



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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## MEMORANDUM

DATE: OCTOBER 4, 2016  
TO: BOARD OF SUPERVISORS  
FROM: JULIANA CHERRY, PLANNER III  
SUBJECT: **REQUEST FOR AN EMERGENCY WORK PERMIT WITHIN MENDOCINO COUNTY  
LCP BOUNDARY EM\_2016-0004**

**Location:** On June 28, 2016, the Department of Planning and Building Services (PBS) received an application for emergency work on property located on the north side of Big Gulch Road at its intersection with South Highway 1 (47000 Big Gulch Road, Gualala or APN 145-121-14). The project site is 1.22-acres of bluff top lands with residential development. The land is mapped with Rural Residential (RR:5(1):U) Land Use designation, Rural Residential (RR:5) Zoning District, Appeal Jurisdiction of the California Coastal Commission, and Mendocino County Local Coastal Plan boundary.

**Background:** The South Coast Fire Department discovered the contamination during March 2015. In response to the discharge of petroleum from an aboveground storage tank, the property owner authorized the removal of a 500-gallon underground storage tank. The contamination sources are both from aboveground and underground storage tanks. By the beginning of April 2015, North Coast Regional Water Quality Control Board (NCRWQCB) issued a "Request for Interim Cleanup Actions for Fuel Spill." By April 2015, several locations of groundwater, soil, and seep contaminations were observed on this coastal bluff lot. On February 26, 2016, the property owner received "concurrence with Interim Remedial Action Proposals" from the NCRWQCB. This document would allow the property owner to begin remedial efforts related to two separate sources of ground water and soil contamination from petroleum-fuels.

**Emergency:** Immediate action is required, prior to onset of the wet season, to remove 60 cubic yards of impacted soils and contaminants and dispose of waste off-site. Further, an unstated quantity of fill will be imported to the site to replace the 60 cubic yards removed. The scope of work would also include installation of ten monitoring wells and one extraction well. Excavation is anticipated to be five-feet in depth. For up to 24-months, well-water samples would be monitored for contaminants. An extraction well would be used to remove free product from the subsurface using hydrophobic absorbent socks. The socks would be monitored monthly and replaced as needed.

Emergency permits are valid for up to sixty-days after issuance. Therefore, the applicant contacted the department following NCRWQCB's concurrence with the proposed Interim Remedial Action Plan and prior to the beginning of the wet season of the same calendar year. This is an urgent public safety issue as groundwater, soil, and coastal seeps are in imminent danger without immediate restoration of the petroleum contaminated areas.

### **Recommendations:**

1. Staff recommends that if the requested Emergency Permit is granted, then conditions of its approval should include:
  - Compliance with the February 26, 2016 North Coast Regional Water Quality Control Board's concurrence with LACO's proposed Interim Remedial Action Plan dated February 22, 2016. These documents were filed with the EM 2016-0004 Application.

- A requirement that an archaeologist assess the site prior to ground disturbing activity and provide training to all personnel working on-site regarding potential cultural resources. The property owner and their contractors shall be subject to MCC Section 22.12.090 *Discoveries* [of cultural resources].
  - The property owner shall file within 60-days (or prior to October 16, 2016) a Coastal Development Standard Permit, pursuant with MCC Section 20.536.055, for work associated with the Interim Remedial Action Plan and for development previously completed in March 2015 without a coastal development permit. The property owner shall be assessed a violation fee for 2015 development within the Mendocino County Local Coastal Plan boundary without the appropriate Coastal Development Permit approval in place.
  - A request that any long-term remedial actions be reviewed by this department prior to the commencement of work.
  - A requirement for the results of interim monitoring of wells, water extraction, and soils be filed with and reported to Mendocino County Department of Environmental Health, Fort Bragg Office.
  - A requirement for the concurrent filing of a geotechnical report, with the Coastal Development Standard Permit Application, regarding after-the-fact or proposed development on a coastal bluff site pursuant with MCC Chapter 20.500 Hazard Areas. In areas of known or potential geologic hazards, a geologic investigation and report prior to development approval, shall be required. The report shall be prepared by a licensed engineering geologist or registered civil engineer pursuant to the site investigation requirements in MCC Chapter 20.532.
  - In accordance with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*, the property owner shall file a biological scoping survey as a part of any Coastal Development Standard Permit Application.
  - All disturbed areas will be vegetated after deposited fill has been compacted to 90%.
  - Limiting the effective dates of EM\_2016-0004 to August 17, 2016 through September 30, 2016.
2. Staff recommends the following procedures be completed by the department in accordance with MCC Section 20.536.055(G) *Reporting*.
- The Director shall report in writing to the Board of Supervisors at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing.
  - All emergency permits issued after the mailing for the meeting shall be briefly described by the Director at the meeting and the written report required by Subparagraph (1) shall be distributed prior to the next succeeding meeting.
  - The report of the Director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the Director.
  - Notice of emergency permits shall be provided by phone or letter to the California Coastal Commission as soon as possible, but in any event within three (3) days, following issuance of the emergency permit.