identified through the project AB52 process for their review if requested. The Work Plan reviews and any appropriate revisions or additions shall be completed prior to initiation of remediation activities. Implementation of this mitigation measure will reduce impacts to the extent feasible.</p> <p>CTR-2(d): Construction Monitoring: Prior to issuance of grading permits, the applicant shall submit a Monitoring Plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the County of San Luis Obispo Planning and Building Department. The monitoring plan shall include at a minimum:</p> <ul style="list-style-type: none"> a) List of personnel involved in the monitoring activities; b) Description of how the monitoring shall occur; c) Description of frequency of monitoring (e.g. full-time, part time, spot checking); d) Description of what resources are expected to be encountered; e) Description of circumstances that would result in the halting of work at the project site (e.g. 	

**Table ES-4. Summary of Significant and Unavoidable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
	<p>what is considered “significant” archaeological resources);</p> <p>f) Description of procedures for halting work on the site and notification procedures; and</p> <p>g) Description of monitoring reporting procedures.</p> <p>During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the County Planning and Building Department) and Native American tribal representatives to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the County of San Luis Obispo.</p> <p>Upon completion of all monitoring/mitigation activities, the consulting archaeologist shall submit a report to the County of San Luis Obispo Planning and Building Department summarizing all monitoring/mitigation activities.</p> <p>CRT-2(e) Cultural Awareness Training. Prior to the start of ground disturbance, a qualified archaeologist shall prepare and provide a cultural resources awareness training to all field crew and supervisors. This training will include a description of the types of resources that may be found in the project area, an introduction to the Native American monitoring team(s) and their responsibilities, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.</p>	
<p>Impact CTR-3. Implementation of the proposed Phillips 66 Santa Margarita Remediation Project could disturb previously unidentified human remains. This is considered a Class I, significant and unavoidable impact.</p>	<p>CTR-3(a): Discovery of Human Remains. If potential human remains are encountered during remediation work, all earth disturbances within 100 feet of the discovery shall cease immediately and the area shall be delineated with clearly visible lath, flagging tape, or other marking. All activity within the delineated area shall cease and the project proponent shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the procedures described in Section 7050.5 of the California Health and Safety Code. A Registered Professional Archaeologist shall inspect the remains and confirm that they are human, and if so shall immediately notify the County of San Luis Obispo and contact the County Coroner in accordance with PRC Section 5097.98 and Health and</p>	<p>Although impacts would be reduced through the above mitigation measures, no mitigation is available to avoid significant impacts related to the discovery of previously unidentified human remains. Impacts would remain significant and unavoidable.</p>

**Table ES-4. Summary of Significant and Unavoidable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
	Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner shall contact the Native American Heritage Commission (NAHC). As provided in PRC Section 5097.98, the NAHC shall identify the person or persons believed to be the MLD from the deceased Native American. The MLD makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
AIR QUALITY		
<p>Construction Phase Air Quality Impacts: As recommended by the APCD through their review of the proposed project (APCD, April 27, 2020), the project applicant team evaluated the construction impacts of this project using the most recent CalEEMod computer model. The modeling results indicate the maximum quarterly emissions will be less than the APCD's significance threshold values identified in Table 2-1 of the <i>CEQA Air Quality Handbook</i> (April 2012). The APCD concurred that the methodology used to calculate the peak quarterly emissions is appropriate for this project. However, Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Although emissions modeling shows that the threshold is not exceeded, under direction from the APCD the proposed project has been determined to have the potential to generate construction emissions in excess of the thresholds established by the APCD. As such, impacts related to construction emissions are considered significant but mitigable.</p>	<p>Based on project input from the APCD, the following mitigation measures shall be implemented to ensure impacts related to project emissions are less than significant.</p> <p>AQ-1: Construction Permit Requirements: Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the <i>CEQA Air Quality Handbook</i> (April 2012).</p> <ul style="list-style-type: none"> • Power screens, conveyors, diesel engines, and/or crushers; • Portable generators and equipment with engines that are 50 hp or greater; • Electrical generation plants or the use of standby generators; • Internal combustion engines; • Rock and pavement crushing; • Tub grinders; and • Trommel screens. <p>AQ-2: Fugitive Dust Mitigation: To mitigate fugitive dust emissions related to project construction activities, the following shall be implemented:</p> <ol style="list-style-type: none"> a) Reduce the amount of the disturbed area where possible; b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible; c) All dirt stock pile areas should be sprayed daily as needed; d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities; e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established; f) All disturbed soil areas not subject to revegetation should be stabilized using 	<p>Implementation of required measures would reduce potential impacts to a less than significant level.</p>

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;</p> <p>g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</p> <p>h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</p> <p>i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</p> <p>j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</p> <p>k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;</p> <p>l) All of these fugitive dust mitigation measures shall be shown on grading and building plans; and</p> <p>m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.</p> <p>AQ-3: Measures for Reducing Emissions: The required mitigation measures for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below:</p> <ul style="list-style-type: none"> • Maintain all construction equipment in proper tune according to manufacturer's specifications; • Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); • Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off- 	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>road heavy-duty diesel engines, and comply with the State off-Road Regulation;</p> <ul style="list-style-type: none"> • Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation; • Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance; • All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit; • Diesel idling within 1,000 feet of sensitive receptors is not permitted; • Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; • Electrify equipment when feasible; • Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and, • Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. <p>AQ-4: Construction Phase Mitigation: As stipulated by the APCD, in order to manage fugitive dust emissions, the Air Quality notes in the Grading Plan (drawing number G-01 and sheet number 2 of 28. AECOM, April 2020) submitted by the applicant as part of the Major Grading Permit application shall be required to be implemented as mandated mitigation measures for this project. Please refer to the attached Grading Plan for details on the required measures.</p> <p>AQ-5: Off-road Construction Equipment Emissions: As stipulated by the APCD, prior to the start of the project, the applicant shall provide proof to the County of San Luis Obispo that the final schedule and the final equipment list proposed for construction are consistent with the assumptions in the air quality modeling prepared for this project. The results of the consistency review shall be provided to the APCD.</p> <p>If review demonstrates there will be a significant difference in the final configuration of the project fleet and equipment list, the applicant shall recalculate the emissions, compare emissions to APCD construction thresholds, and, if necessary,</p>	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>work with the Lead Agency and APCD to update mitigation measures. Key information to provide includes the following specifics about the final equipment:</p> <ul style="list-style-type: none"> Off road equipment: Make, type, model number, CARB EIN, horsepower (hp), engine model year, engine Tier, and DOORS “compliance snapshot” for any fleet used on the project; and Schedule: Start and end dates of both remediation and off-site hauling work. <p>AQ-6: APCD Permitting of Hydrocarbon Contaminated Soil Processes: This remediation project shall require an APCD Authority to Construct permit to address proper management of the hydrocarbon-contaminated soil prior to the start of any earthwork. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. This includes, but is not necessarily limited to, the conditions outlined under Mitigation Measure AQ-3. To the extent feasible, Phillips 66 shall contact the APCD Engineering & Compliance Division within 120 days before the start of excavation to begin the permitting process.</p>	
BIOLOGICAL RESOURCES		
<p>Special-Status Plant Impacts. With respect to special status plant species, the CDFW has recognized <i>Grindelia camporum</i> gum plant patches (Provisional Herbaceous Alliance) vegetation type as a California Sensitive Natural Community (CDFW 2018), and has given this community a California State ranking of S2 (imperiled). Equipment staging and temporary topsoil storage in the Western Remediation Area will result in a significant impact to several small colonies of <i>Grindelia camporum</i>. This is considered a significant but mitigable impact.</p>	<p>BIO-1: <u>Special-Status Plants:</u> Prior to any equipment staging, remediation work activities, or other activities occurring within the gum plant patch locations (please refer to Figure 4 from the project biological resources analysis under Attachment G of this EIR), gum plant seeds will be collected at the appropriate time from the plants located in these areas and properly stored for future seeding in the project area after the remediation work activities are completed. Additionally, after gumplant seeds are collected from the top 6 inches of the soil profile where the plants occur, the “seed bank,” shall be salvaged and moved to a designated seed bank stockpile location. The salvaged soil stockpile shall be staked with orange spray-painted lath or other suitable staking, and labeled so that it is apparent the scalped soils are required to be preserved until original site contours are restored at the end of the proposed remediation project. After completion of the remediation work the seed bank shall then be spread back over the area where they were originally collected and finally, this area will be seeded with any collected gum plant seeds. Plantings shall be monitored by a qualified biologist ensure survivorship for a minimum of 3</p>	<p>Impacts to special status plants will be reduced to less than significant levels upon incorporation of required mitigation measure.</p>

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	years, or until such time that all project success criteria are met.	
Special Status Wildlife Impacts: In addition to special status plants, the proposed project has the potential to result in significant but mitigable impacts to special status wildlife. This includes the following species: Western Pond Turtle; Special Status Bats; American Badger; Nesting Birds; and California Red-Legged Frog;	<p>BIO-2: <u>Western Pond Turtle</u>: A qualified biologist shall conduct a preconstruction survey of the enclosed Eastern and Western Remediation Areas within 24 hours of any activities being conducted in those areas. If a western pond turtle is identified within the enclosed Remediation Areas, or up against the fencing on the outside of the Remediation Areas, the turtle shall be captured and immediately relocated to suitable habitat in Santa Margarita Creek. Thereafter, the designated biological monitor and/or trained field manager shall survey the enclosed areas for turtles prior to work each day.</p> <p>During the spring and/or summer months, preconstruction surveys for turtle nest sites in uplands adjacent to suitable aquatic habitat shall be conducted within the 30-day period prior to beginning any work activities. If no nests are found, no further consideration for western pond turtle nests shall be required. If nest sites are located during preconstruction surveys within or adjacent to the proposed work areas, the nest site plus a 50-foot buffer around the nest site shall be fenced with orange construction fence until eggs hatch and young turtles disperse to the adjacent creeks. In addition, if nest(s) are located during surveys, moth balls (naphthalene) shall be sprinkled around the vicinity of the nest (no closer than 5 feet) to mask human scent and discourage predators. Remediation grading within the 50-foot buffer area shall be delayed until the young leave the nest or as otherwise advised and directed by the CDFW, the agency responsible for overseeing the protection of the pond turtle. If the CDFW allows translocation on any nestling pond turtles, it shall be completed by a qualified biologist under direction of CDFW.</p> <p>BIO-3: <u>Special-Status Bats</u>: In order to avoid impacts to roosting special-status bats, a tree survey shall be conducted no more than 15 days prior to commencement of remediation work activities by a biologist with known experience surveying for bats. Tree cavities and exfoliated bark that could provide roosting or maternity habitat shall be examined for evidence of use by bats. If roosts are found, a determination should be made whether there are young. If a maternity site is found, impacts to that tree will be avoided by establishment of a 50-foot non-disturbance buffer until the young have reached</p>	Impacts to special status wildlife will be reduced to less than significant levels upon incorporation of required mitigation measure.

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>independence. If roost sites are found it is likely that no action is warranted. Eviction is unnecessary as valley oak trees will not be directly impacted by the proposed remediation project.</p> <p>BIO-4: American Badger: A qualified biologist shall conduct a preconstruction den survey no more than 21 days prior to site grading. If a potential den is located, infrared camera stations will be set up and maintained for three (3) consecutive nights at the potential den openings prior to initiation of grading/work activities to determine the status of the potential dens. If American badger is not found to be using the den, the burrow shall be filled, and site grading may proceed in the vicinity of this burrow(s) unhindered. However, if American badger is found using a den site within the area of proposed grading, the Applicant's biologist shall prepare a passive eviction plan. The plan will include details about evictions, provided it is not a natal den, the badger will be passively and humanely evicted from its den under guidance from CDFW if it could be impacted by grading or other remediation work activities. If a natal den is found, then an eviction plan will be prepared and submitted to CDFW for discussion and approval. Evictions shall not occur until CDFW approves the passive eviction plan.</p> <p>BIO-5: Nesting Birds: Nesting surveys shall be conducted no more than 30 days and again no more than 15 days prior to commencing with project activities if this work would commence between February 1 and August 31. The nesting survey shall include an examination of all trees within the project site and within 500 feet of the project area (i.e., within a zone of influence of nesting birds).</p> <p>The Bald and Golden Eagle Protection Act has special provisions for nesting eagles. As these eagles start nest construction or reconstruction in December/January, a survey for nesting bald and golden eagles shall be completed in February, and again in March. The survey area (i.e., zone of influence) should be extended to 1 mile from project area boundaries to the extent that this is practical or possible (private properties may preclude surveys on these properties).</p> <p>The USFWS's 2017 <i>Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada</i> recommends a 660-foot non-disturbance buffer</p>	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>from active bald eagle nests for projects of similar magnitude to the proposed project.</p> <p>If any eagle nest is discovered within one mile of the proposed project, a qualified raptor biologist with known experience working with eagles shall recommend a buffer of appropriate dimensions that are based upon the geographic position of the nest site in relation to the project. For example, hills create geographic barriers when between an eagle's nest and the job site, a barrier that would shield nesting eagles from disturbance that could otherwise occur in straight lines to the eagle nest. The buffer would be no smaller than 660 feet from any active eagle nest. This buffer shall be maintained until eaglets fledge the nest and are independent of the nest, or until the nesting attempt is otherwise completed.</p> <p>If other bird species are identified nesting on or within the zone of influence of the proposed remediation project, a qualified biologist with extensive experience establishing effective nesting buffers shall prescribe a temporary protective nest buffer around the active nest(s). The nest buffer shall be staked with highly visible fencing such as t-posts and two strands of yellow rope where the buffer(s) extend into the project area.</p> <p>Adequate nesting buffers shall be maintained 75 feet from the nest site or nest tree dripline for small birds (passerines) and 300 to 500 feet for sensitive nesting birds that include several raptor species known the region of the project area.</p> <p>Following completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the remediation areas, a qualified ornithologist/biologist that frequently works with nesting birds shall prescribe adequate nesting buffers to protect the nesting birds from harm while the proposed project is constructed. The applicant shall have the option for reducing setbacks, if warranted, upon approval by monitoring biologist. No remediation or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by the qualified ornithologist/biologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. At the end of the nesting cycle, when fledging young are independent of the nest as determined by a qualified biologist, the temporary nesting buffers may be removed, and construction may</p>	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>commence in the nesting buffers without further regard for the nest site.</p> <p>BIO-6 <u>Applicant-Proposed Measures:</u> During the course of the biological investigations prepared in support of this project, including the review of biological reports by the County's biologist and subsequent review by CDFW and USFWS, several mitigating factors and recommendations have been incorporated into the project description by the applicant in order to reduce impacts to biological resources. The following project elements are considered to be mitigating factors that shall become required mitigation measures:</p> <ul style="list-style-type: none"> • <i>Wildlife Exclusion Fencing:</i> The applicant shall install "ERTEC" wildlife exclusion fencing that completely surrounds each project remediation area in order to ensure that wildlife moving along Little Tassajara Creek and Santa Margarita Creek or elsewhere on the ranch property will be kept out of the project areas and not be impacted by the remediation work. A one-foot high sediment control panel (high density polyethylene sheet) incorporated by ERTEC into the bottom of the wildlife exclusion fence will ensure that silt and sediments are contained within the project area. The ERTEC shall be installed per the manufacturer's installation instructions. Escape funnels shall be installed to allow any wildlife inadvertently trapped inside the work area during installation a means to escape. Further, any openings or gates to allow access will be tightly secured at the end of each work day to ensure no gaps occur. <p>To be certain that animals cannot successfully climb this fencing, the ERTEC fence shall be recurved along the top edge outwards away from the Remediation areas so that in the event an animal does climb the fence, it will not be able to get over the top of the fence and into the work area. The one-foot high sediment control panel, that functions like silt fence, is a best management practice that is used to control threats of downstream degradation of receiving waters. However, since remediation work would take place during the dry season, downstream waters will not likely be impacted. Additionally, since</p>	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>remediation work will take place inside fenced enclosures, no impacts to wildlife are expected.</p> <p>All wildlife exclusion fencing shall be maintained in good condition through completion of all earth-moving activities. A biologist shall inspect this fence every other week from installation through completion of all earth-moving on the proposed remediation project area and the day after any significant precipitation events (.25-inch or greater in a 24 hour period). The biologist shall also train the field manager how to perform the fence inspections so that on days the biologist is not present, the foreman can complete his/her own fence inspections. The wildlife exclusion fencing shall be removed upon completion of all remediation work activities.</p> <ul style="list-style-type: none"> • <i>Project Schedule and Work Sequence:</i> Work is planned to occur over one consecutive construction season between April 19 and October 31, 2021 to avoid excavation activity during the rainy season. Trucking of exported material and other minor activities may continue past the end of October, weather dependent, in order to ensure that all impacted soil stockpiled at the project area during the preceding dry season excavation is removed. Any work that is completed outside of the ERTEC enclosed project areas (for example, truck hauling) shall have the following restrictions: <ul style="list-style-type: none"> ➤ Project work activities and/or off-site trucking shall begin after sunrise and shall cease no later than one hour after sunset. ➤ If for any reason off-site trucking occurs before or after these conditions, then all trucks shall be escorted by a qualified biologist that clears any wildlife encountered from the traveled path ahead of the trucks. ➤ Off-site trucking and all project equipment shall travel at a reduced speed limit of no greater than 15 miles per hours (MPH) between the project area and egress point. ➤ No work shall occur during projected rain events of 0.25-inch or greater with work planned to be delayed when the National Oceanic and Atmospheric Administration 	

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	<p>(NOAA) forecast calls for a 70% chance or greater of this type of precipitation event.</p> <p>In the event of significant project delays, off-site trucking of impacted soils may cease prior to completion of excavation activities at the end of October 2021. In this event, impacted soils shall be stockpiled and secured via implementation of an erosion control plan. Off-site trucking of the soils would resume in spring of 2022, weather permitting.</p> <ul style="list-style-type: none"> <i>Fuel Storage:</i> Fuel storage is not anticipated for the proposed remediation project. In the event that fuel storage is required within the project area, the fuel storage shall be in accordance with San Luis Obispo County and San Luis Obispo County Air Pollution Control District regulations, including preparation of a Hazardous Material Storage Plan and Hazardous Materials Business Plan. Fueling areas shall occur at least 100-feet from wetlands and/or waterbodies unless fueling is within the proposed excavation area and there is no opportunity for petroleum products to enter creeks or wetlands. 	
GEOLOGY AND SOILS		
<p>Slope Failure Impacts: The proposed remediation project entails excavation of impacted soil and backfilling with cement slurry or clean fill. Appropriate clean backfill soils and compaction methods will be used to ensure long-term stability of the excavated areas in accordance with County grading requirements. The hazards related to ground stability have been analyzed in the project geotechnical report, indicating that impacts related to unstable soil conditions during proposed excavation and impacts related to slope failure within excavations are considered significant but mitigable.</p>	<p>GEO-1 <u>Excavation Slopes:</u> Based on the project geotechnical report, the maximum allowed mass excavation slope shall be 1H:1V. For any localized short term, temporary cuts steeper than 1H:1V, with no occupancy within the excavation, materials and equipment shall be set back from the top of the excavation beyond where a 1H:1V cut slope would daylight. The excavation contractor shall be prepared and responsible for adjusting and flattening slopes to maintain stability and safety given actual field conditions encountered.</p> <p>GEO-3 <u>Backfill Construction:</u> Based on the project geotechnical report, it is understood that the remediation site, by removal and replacement of contaminated materials, will not include any structural development. However, the project includes design grades and slopes such that future settlement or differential settlement could result in significant impacts. Considering these conditions and criteria, the following requirements for the remediation mass excavation backfill with soil materials shall be implemented as follows:</p> <ul style="list-style-type: none"> The final clean subgrade below remediation excavation shall be scarified, brought to a 	<p>Slope stability impacts will be reduced to less than significant levels with implementation of the required mitigation measure.</p>

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	moisture content within 2 percent of optimum moisture content, and compacted to a minimum of 90 percent of the laboratory maximum dry density, determined in accordance with ASTM D1557, latest edition; <ul style="list-style-type: none"> Subsequent mass excavation backfill replacement material shall be a sandy, silty, clayey material with fines content of at least 20 percent. The material shall not be highly plastic or have expansive properties, with a plasticity index no greater than 20; Mass excavation backfill replacement material shall not contain organics and should not contain isolated particle sizes greater than 6 inches; The replacement soil backfill material shall be properly moisture conditioned prior to placement into the remediation excavations to minimize final moisture adjustment prior to compaction; The soil backfill material shall be placed in loose horizontal lifts not exceeding 12 inches; Prior to compaction, the soil backfill material shall be within 2 percent of optimum moisture content; and The soil backfill material shall be compacted to a minimum of 90 percent of the laboratory maximum dry density, determined in accordance with ASTM D1557, latest edition. 	
Groundwater Impacts: During subsurface testing, some groundwater levels have been measured a few feet above the deepest planned excavation depths, locally. These levels likely vary seasonally and as a function of rainfall magnitude. Because groundwater was noted at relatively shallow levels in some areas, impacts related to groundwater conditions are considered significant but mitigable.	GEO-2 Groundwater: In order to allow the excavation slopes discussed in the previous section and to be consistent with the associated OSHA soil type definition for allowance of such slope excavation geometry, groundwater conditions shall be maintained a minimum of 2 feet below the excavation depths at all times along with the prevention of active seepage conditions from the excavation slopes and bottom. Groundwater level monitoring shall be implemented during remedial excavation to confirm requirements are being maintained. The excavation contractor shall establish an approved groundwater control and monitoring plan, consistent with the groundwater monitoring outlined in the project CAP, with the ability to adjust and maintain the requirements with changing conditions.	Groundwater impacts will be reduced to less than significant levels with implementation of the required mitigation measure.
TRANSPORTATION		
Temporary Construction-Phase Traffic Impacts. During the project construction period, the	T-1 Truck Turning Plan: Truck turning analyses were conducted to develop truck turning plans to demonstrate the inbound and merging truck turns	Temporary construction-phase traffic impacts will be reduced to less than significant levels

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
<p>project traffic report indicated that the study roadway segment will not be significantly impacted by the project. However, the study roadway segment will experience minor short-term increases in traffic during the peak construction period. The study roadway segment volume will return to pre-project operating conditions upon completion of project construction activities. Because the study roadway segment is anticipated to experience minor short-term increases in traffic, impacts related to temporary traffic increase during project implementation are considered significant but mitigable.</p>	<p>to and from the project access driveway. The turning plans were developed to disclose the anticipated footprints of incoming and outgoing trucks and to help develop any needed traffic enhancement and countermeasures to facilitate truck turning movements. The truck turning plan is provided in Appendix B of the project traffic assessment (please refer to Attachment I of this EIR).</p> <p>As shown in the plan, inbound trucks will execute a 90-degree turn from eastbound SR 58 to enter the project area, while exiting loaded truck traffic will safely merge into westbound SR 58 using the existing paved shoulder as an acceleration lane. The project shall incorporate this plan as a required element.</p> <p>T-2 Traffic Control Measures: The applicant shall develop and implement a project-specific traffic control and monitoring plan consistent with the size and scope of the project activity designed to minimize potential impacts to traffic flow. As feasible, proposed measures are required to include but are not limited to the following:</p> <ul style="list-style-type: none"> • Use proper signs and traffic control measures in accordance with Caltrans and San Luis Obispo County requirements. All traffic signs, equipment, and control measures shall conform to the provisions specified in the Caltrans Manual of Uniform Traffic Control Device. Specific jurisdictional requirements will be identified during the plan review and approval process. • Deployment of flag persons to provide temporary traffic control, facilitate vehicle egress/ingress and assignment of roadway right-of-way during Project hauling operating hours. • Limit vehicular traffic to designated access roads, construction laydown and worker parking areas, and the Project Area. • Provide pre-construction orientation and briefing to Project workers and contractors on the desired Project access route and traffic safety measures. • Encourage Project worker carpooling to minimize drive-alone worker trips. <p>The proposed Traffic Control Plan is provided in</p>	<p>upon implementation of required mitigation measures.</p>

**Table ES-5: Summary of Significant but Mitigable Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measures	Significance After Mitigation
Class II: Significant but Mitigable Impacts		
	Appendix C of the traffic assessment (please refer to Attachment I of this EIR). The Traffic Control Plan shall be incorporated into the project and shall be subject to Caltrans review prior to issuance of an Encroachment Permit.	

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
AESTHETICS		
<p>Impacts to Visual Resources. With respect to the proposed remediation activities, project excavation will be performed within the boundaries of the Santa Margarita Ranch and will not be visible to surrounding public areas. Regarding visual impact to scenic resources, it is important to note that, according to County Ordinance 22.05.030(d)(3), a grading permit may be issued only where the Building Official first finds, where applicable, that: "The proposed grading will not create substantial adverse long-term visual effect visible from off-site." Based on the nature of the temporary construction activities, the absence of any proposed development, and the implementation of the County's LUO, LUE and General Plan, impacts to aesthetic resources and impacts related to glare and nighttime lighting are expected to be less than significant.</p>	None required.	Less than significant.
AGRICULTURE and FORESTRY RESOURCES		
<p>Impacts to Agricultural Resources. No "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance", as mapped by the State Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, will be affected by the proposed temporary remediation project. Additionally, due to its temporary nature, the proposed remediation project would not directly or indirectly affect the existing cattle grazing immediately surrounding the project area. The agricultural operations associated with the Ranch would remain available during and after project implementation.</p> <p>The temporary nature of proposed project-related work in the Eastern and Western Remediation</p>	None required	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
<p>Areas would not directly or indirectly affect the existing cattle grazing immediately surrounding the project area, which is designated "Agriculture", by the County General Plan [Framework for Planning (Inland)].</p> <p>No "forest land", "timberland", or "timberland zoned Timberland Production", as defined, is affected by the project. Therefore, this issue does not apply to the Project.</p> <p>As such, impacts are determined to be less than significant.</p>		
AIR QUALITY		
<p>Impacts Related to Conflicting With or Obstructing the Clean Air Plan.</p> <p>The proposed remediation project would be limited to temporary construction activities and would not result in operational activities, population, or vehicle trips beyond those considered in the Clean Air Plan. In addition, consistent with statewide regulations such as the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, project contractors are required limit idling time and reduce associated emissions and the project would be subject to fugitive dust control practices to further reduce fugitive dust emissions consistent with APCD Rule 401, Visible Emissions, Rule 402, Nuisance, and Rule 403, Particulate Matter Emission Standards. As such, impacts related to the potential for conflicting with or obstructing implementation of the Clean Air Plan are considered less than significant.</p>	None required.	Less than significant.
<p>Impacts Related to Exposing Sensitive Receptors to Hazardous Emissions. Construction activities would not be anticipated to expose sensitive receptors (residences and event attendees) to substantial TAC concentrations. In addition, with the implementation of required mitigation measures for</p>	None required outside of those listed above.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
construction phase air quality emissions, including the proposed construction schedule and overall distance to the nearest residences, impacts to sensitive receptors are considered less than significant.		
Impacts Related to the Potential for Exposure to Odors. Potential odors would be temporary and localized to the project area and the nearest receptors are located over 1,800 feet away. Therefore, the proposed remediation project would result in less than significant impacts related to emissions such as those leading to odors.	None required.	Less than significant.
BIOLOGICAL RESOURCES		
Impacts to Special Status Plant Communities and Wildlife Habitats. The proposed remediation project will avoid any tree removal and associated impacts to special status plant communities. Impacts to each of the special status plant communities and wildlife habitats listed below are considered less than significant: <ul style="list-style-type: none"> • California Sycamore Woodland; • Valley Oak Woodland; • Red Willow-Black Walnut Mixed Riparian Woodland; • Seasonal Wetlands 	None required.	Less than significant.
CULTURAL and TRIBAL CULTURAL RESOURCES		
Impact CTR-1 Implementation of the proposed Phillips 66 Santa Margarita Remediation Project could cause a substantial adverse change in the significance of a historical resource which is either listed or eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic resources. This impact is considered to be Class III, less than significant.	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
ENERGY		
<p>Impacts Related to Energy Use. The proposed remediation project will incorporate several measures to reduce emissions during short-term construction activities. In turn, these measures will result in fuel efficiencies. For example, heavy equipment will be outfitted to meet current emissions standards and haul trucks will meet the CARB's emissions standards for fuel-efficient engines.</p> <p>In addition, the proposed remediation project will incorporate several measures to reduce emissions during short-term construction activities. In turn, these measures will result in fuel efficiencies. Impacts related to energy use are considered less than significant.</p>	None required.	Less than significant.
GEOLOGY and SOILS		
<p>Impacts Related to Faulting or Ground Rupture. Several fault zones are located in the vicinity of the Remediation Project Area, including the Nacimiento Fault Zone and the Rinconada Fault Zone. The Rinconada Fault is zoned as potentially active under the California Alquist-Priolo Earthquake Fault Zoning Act (California Department of Conservation, 2019). However, no permanent structures will be constructed as a result of this short-term remediation project. The Grading Permit issued by the County will meet the Land Use Ordinance such that grading will not result in adverse effects or hazards to life or property. Impacts related to faulting or ground rupture are considered less than significant.</p>	None required.	Less than significant.
<p>Ground Failure, Landslides and Liquefaction Impacts. With respect to ground failure, landslides and liquefaction, the proposed remediation project</p>	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
entails excavation of impacted soil and backfilling with cement slurry or clean fill. The proposed project is limited to the temporary excavation of contaminated soils and backfilling and does not include any structural development with the potential for being impacted by landslides or liquefaction. Impacts are considered less than significant.		
Erosion, Sedimentation and Groundwater Recharge Impacts. The Grading Permit issued by the County for the proposed project will meet the Land Use Ordinance, as applicable, such that grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property. BMP implementation discussed above under Section III, Air Quality, will further reduce impacts related to erosion and sedimentation. Impacts related to erosion, sedimentation and groundwater recharge are considered less than significant.	None required.	Less than significant.
Paleontological Resource Impacts. With respect to paleontological resources, these resources have been identified within certain geologic formations within the Santa Margarita Ranch. Such resources have not been found within the proposed project disturbance area and are generally found within bedrock (Rincon Consultants, Inc. 2008). The proposed remediation project and excavations are limited to soil and will not excavate into bedrock. Therefore, the probability of encountering paleontological resources is considered low and impacts are considered less than significant.	None required.	Less than significant.
GREENHOUSE GAS EMISSIONS		
Impacts Related to Greenhouse	None required outside of those listed under Section	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
Gas Emissions. Remediation activities of the proposed project would generate a maximum of approximately 1,697 MT CO ₂ e, or 68 MT CO ₂ e, when amortized over 25 years. These emissions were quantified at the request of the APCD. However, the APCD considers the proposed remediation project to be limited to “construction” and as such, a numerical GHG threshold does not apply to this short-term construction-only project. Accordingly, the proposed project will not conflict with any stated policies related to Greenhouse Gases in the SLO County APCD CEQA Air Quality Handbook. Impacts related to GHG emissions are considered less than significant with the implementation of the mitigation measures listed under Section III, Air Quality.	III, Air Quality.	
HAZARDS and HAZARDOUS MATERIALS		
Impacts Related to Public and Environmental Hazards, Accidental Upset, Previously Documented Hazardous Materials Sites, Airport Safety, Fire Safety and Adoption of Emergency Response. Impacts related to public and environmental hazards, accidental upset, location of previously documented hazardous materials sites, airport safety, fire safety and adoption of emergency response plans are expected to be less than significant. In addition to the fact that the project consists of the cleanup and remediation of hazardous materials and the temporary nature of project activities, impacts related to hazardous materials are considered less than significant.	None required.	Less than significant.
HYDROLOGY AND WATER QUALITY		
Water Quality, Waste Discharge and Groundwater Supply Impacts. Impacts related to water	None required outside of measures listed under Section VII, Geology and Soils and implementation of the CAP/CAP Addendum and SWPPP.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
quality standards, waste discharge, and groundwater supplies are considered less than significant with the implementation of the project CAP and CAP Addendum, SWPPP, and the mitigation measure GEO-2 discussed under Section VIII, Geology and Soils, as a requirement to ensure slope stability.		
Impacts Related to a Change in Long-Term Drainage Patterns, Soil Absorption, or Surface Runoff. Project excavation activity will result in short-term potential for off-site sedimentation/erosion. The proposed project includes implementation of a SWPPP with BMPs to avoid off-site sedimentation or erosion. Final grade contours will be replaced to pre-project conditions using clean fill and seedbank materials as part of restoration activities. Impacts related to a change in long-term drainage patterns, soil absorption, or surface runoff are considered less than significant with required SWPPP implementation.	None required with implementation of the required SWPPP.	Less than significant.
Impacts Related to Flood Hazards and Risk of Release Due to Inundation Impacts related to flood hazards and risk of release due to project inundation are considered less than significant with the implementation of the project CAP and CAP Addendum, SWPPP, and required mitigation measure GEO-2 under Section VIII, Geology and Soils, as a requirement to ensure slope stability. In addition, the project would not conflict with or obstruct a water quality control plan since the CAP and CAP Addendum has been reviewed by and approved by the Regional Board.	None required.	Less than significant.
LAND USE and PLANNING		

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
Impacts Related to Development with the Potential to Divide the Community. The unincorporated community of Santa Margarita is located south of the project area, where the closest residences are located approximately 2,500 to 3,000 feet south of the excavation locations, with a single-family residence located approximately 1,500 feet north of the Eastern Remediation Area. The proposed remediation activities are short-term and impacts related to development with the potential to divide the community are considered less than significant.	None required.	Less than significant.
Impacts Related to Conflicts with the Coastal Zone, Consistency with the Clean Air Plan and Land Use. The proposed project is not located within the Coastal Zone. Consistency with the Clean Air Plan adopted by the SLOAPCD is addressed above in Section III, Air Quality. As described throughout this analysis, the proposed remediation project includes various design features and mitigation measures. Implementation of these design features and mitigation measures, including consistency with the County's General Plan and Land Use Ordinance will ensure that the project is consistent with the governing land use authority documents. Land use impacts are considered less than significant.	None required.	Less than significant.
MINERAL RESOURCES		
Impacts Related to the Loss of Availability of Mineral Resources and Availability of Locally Important Mineral Resources. The proposed project is limited to the excavation of hydrocarbon-impacted soil and replacement with clean soil within an established easement on the Santa Margarita Ranch. The project is considered to be temporary in nature and no physical development is proposed	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
that would impact future mineral extraction. This impact is considered to be less than significant.		
NOISE		
Operational Noise and Ground Vibration Impacts. Construction activities are short-term and are expected to last for 6-months with an estimated kick-off on April 21, 2021. No long-term operational noise or ground vibration would occur as a result of the project.	None required.	Less than significant.
<p>Noise Impacts to Sensitive Receptors. The operation of heavy equipment during construction activities would result in temporary increases in noise in the immediate vicinity of the site. However, this would be a temporary activity and would not impact sensitive receptors in the long term.</p> <p>Excavation will be conducted within the boundaries of the Santa Margarita Ranch property, which has no permanent population. The excavation activities will be conducted in coordination with Santa Margarita Ranch events and agricultural operations in order to further reduce the potential for impacts to sensitive receptors, and a complaint response protocol will be established in the proposed project Construction Work Plan (CWP).</p> <p>San Luis Obispo County Ordinance 23.06.042(d) exempts short-term project excavations provided such activities do not take place before 7:00 AM or after 9:00 PM any day except Saturday or Sunday, or before 8:00 AM or after 5:00 PM on Saturday or Sunday. The proposed remediation project activities will all occur within the time limitations of this Ordinance. As such, noise impacts are considered less than significant.</p>	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
POPULATION and HOUSING		
Population and Housing Demand and Potential Displacement Impacts. Project-related personnel for this short-term construction project will be primarily sourced from the project region such that commuting to the project, with periodic hoteling, is a feasible alternative to requiring temporary or new permanent housing. Workers will access the project area for excavation operations on a frequent basis during the project construction period. However, no additional roads or new infrastructure will be constructed for the proposed project. Excavation adjacent to the existing pipelines will not induce further planned housing development. Therefore, impacts related to population and housing are considered less than significant.	None required.	Less than significant.
PUBLIC SERVICES		
Impacts to Fire Protection Services. With respect to fire protection services, fire prevention measures included as part of the project will include documentation in the Updated Site-Specific Health and Safety Plan (SSHASP) (e.g., access routes). This also includes conducting a kick-off meeting and safety drill at the start of work with participation from the County Fire Department; access to on-site fire water; minimization of welding (or, if welding is necessary, conducting welding under a hot work permit and use of a fire watch). Additional precautions will be taken during potentially hazardous weather conditions. In the event of a fire, project workers will evacuate and Fire Department and other local emergency management services will be notified. Impacts are less than significant.	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
Impacts to Police Protection. As it relates to the police protection, there is no housing or permanent population existing or projected within the project area under the proposed remediation project. The Santa Margarita Ranch is gated and maintains private security which is anticipated to be adequate to address security issues during short-term excavation operations.	None required.	Less than significant.
Impacts to School Facilities. Because the project would not include any housing development or permanent population, no additional demand for school facilities will result from project implementation and the project is not expected to increase demand on local parks or other public facilities.	None required.	Less than significant.
RECREATION		
Impacts to Recreational Facilities. The proposed project is limited to the temporary remediation/excavation activities discussed throughout this document, and does not include any development. The County's Parks and Recreation Element does not identify any public trails, parks, or recreational facilities in the project vicinity. Although the Ranch hosts private events, no off-site trucking is proposed during events or on holidays, weekends or Friday afternoons. Please refer to Section XV, Public Services, for a discussion of impacts related to parks. Recreation impacts are considered less than significant.	None required.	Less than significant.
TRANSPORTATION		
Impacts Related to Project Trip Generation. The addition of "Project Scenario A-C" added traffic will not change the forecast LOS D under Baseline (2021) No	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
<p>Project Conditions, resulting in less than significant traffic impacts for all three peak analysis hours.</p> <p>Based on the LOS analysis, results all proposed project timeframes (Scenarios A, B and C) are viable options and are not anticipated to create new significant traffic impacts.</p> <p>After the remediation activity is completed, the project area would not generate any new trips, except for the occasional maintenance trips. Therefore, no operational impacts are anticipated.</p>		
UTILITIES and SERVICE SYSTEMS		
<p>Impacts Related to Relocation or Construction of Water or Wastewater Infrastructure. As it relates to the proposed remediation project, there is no housing or permanent population existing or projected within the project area. As such, there is no additional demand for permanent public utilities or services and impacts are less than significant.</p>	None required.	Less than significant.
<p>Water Supply and Wastewater Service Impacts. Water for the Project will be obtained from the existing on-site groundwater supply wells. The proposed dust control measures would use an estimated 10,000 gallons per day during typical remediation working days over a six-month work construction period (a total of about 4 acre-feet over a sixth-month period). Small amounts of additional water will be needed for irrigation during the initial phase of revegetation in the Eastern and Western Remediation Areas. This short-term use of water for dust control and other project water needs is not anticipated to have any long-term impacts on water availability or to affect the aquifer system. The Santa Margarita Ranch is not</p>	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
currently served by wastewater infrastructure. Existing development on the Ranch property is served by individual on-site septic systems. The proposed project will be temporary and will not have any connection to, or place any significant demand on any community wastewater treatment system. Impacts are less than significant.		
Solid Waste Generation Impacts. With respect to the generation of solid waste, representative samples of hydrocarbon-impacted soil will be collected from each proposed excavation area for waste classification purposes. The samples will be analyzed for state and federal hazardous waste characteristics, including, but not limited to toxicity, reactivity, corrosivity, and ignitability. Soil analytical reports and waste profiling forms will be submitted to an appropriately permitted recycling/disposal facility for waste acceptance. Following waste acceptance profiling, the impacted soil will be transported under hazardous waste manifest by licensed haulers. The preferred destination for transported material is the Waste Management Inc. facility in Kettleman City in western Kings County, approximately 70 miles from the project area. Other potential locations include the Clean Harbors Buttonwillow facility or the McKittrick facility in western Kern County; these facilities are located approximately 100 miles from the project area. No impacted soil will be transported to the facility until acceptance documentation has been received.	None required.	Less than significant.
WILDFIRE		
Impacts Related to Impairing an Adopted Emergency Response or Evacuation Plan. El Camino Real is	None required.	Less than significant.

**Table ES-6: Less Than Significant Impacts,
Mitigation Measures and Significance After Mitigation**

Impact	Mitigation Measure	Significance After Mitigation
Class III: Less Than Significant Impacts		
<p>an adopted emergency response route to Highway 101. Appropriate measures would be followed to avoid conflicts with emergency response activities and other potential traffic conflicts. Proposed measures include communication protocols and procedures to suspend Project-related trips during emergency situations; use of traffic control flagger when trucks are entering or leaving the project site; and halting traffic in the event of an emergency situation. Impacts are less than significant.</p>		
<p>Increased Wildfire Potential Impacts and Need for Additional Infrastructure. The proposed project is limited to temporary remediation and excavation activity. The project does not include any structural development and would not introduce population that could be potentially impacted by a wildfire. Impacts are less than significant.</p>	None required.	Less than significant.

1.0 Introduction

During the public review process for the Phillips 66 Santa Margarita Remediation Project Draft Environmental Impact Report (Draft EIR), the County of San Luis Obispo received written comments from a public agency, a Native American tribal organization and the project applicant concerning this document and the recommendations and findings it contains.

The purpose of this Final Environmental Impact Report (Final EIR) is twofold. First, this document provides copies of the comment letters made on the proposed project and EIR and provides written responses to all environmental issues raised in these comments on the Draft EIR (see Public Resources Code, Section 21091(d)(2)(B); CEQA Guidelines, Section 15088(c)). Second, this document is designed to function as the Final EIR for the proposed project, and as such has been designed to meet the content requirements of a Final EIR as specified in the California Environmental Quality Act (CEQA). (See Public Resources Code, Section 21000 et seq. and the CEQA Guidelines [California Code of Regulations, title 14, Section 15000 et seq.]

This Final EIR includes the comments made on the Draft EIR and provides written responses to these comments. The required contents of a Final EIR and the certification process are described below. The Final EIR for the proposed project has been prepared in accordance with the guidelines for implementation of CEQA. Specifically, Section 15132 of the State CEQA Guidelines requires that a Final EIR consist of the following:

- The Draft EIR (including any and all technical appendices) or a revision of the draft;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- Any other information added by the lead agency.

The lead agency must “certify” the Final EIR. According to the “CEQA Guidelines”, “certification” consists of three separate steps. Prior to approving a project, the lead agency shall certify that: (1) the final EIR has been completed in compliance with CEQA; (2) the final EIR was presented to the decision-making body of the lead agency and the body has reviewed and considered the information contained in the final EIR prior to approving the project; and (3) that the final EIR reflects the lead agency’s independent judgment and analysis [CEQA Guidelines, Section 15090(a); see also Public Resources Code, Section 21082.1 (c)(3)].

Under CEQA, a lead agency must make certain determinations before it can approve or carry out a project if the EIR reveals that the project will result in one or more significant environmental impacts. First, before approving a project for which a certified final EIR has identified significant environmental effects, the lead agency must make one or more specific written findings for each of the identified significant impacts.

Second, if there remain significant environmental effects even with the adoption of feasible mitigation measures or alternatives, the agency must adopt a “statement of overriding considerations” before it can proceed with the project. The statement of overriding consideration must be supported by substantial evidence in the record (CEQA Guidelines, Sections 15092 and 15093).

These overriding considerations include the economic, legal, social, technological, or other benefits of the proposed project. The lead agency must balance these potential benefits against the project’s unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the lead agency may consider the adverse environmental impacts to be “acceptable” [CEQA Guidelines, Section 15093(a)].

This document is a Final Environmental Impact Report that evaluates the potential environmental effects associated with implementation of the Santa Margarita Remediation Project and includes responses to the comments received during the public review period along with any necessary edits to the text of the Draft EIR.

This section provides a brief introduction of the legal requirements for the certification of a Final EIR and: (1) overview of the proposed project; (2) describes the purpose of and legal authority of the document; (3) summarizes the scope and content of the EIR; (4) lists lead, responsible, and trustee agencies for the EIR; (5) describes the areas of controversy associated with the proposed project; and (6) provides a synopsis of the environmental review process required under CEQA.

The contents of the other Final EIR Sections are as follows:

- **Section 2, “Response to Comments”** provides a list of commenters and a copy of written comments (coded for reference) received on the Draft EIR during the public review period, and provides the County’s response to each comment received.
- **Section 3, “Minor Edits to Draft EIR”** includes any corrections and/or additions to the Draft EIR text as a result of comments made on the Draft EIR. These changes to the Draft EIR are indicated by revision marks (underline for new text and strikeout for ~~deleted text~~).
- **Section 4, “Report Preparation”** provides a list of the individuals involved in the preparation of the Final EIR.

In reference to Section 15132(a) of the State CEQA Guidelines, the Draft EIR for the Proposed Project has been incorporated by reference into this Final EIR.

1.1 Overview of the Proposed Project

The Phillips 66 Santa Margarita Remediation Project (“Remediation Project” or “Project”) is located on a portion of the Santa Margarita Ranch (“Ranch”) in the unincorporated community of Santa Margarita, San Luis Obispo County, California. Phillips 66 Pipeline LLC, a subsidiary of project proponent and Applicant Phillips 66 Company (“Phillips 66”), currently operates two parallel 8-inch diameter petroleum pipelines and a 6-inch diameter natural gas pipeline within an easement owned by Phillips 66 that traverses a portion of the Ranch from the eastern side of U.S. Route 101 to the Phillips 66 Pipeline Santa Margarita Pump Station located on the east side of El Camino Real.

The proposed Remediation Project entails excavation of hydrocarbon-contaminated soil at two segments of the pipeline within the Ranch. These segments are located within the areas referred to as the Western Remediation Area and Eastern Remediation Area. Collectively, the Western and Eastern Remediation Areas, together with staging and stockpile areas and access roads, are referred to as the “Project Area” or “Remediation Project Area.”

The proposed Remediation Project is planned to occur over one construction period between mid-April and the end of October of 2021. Remediation activities will be implemented in accordance with the Corrective Action Plan (“CAP”) and CAP Addendum 01 (Stantec, 2019 and AECOM, 2019a) that were submitted to the Central Coast Regional Water Quality Control Board (“Regional Board”) and approved on September 5, 2019 (Regional Board, 2019a). Please refer to Attachment D for a copy of the Regional Board approval letter with website links to the full CAP and CAP Addendum 01.

Project access is proposed via Stagecoach Road from State Route 58, to avoid trips through the town of Santa Margarita. Existing ranch access roads and bridges will be used to access the Western and Eastern Remediation Areas; and therefore no road improvements are required for the proposed Remediation Project.

A total of eight excavations are planned to depths varying from 6 to 20 feet below ground surface (bgs) and include Excavation Areas 1 through 4B in the Western Remediation Area and Excavation Areas 5 through 8 in the Eastern Remediation Area (please refer to Attachment E, project site plans, for a detailed depiction of the proposed excavation areas). Confirmation soil samples will be collected from the excavation base and sidewalls and analyzed in accordance with the CAP and CAP Addendum 01 to confirm that the established cleanup goals have been met. Excavations will be backfilled using cement slurry beneath the pipelines and “seedbank,” clean overburden soil, and

clean fill. The clean fill material will be obtained from a borrow source located on the Ranch, generated under a separate project permitted by the property owner. All excavations will be restored to match pre-construction grade. The excavations will consist of approximately 83,850 cubic yards of soil removal and approximately 92,670 cubic yards of backfill including the cement slurry.

As depicted in the attached project site plans, hydrocarbon-contaminated soil will be temporarily stockpiled in the Western Remediation Area and transported to an off-site disposal facility during non-peak hours, following sampling and characterization. The Project will utilize one or a combination of three soil hauling scenarios evaluated for compliance with air quality and traffic standards. In the event of Project schedule delays, hauling of hydrocarbon-contaminated soil may cease during the rainy season and resume in 2022.

The project's background, as well as the legal basis for preparing an EIR, is described below. Additional detail regarding the project components can be found in the Draft EIR under Section 2.0, Project Description.

1.2 Purpose and Legal Authority

This EIR has been prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the County's CEQA Guidelines. In accordance with Section 15121 (a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

"...Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

For the proposed remediation project, the EIR will serve as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project, or construction activity such as the proposed project. As stated in the *CEQA Guidelines*:

"...this type of EIR should focus on the changes in the environment that would result from the development. The EIR shall examine all aspects of the project, including planning, construction and operation."

This report is to serve as an informational document for the public and County of San Luis Obispo decision-makers. The process will culminate with Planning Commission and Board of Supervisors hearings to consider certification of a Final EIR and a decision whether to approve the proposed project, possibly with conditions of approval.

1.3 Scope and Content of the EIR

In accordance with the CEQA Guidelines, a Notice of Preparation ("NOP") of a Draft EIR was circulated on June 20, 2020 to potentially interested parties. The NOP, included in Attachment C of the Draft EIR, indicated that all issues on the County's environmental checklist would be discussed in the Draft EIR. These include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources

- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Utilities and Service Systems
- Wildfire

However, through the preliminary Initial Study Checklist published with the project NOP, it was determined that most of the environmental impact issue areas would remain “less than significant” or “significant but mitigable.” This is due to the nature of the remediation project, which consists of short-term temporary excavation and backfill activities that will return the site to its pre-construction conditions.

Although the majority of the environmental impact issues areas would be considered “less than significant” or “significant but mitigable,” the project site proposed for remediation is overlain by a known significant archaeological and tribal cultural site (please refer to Section 4.1, Cultural and Tribal Cultural Resources). Remediation activities have the potential to directly impact these resources.

As such, the focus of this EIR will be the analysis of project impacts related to cultural and tribal resources. These resources will be discussed in detail under the environmental impact assessment section of this EIR (Section 4.0), including an overview of the comprehensive archaeological studies prepared in support of the proposed project, the efforts on behalf of the County of San Luis Obispo and the project team to coordinate with local tribal representatives, and a detailed analysis of project impacts and mitigation measures to reduce impacts to the extent feasible. The remaining environmental impact analysis for the issue areas that are “less than significant” or “significant but mitigable” have been analyzed in Attachment A, Initial Study Checklist.

This EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including site-specific and cumulative effects of the project in accordance with the provisions set forth in the *CEQA Guidelines*. In addition, the EIR recommends feasible mitigation measures, where possible, that would reduce or eliminate adverse environmental effects.

In preparing the EIR, use was made of pertinent County policies and guidelines, existing EIRs and background documents prepared by the County. A full reference list is contained in Section 7.0, References and Preparers, of the Draft EIR.

The Alternatives section of the EIR was prepared in accordance with Section 15126(d) of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic objectives of the project. In addition, the EIR identifies the “environmentally superior” alternative from the alternatives assessed. The alternatives evaluated include the CEQA-required “No Project” Alternative, and a “Mitigated Project” Alternative.

The nature of the proposed project consists of the prescribed requirements for site clean-up and remediation under the CAP, which will be implemented under the jurisdiction of the Regional Board. This includes (but is not limited to) the methods for remediation, extent of the remediation and the boundaries for excavation, testing and treatment methods, remediation goals and objectives, disposition of impacted soils, technologies utilized, criteria for successful clean-up, etc. As such, the proposed remediation project represents a multi-jurisdictional effort to establish an approved project design to ensure a successful remediation effort that meets the requirements of all applicable agencies. Therefore, the County of San Luis Obispo is limited with respect to the ability to prescribe project alternatives.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The Guidelines state:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably

feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."(Section 15151).

1.4 Lead, Responsible, and Trustee Agencies

The County of San Luis Obispo is the lead Agency under CEQA for this EIR because it has primary discretionary authority to determine whether or how to approve and issue the Major Grading Permit for the Phillips 66 Santa Margarita Remediation Project.

Responsible Agencies are other agencies that are responsible for carrying out/implementing a specific component of the proposed Remediation Project or have discretionary approval over the project. Section 15381 of the State CEQA Guidelines defines a "responsible agency" as:

"A public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For purposes of CEQA, responsible agencies include all public agencies other than the lead agency that have discretionary approval authority over the project."

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. CEQA Guidelines Section 15386 designates four agencies as Trustee Agencies: The California Department of Fish and Wildlife (CDFW) with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission, with regard to state-owned "sovereign" lands, such as the beds of navigable waters and state school lands; the California Department of Parks and Recreation, with regard to units of the state park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. The CDFW is the only trustee agency for the proposed Remediation Project.

1.5 Areas of Controversy

Pursuant to State CEQA Guidelines § 15123(b)(2), this EIR acknowledges the areas of controversy and issues to be resolved which are known to the County of San Luis Obispo or were raised during the scoping process. An NOP was circulated for a 30-day public review period that began on June 20, 2020 and ended July 22, 2020. In addition, the County included an extensive stakeholder and jurisdictional agency referral program as part of the early project application process. This included coordination with the applicant team on preparation of the technical studies prepared in support of this project, and consulting with all jurisdictional agencies (including, but not limited to, the Air Pollution Control District, California Department of Fish and Wildlife, US Fish and Wildlife Service, CalTrans, Native American Heritage Commission, and the Regional Board) throughout that process.

The County and applicant team also worked cooperatively with local Native American tribal representatives in order to coordinate the details of the project archaeological testing program, disposition of sensitive cultural and tribal resources, and monitoring of all subsurface testing. Through this coordination, and as reflected in the NOP responses (please refer to Attachment C), the primary issue area with potential for significant impacts considered controversial or of primary importance to stakeholders is considered to be cultural and tribal resources, which will be the focus of this EIR. All of the other required environmental impact issue areas are analyzed in the Draft EIR under Attachment A, Initial Study Checklist.

1.6 EIR Process

The environmental review process, as required under CEQA, is summarized below.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties

previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. For projects of regional significance, the lead agency holds a scoping meeting during the 30-day NOP review period.

2. **Draft EIR.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion.** Upon completion of a Draft EIR, the lead agency must file a Notice of Completion with the State Clearinghouse and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (CEQA Guidelines Section 15087). In addition, public notice of the availability of the Draft EIR must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off of the project site; or c) direct mailing to owners and occupants of contiguous properties and others who have requested such notification. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days (Public Resources Code Section 21091).
4. **Final EIR.** Following the close of the Draft EIR review period, a Final EIR is prepared. The Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) a list of persons and entities commenting; and d) responses to comments.
5. **Final EIR Certification.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving the project (CEQA Guidelines Section 15090).
6. **Lead Agency Project Decision.** Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explaining why the project's benefits outweigh the significant environmental effects.
8. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

2.0 Introduction

This chapter provides a list of all the written comments received during the public review period for the Draft EIR, including copies of the comments received and associated responses.

Individual responses to each of the comment letters identified herein are included in this section. Neither the comments on the Draft EIR nor the County's responses thereto raise any "significant new information" within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5. Therefore, the County of San Luis Obispo, as the CEQA Lead Agency, has directed that a Final EIR be prepared. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) are not given specific responses. However, all comments are addressed in this section so that the County of San Luis Obispo Planning Commission and Board of Supervisors are provided the input received through the public comment period.

Comments which present opinions about the project unrelated to environmental issues or which raise issues not directly related either to the substance of the EIR, the proposed project, or to environmental issues are noted without a detailed response.

2.1 Summary of Comment Letters

The public agency, organizations, and individuals that submitted comments on the Draft EIR are listed below. As shown in the list below, each comment letter has been designated by a specific letter and number that will be used to refer to particular comments and responses.

- Comment Letter 1: Department of Toxic Substances Control. September 14, 2020;
- Comment Letter 2: Xolon Salinan Tribe. October 26, 2020; and
- Comment Letter 3: Phillips 66. October 26, 2020.

Each of the comment letters are provided on the following pages, with individual responses to each of the comment letters provided immediately following each letter. The content of each letter has been divided into individual segments that appear to address a distinct subject. To assist in referencing these comments, each comment letter has been assigned a number (i.e., Comment Letter 1, 2 and 3) and each segment within the letter a corresponding letter (i.e. A, B, C, etc.). The responses provided in this Final EIR are organized in a similar fashion.

Where changes to the Draft EIR text result from these responses to comments, those changes are presented in Section 3.0 "Minor Changes and Edits to the Draft EIR" of this document, with changes shown by underlining new text (e.g., new text) and striking out text to be deleted (e.g., ~~deleted text~~).

After careful consideration of all the letters received on the Draft EIR and the responses to the comments in the letters, County staff has concluded that none of the information received or generated since the publication of the Draft EIR constitutes "significant new information" within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. For this reason, the County need not "recirculate" for additional public comment either a full or a partial revision to the Draft EIR and the preparation of a Final EIR is appropriate.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

September 14, 2020

Ms. Cindy Chambers
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408
cchambers@co.slo.ca.us

DRAFT ENVIRONMENTAL IMPACT REPORT FOR PHILLIPS 66 SANTA MARGARITA REMEDIATION PROJECT PMTG2019-00065 – DATED SEPTEMBER 2020 (STATE CLEARINGHOUSE NUMBER: 2020060361)

Ms. Chambers:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the Phillips 66 Santa Margarita Remediation Project PMTG2019-00065 (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

A

DTSC recommends that the following issues be evaluated in the EIR. Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

B

C

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

C

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).

D

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).

E

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

F

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

G

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, reading "Gavin McCreary".

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

2.2 Comment Letters and Associated Responses

Comment Letter 1: *Department of Toxic Substances Control*

Response to Comment A

The commenter acknowledges receipt of the Draft EIR and stipulates their receipt of the Notice of Availability is due to either groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The County accepts the Department of Toxic Substances Control (DTSC) acknowledgement of receipt of the Draft EIR Notice of Availability. The only factors of DTSC involvement that would be triggered by the proposed project would be work on or in close proximity to an agricultural or former agricultural site. Impacts related to agricultural resources have been analyzed under Attachment A, Initial Study Checklist, of the Draft EIR. Impacts were determined to be less than significant. It is important to note that the proposed project is limited to the remediation of hydrocarbon contaminated soils and does not include any development.

Response to Comment B

The commenter states that the EIR should acknowledge the potential for historic or future activities to result in the release of hazardous waste and provides guidance on actions required when releases have or may occur. It appears that the DTSC letter is a form-type letter since the proposed project is limited to the remediation of hydrocarbon contaminated soils designed to address the historic pipeline release discussed in detail in the Draft EIR. The EIR provides a detailed discussion of the nature of the on-site contamination and remediation efforts guided by jurisdictional agencies including the Regional Water Quality Control Board (Regional Board), as stipulated in the DTSC letter.

Response to Comment C

The commenter specifies that historic use of lead compounds in gasoline has resulted in a common occurrence of lead in and along roadways. The commenter recommends testing for lead in areas where the project may disturb ground along or within roadways. Please refer to the response discussion above under Comment B. The proposed project is limited to the remediation of hydrocarbon contaminated soils designed to address the historic pipeline release discussed in detail in the Draft EIR. The project will not include roadway disturbance. The EIR provides a detailed discussion of the nature of the on-site contamination and remediation efforts guided by jurisdictional agencies including the Regional Board, as stipulated in the DTSC letter.

Response to Comment D

The commenter specifies that project areas used for mining activities must be tested for hazardous materials in accordance with the DTSC 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook. Please refer to the responses under Comment B and C above. The proposed project is limited to the remediation of hydrocarbon contaminated soils and will not impact historic mining areas.

Response to Comment E

The commenter provides stipulations for required testing and abatement for building demolition. The proposed project does not include any demolition activities and is limited to the soil remediation activities discussed in detail in the Draft EIR.

Response to Comment F

The commenter provides requirements for the testing of any imported backfill soil material. As discussed in the Draft EIR, all backfill soil will be sourced from on-site and no imported soil is proposed.

Response to Comment G

The commenter stipulates that testing for hazardous materials and/or chemicals used in historic agricultural or weed abatement activities for projects on agricultural lands. The proposed project is limited to the remediation of hydrocarbon contaminated soils as discussed in the Draft EIR, and would not have the potential to introduce sensitive receptors to a potential risk of historic agricultural contamination. On-site soils have been tested in detail as part of the investigation of the source contamination and the results are included in the Draft EIR.

XOLON SALINAN TRIBE

"PEOPLE OF THE OAKS"

The Xolon Salinan Tribe are the People who have been referred to as the Salinan Indians from Missions San Miguel, San Antonio and Soledad. We have always called ourselves "Xolon Indians." The Federal government called us the "Salinans," because of the Salinas River that runs through most of our ancient territory; hence, we now call ourselves "The Xolon Salinan Tribe," so that everyone will know who we are. Our ancient People lived (documented) along the Central Coast of California, from the northern part of San Luis Obispo – to the Big Sur area to the north – and inland to the Temblor Range. There have been erroneous writings, regarding Natives observed living along the coast, claiming that this area was inhabited by Indians called the "Playanos." This is incorrect. It was the Salinan People – our families – who would go there on a seasonal basis to fish and collect shells for regalia and trade.

October 26, 2020

Re: **AB52-County of SLO Dept. of Planning & Building, project-Phillips 66 Santa Margarita Remediation Project / Major Grading – PMTG2019-00065 (ED19-204)**

Good Day Ms. Chambers,

We have reviewed the Draft-EIR study and cultural mitigation information.

We are in favor of the Avoidance Plan and Deed Restriction, for areas that further protect "tribal cultural resources with the project site from future disturbance related to construction or development."

We would like to retain a copy of Archaeological Data Recovery Plan. As we have stated on our August 22, 2019 letter to SLO Planning, in recommendation, "any cultural resources that cannot be protected appropriately within these lands should be placed within a secured environment for future generations to observe and learn about our ancient people, therefore our recommendation would be placement-storage within San Luis Obispo Archaeological Society."

In addition, we are requesting a copy of The Work Plan, that should include a Monitoring Plan. As stated in our August letter, "A Xolon-Salina tribal monitor must be a participant within this project," when ground disturbance begins.

We agree with Cultural Awareness Training.

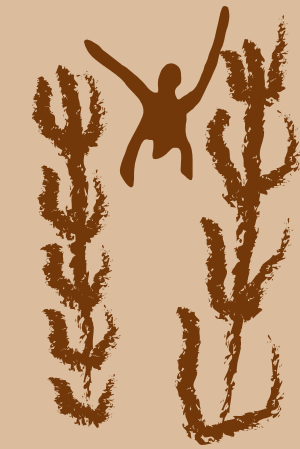
We agree with mitigation measures, regarding Human Remains discovery.

We are not fully in agreement with MLD choices recommended by the NAHC, however, to reduce a full rebuttal in this recommendation, the Xolon Salinan Council has agreed to comply with this recommendation, provided the conditions of having Xolon-Salinan tribal monitor present during ground disturbance.

Thank you for your time.

Best Regards,

*Karen R White, Council Chair
Xolon Salinan Tribe*



P.O. Box 7045,
Spreckels, Ca. 93962

Karen R. White
Council Chair
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Visit our new website:
www.xolonsalinantribe.org

Comment Letter 2: *Xolon Salinan Tribe*

Response to Comment A

The commenter states their concurrence with the mitigation measures included in the Draft EIR under Section 4.1, Cultural and Tribal Cultural Resources. Specifically, the commenter is in favor of the required Avoidance Plan and Deed Restriction measures. The County acknowledges the commenter's statement.

Response to Comment B

The commenter requests copies of the required Archaeological Data Recovery Plan, and stipulates a request that cultural resources discovered during project implementation that cannot be protected be curated at the San Luis Obispo Archaeological Society. It is important to note that the Draft EIR includes the requirement that tribal representatives must be included in the review of the Archaeological Data Recovery Plan (please refer to Mitigation Measure CTR-2(c)), and the result of the tribal review must be communicated to the County for their final review and approval of the Plan. It should also be noted that the County may not have complete jurisdiction over the disposition of cultural resources discovered on private property, outside of the discovery of human remains.

However; under Mitigation Measure CTR-2(b), Deed Restriction, the applicant will be required to work with the landowner and tribal representatives on an agreement for the long-term protection of repatriated or reinterred cultural resources on the Santa Margarita Ranch. In addition, Mitigation Measure CTR-2(c), Archaeological Data Recovery, requires that the project Archaeological Data Recovery Plan provide an approach for resource curation and final disposition. This Plan is also required to outline involvement with the local Native American tribal representatives prior to the County's approval.

Response to Comment C

The commenter requests a copy of the applicant's Work Plan, including the required Monitoring Plan and stipulates that their tribe must be included in the required monitoring efforts. The finalization of the Monitoring Plan and the Archaeological Data Recovery Plan, which will include or be folded into the applicant's Work Plan, will require tribal review as discussed above. The Draft EIR stipulates that the required monitoring effort must include tribal representatives of the Most Likely Descendants (MLDs) that have been identified by the Native American Heritage Commission (please refer to Mitigation Measure CTR-2(d)), including the Salinan tribe.

Response to Comment D

The commenter stipulates that they are not fully in agreement with the MLD choices made by the Native American Heritage Commission; however, they state that they will accede to the recommendations so long as the Xolon Salinan tribe is represented. The County acknowledges the commenter's statement and request, and notes that the Xolon Salinan tribe is included in the MLD list.



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October 26, 2020

Ms. Cindy Chambers
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408
cchambers@co.slo.ca.us

**Re: DRAFT ENVIRONMENTAL IMPACT REPORT
PHILLIPS 66 COMPANY - SANTA MARGARITA REMEDIATION PROJECT
PMTG2019-00065
SEPTEMBER 2020
STATE CLEARINGHOUSE NUMBER: 2020060361**

Dear Ms. Chambers:

I write on behalf of Phillips 66 Company ("Phillips 66") to comment on the Draft Environmental Impact Report ("DEIR") for the Phillips 66 Santa Margarita Remediation Project PMTG2019-00065 ("Project").

Phillips 66 is the proponent of the Project and applicant to the San Luis Obispo County Department of Planning and Building for the grading permit needed to perform the Project. Phillips 66 holds the rights of way ("ROW") through which two petroleum and one natural gas pipeline runs through the Santa Margarita Ranch property. Its affiliate Phillips 66 Pipeline LLC owns and operates the pipelines themselves. Petroleum pipelines have been located in the ROW since the early years of the 20th century. The Project addresses historical pipeline leaks that were first discovered in the early 1990s, several years before Phillips 66's predecessor acquired the ROW and began using these lines.

Our comments apply to mitigation measure CTR-2(b), which reads:

CTR-2(b): Deed Restriction. Prior to completion of remediation activities, the applicant shall submit a recorded deed restriction to the County of San Luis Obispo Planning and Building Department that protects all areas of known and potentially undiscovered cultural and tribal cultural resources within the project site from future disturbance related to construction or development.

Requirements and Timing. Prior to completion of remediation activities, the recorded deed restriction shall be submitted to the County Planning and Building Department for review. **Monitoring.** County Planning and Building Department shall be responsible for ensuring recordation of the deed restriction prior to completion of remediation activities.

CTR-2(b) is not a proper mitigation measure under CEQA, for two reasons.

First, mitigation measures must be "feasible." To be "feasible," a measure must, among other things, be legally enforceable. Phillips 66 does not own any portion of the Santa Margarita Ranch. (It holds the ROWs, and it is a party to a temporary access agreement with the property owner that enables it to conduct the Project at the property, but these interests do not entitle it to record a deed restriction against any portion of the Santa Margarita Ranch property.) Because a mitigation measure requiring a deed restriction to be recorded cannot legally be carried out by the Project proponent, it is not enforceable, and therefore not feasible.

Second, CTR-2(b) is not designed to eliminate or minimize any significant adverse impact of the Project. For one thing, the measure is written to protect cultural or cultural tribal resources from "*future disturbance*" related to future construction or development. As such, the mitigation measure is, by definition, unrelated to any impact caused by the Project. Even if it related to a Project impact, areas of the Project site to be used for transport, staging and stockpiling are not subject to disturbance of cultural or tribal cultural resources, and impacts to areas of the Project site slated for excavation are already the subject of CTR-2(a), which establishes a procedure for preservation in place of known and undiscovered cultural and tribal cultural resources through possible avoidance of excavation activities based on the potential for significant impacts, and of CTR-2(c), -2(d), -2(e), and -3(a), which detail extensive measures for protection of such resources encountered during Project excavation, and for data recovery.

Because CTR-2(b), as currently drafted, is infeasible and would not mitigate significant environmental impacts of the Project, it should not be adopted. A decision not to adopt this measure will not affect the extent of the Project's impacts on cultural or tribal cultural resources as assessed in the DEIR. Phillips 66 suggests that the County of San Luis Obispo could also revise and replace the current draft of CTR-2(b) with the following:

Prior to completion of remediation activities, the applicant shall initiate and participate in consultations with the MLD and the property owner regarding the identification and protection, through a deed restriction or other means acceptable to the MLD and the property owner, of (a) areas, if any, that are currently planned for excavation but for which a decision is made, pursuant to implementation of the Avoidance Plan described in mitigation measure CTR-2(a), to refrain from disturbance by Project excavation, and (b) one or more areas within the Santa Margarita Ranch in which cultural artifacts and/or human remains, if any, that are unearthed during Project excavation activities may be redeposited or reinterred. Such consultations may include representatives of the County of San Luis Obispo. The applicant shall report to the County on the schedule, progress and results of such consultations.

We appreciate the opportunity to comment on the DEIR and would be pleased to answer any questions you may have.

Sincerely,



Edward C. Ralston
Program Manager

cc: Louis S. Mosconi (Phillips 66)

Comment Letter 3: Phillips 66**Response to Comment A**

The commenter provides a summary of the proposed project and recounts the details of Mitigation Measure CTR-2(b), Deed Restriction, as specified in the Draft EIR. The commenter states that this measure is not considered proper under the CEQA Guidelines because it is considered to be infeasible mitigation that is not enforceable. In particular, the commenter states that the applicant is not the project site landowner and is not allowed to make restrictions on property not owned by Phillips 66. Although the applicant holds an easement on the property, the easement is limited to the proposed project and does not entitle the applicant to record a deed restriction against property on Santa Margarita Ranch.

The commenter's statement regarding the feasibility and enforceability of mitigation measures is reflected under Section 15041 of the CEQA Guidelines which states that all mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by the lead agencies. Because the applicant is not entitled to record a deed restriction against property on the Santa Margarita Ranch, and in order to ensure conformance with the requirements under CEQA Guidelines Section 15041, text edits to Mitigation Measure CTR-2(b) have been provided in the Final EIR under Section 3.0, Minor Edits to the Draft EIR. It should be noted that during discussions with the applicant team, the landowner has expressed willingness to work with Phillips 66 and the project Native American tribal representatives on the protection of the cultural and tribal cultural resources to be repatriated or reinterred on the Santa Margarita Ranch through deed restriction.

Response to Comment B

The commenter states that Mitigation Measure CTR-2(b), Deed Restriction, does not eliminate or minimize the impact to known and potentially undiscovered cultural and tribal cultural resources as analyzed in the Draft EIR since the applicant does not have the ability to record any entitlements against the subject property. The commenter states further that portions of the project site (e.g., roads, staging areas, stockpiling areas, etc.) are not subject to ground disturbance, portions of which will already be protected under Mitigation Measure CTR-2(a), Avoidance Plan, and other measures required in the Draft EIR.

Please refer to the response to Comment A, above. The Final EIR includes edits to Mitigation Measure CTR-2(b) that address the commenter's concerns related to the feasibility of this measure. Impacts related to the disturbance of known and potentially undiscovered cultural and tribal cultural resources have been identified as Class I, significant and unavoidable, upon implementation of the required mitigation measures. However, as stipulated under Section 15126.4 of the CEQA Guidelines, all feasible mitigation measures that could avoid or reduce impacts must be included in an EIR and mitigation measures in an EIR need not reduce a significant impact to a less than significant level upon adoption of findings and a statement of overriding considerations by the lead agency.

Response to Comment C

The commenter reiterates the infeasible nature of Mitigation Measure CTR-2(b) as provided in the Draft EIR and requests that the lead agency replace the existing measure with a re-written mitigation measures that they provide in their letter. The nature of the applicant's suggested mitigation language would revise the measure to require coordination and consultation between the identified Native American tribal representatives, applicant and property owner for the purpose of protecting cultural and tribal cultural resources through the avoidance of ground disturbance to the extent feasible and/or through the deed restriction of areas proposed for the repatriation or reinternment of these resources within the Santa Margarita Ranch.

Although the protection of these resources through avoidance to the extent feasible has already been addressed through the requirements of Mitigation Measure CTR-2(a), the Final EIR will include minor edits to Mitigation Measure CTR-2(b) to reflect the requirement for feasible and enforceable mitigation.

3.0 Introduction

The following represents changes proposed to the County of San Luis Obispo Phillips 66 Santa Margarita Remediation Project Environmental Impact Report (Draft EIR). The minor edits / clarifications listed in this section are the result of public comments on the Draft EIR. After careful consideration of the minor edits presented in this section, County staff has concluded that none of the edits constitutes “significant new information” within the meaning of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. For this reason, the County need not “recirculate” for additional public comment either a full or a partial revision to the Draft EIR and the preparation of a Final EIR is appropriate.

Changes to the Draft EIR are shown below under Section 3.1, Edits to the Draft EIR, by underlining new text (e.g., new text) and striking out text to be deleted (e.g., ~~deleted text~~).

3.1 Edits to the Draft EIR

Mitigation Measure CTR-2(b), Deed Restriction, from the Draft EIR (page 4.1-21) is revised as follows in the Final EIR:
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MM CTR-2(b): Deed Restriction: Prior to completion of final remediation activities, or Grading Permit Final Inspection, the applicant shall submit a recorded deed restriction to the County of San Luis Obispo Planning and Building Department that protects all areas of known and potentially undiscovered areas proposed for the repatriation of cultural and tribal cultural resources ~~within the project site~~ from future disturbance related to construction or development.

4.0 List of Preparers

This Final EIR was prepared by Oliveira Environmental Consulting LLC under the direction of Jeff Oliveira, Principal Environmental Planner.

Data gathering, technical reporting, and multi-disciplinary project assessment was provided by AECOM. The EIR was prepared by Oliveira Environmental Consulting LLC under contract with the County of San Luis Obispo. Cindy Chambers, Planner III, Steve McMasters, Principal Environmental Specialist, and Lacey Minnick, Supervising Planner, are the project managers for the County of San Luis Obispo Planning and Building Department.