

## CALIFORNIA COASTAL COMMISSION

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August 26, 1999

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Jaime Kooser, Deputy Director  
Alison Dettmer, Manager, Energy & Ocean Resources Unit  
Maira McEnespy, Analyst, Energy & Ocean Resources Unit  
Steve Monowitz, Analyst, Central Coast District Office

**SUBJECT:** Unocal Avila Beach Remediation Status Report

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**Staff Notes:**

*In a report dated April 22, 1999, (prepared for the May, 1999, Commission meeting), Coastal Commission staff provided a brief history of the Unocal Avila Beach oil spill; past Coastal Commission involvement, including permits issued for spill characterization, containment or remediation; current ongoing remediation activities; and future remediation activities and permitting requirements. This status report provides updates on the most recent activities.*

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**ONGOING SITE ACTIVITIES, AUGUST, 1999****To summarize major cleanup activities at Avila this past month:**Town Areas:

- Unocal has begun demolishing buildings in Cell 3 (eastern town).

Beach Areas:

- Unocal is continuing beach cleanup;
  - Sheet pile installation is complete for Cell 2C (the easternmost beach);
  - Excavation continues on the eastern side, while the western side is undergoing final compaction;
- Unocal is also remediating residual contamination left over from the west end plume excavation of December, 1995, per a RWQCB-approved work plan. This residual

contamination is located adjacent to the western portion of Cell 2A, is about two feet thick, and extends over a 14,400 square foot area at a depth of -6.5 to -10-feet mean sea level;

Although the project is proceeding fairly smoothly, some issues have arisen:

- Numerous cracks observed in the base of the newly-constructed portions of the seawall led to a stop-work order for seawall construction. A meeting was held to resolve problems, and the Commission staff's coastal engineer conducted a site visit. Materials and construction defects have been repaired, and each new segment of the seawall must receive County approval prior to backfilling with soil. Seawall construction will be monitored closely through completion.
- Issues with backfill of the eastern portion of the beach have also been resolved. Issues included replacement of like material for like (the eastern portion of the beach contains gravel, clay, and sandstone layers, and large boulders), and use of sand suitable for recreation.
- Finally, Supervisor Pinard has brought to the staff's attention that some community members are having problems negotiating with Unocal regarding claims and relocation compensation. To address this issue, on August 10, 1999, the County Board of Supervisors considered and approved a resolution process for claims in dispute (see attachment).

**With respect to the Front Street Enhancement Plan:**

The Front Street Enhancement Plan as incorporated in the Local Coastal Program provides guidelines for improvements along Front Street. As cleanup activities are completed along Front Street, the street will be reconstructed in accordance with the Front Street Plan and the developing Specific Plan.

- As reported to the Commission at the August meeting, the County Planning Commission approved Phase I of the Front Street reconstruction on July 8, 1999. This involves replacing public bathrooms and beach access stairs east of the pier, rebuilding the base of the pier, and establishing an observation deck on the seaward side of Front Street at the end of San Miguel street.
- "Phase II" of the Front Street reconstruction project is currently being processed by the County, and will address the replacement and improvement of beach access facilities on the west side of the pier, as well as the overall design of Front street (e.g., sidewalk widths, paving design, and landscaping). Also included in Phase II is a new access/seating area immediately west of the pier, and facilities that would allow for the temporary closure of a portion of Front Street to vehicular traffic to create a pedestrian plaza.

While some of the proposed improvements to Front Street are already included in the LCP's Front Street Enhancement Plan, other components, such as temporary closures of Front street, are proposed by the draft Specific Plan currently under review, which has yet to be incorporated into the LCP. Staff is working with the County and the applicant on how to best

resolve this situation. This may include amendments to the LCP, some of which may be considered minor, or modifications to the project as currently proposed.

### **Other Issues**

- The rebuilt pier design can accommodate the replacement of the Yacht Club building, and the County clean-up permit allows for its replacement at its previous location. The Yacht Club, Port San Luis Harbor District, Army Corps of Engineers, and others signed an agreement that the Yacht Club building would be replaced in its pre-cleanup location in order to protect its historic value. There is, however, local controversy over its replacement location that has not yet been completely resolved.

### **With respect to the Specific Planning Process:**

- The Central Coast District staff reviewed the Public Review Draft of the Specific Plan and the Draft EIR, and provided comments on July 21, 1999, that were attached to the August update. Since that time, Central Coast staff has met with County planning staff and Supervisor Pinard to discuss the various issues raised in the comment letter. The County is preparing a response to these comments, and has been cooperative in addressing staff's questions and concerns. Commission staff will continue to work with the County to resolve the Coastal Act issues raised by the Specific Plan before it is submitted for Commission certification.

### **With respect to Disbursement of the Settlement Agreement Monies:**

- The Commission staff is working with the Department of Fish and Game's Office of Spill Prevention and Response ("OSPR") to disburse settlement monies held in trust by the OSPR per the MOU that was entered into by the CCC and the OSPR on September 16, 1998. Specifically, the staff has been working with the OSPR to develop a process to solicit, review, and rank specific project proposals. The process that has been discussed to date, which is subject to revision, is as follows:
  - In August, 1999, agencies with jurisdiction over the use of the settlement funds will develop one-page summaries of their application and review criteria (CCC and OSPR staff will coordinate).
  - In early October, 1999, the County will release a public mailer that explains the application and decision process, and includes the summaries;
  - In mid October, 1999, a public workshop will be held;
  - In mid November, 1999, application packets will be due;
  - The Commission staff will inform the Commission of the proposals received for review and comment as part of the monthly updates;

- At a public workshop in February, 2000, agencies will present their initial rankings and draft restoration plan(s);
- In March, 2000, agencies will review the public's reaction to the initial ranking/draft plan(s);
- A subsequent public meeting may follow; and
- Final projects and restoration plan(s) will be chosen.

*H:\energy\unocallavila\cccl update written 08.26.99*

DATE: August 10, 1999

TO: Board of Supervisors

FROM: David Church, Associate Planner

VIA: Bryce Tingle, Assistant Planning Director

**SUBJECT: Supplemental Information for Item E-1 Consideration of a status report on the Union Oil clean-up projects at Avila Beach and Guadalupe Dunes**

This memorandum provides supplemental information to the Board of Supervisors regarding the Avila Beach cleanup status report. The Avila Beach Cleanup coastal development permit requires that Unocal implement a relocation program for residents significantly affected by the cleanup. The purpose of this report is to ensure that the residents relocation needs are being met and that Unocal is complying with the conditions of approval.

Also attached for your consideration is Unocal's preliminary cost estimate for completing Front Street improvements submitted to the county on July 29, 1999. Please note that this budget is in excess of \$500,000 over the \$4 million dollar budget established by the settlement agreement. Modification of this preliminary cost estimate will be needed to ensure that Front Street improvements can be completed within the \$4 million budget. Planning staff and County Counsel are in the process of reviewing the budget and will report back to your Board.

The following is a revised resolution process designed to improve the effectiveness and responsiveness of relocation program:

### **REVISED RELOCATION PROCESS**

Any person who has been an Avila resident prior to June 1, 1998 and has not previously settled their relocation claim with Unocal:

1. Shall, upon their request, be relocated outside of Avila in functionally equivalent housing for the duration of the Avila remediation project. Such relocation shall be at the expense of Unocal.
2. Shall be offered the opportunity to immediately and temporarily relocate during any time that noise, dust, or other project events reach levels that may adversely impact their health, safety and/or well-being. The relocation shall be to a local motel or hotel at Unocal's expense.

An Avila resident should first contact the Unocal claims office to request relocation. Residents should be prepared to provide information regarding the need for relocation.

To assist in settling relocation claims in a timely manner, any Avila resident not satisfied with Unocal's response to their relocation claim shall be immediately informed of the following resolution process:

1. Resident provides a written summary to the County of their relocation request, including appropriate details and Unocal's response to their initial claim;
2. The County's consultant will review the request for consistency with the cleanup project conditions of approval, interview the resident, and prepare a summary of the issues memorandum. A copy of this memorandum and the complaint letter shall be forwarded to the Unocal claims adjuster within 3 business days. Unocal shall respond in writing within 3 business days.
3. A claims resolution meeting between the resident, the County representative and Unocal's representative shall be scheduled if it has not been resolved within 3 business days of receiving Unocal's response;
4. If the relocation claim remains unresolved, the resident and Unocal may agree to mediation. The mediation will occur at Unocal's expense and be scheduled to occur before retired Judge Warren Conklin or another mutually agreed to mediator as soon as possible, but no later than 15 days from the request unless mutually agreed to by the resident and Unocal.