

Coastal Commission denies locals' appeal

Santa Maria Times: June 16, 2006

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Four Santa Maria residents are not letting Thursday's decision by a state panel deter them from putting the brakes on a proposal to truck contaminated sand to the city's landfill.

The California Coastal Commission rejected an appeal filed by Daniel Kirk, Thomas Gibbons, David White and Raymond Alexander, who questioned the San Luis Obispo County decision to allow an oil company to haul 860,000 cubic yards of contaminated sand from a cleanup site in San Luis Obispo County to the Santa Maria Regional Landfill in Santa Barbara County.

The four men will now explore their legal option to halt the proposal, Kirk said by phone after the decision.

"We've exhausted our administrative remedies," Kirk said. "Our immediate concern is getting together with people and deciding how to go from here."

According to the Coastal Commission staff report, the appeal's four main points charged that San Luis Obispo County:

- Did not notify Santa Barbara County residents about changes to the project that would take the contaminated sand out of San Luis Obispo County.
- Accepted an inadequate environmental report for the project changes.
- Overstepped its jurisdiction by approving a project that would dispose of the contaminated soil elsewhere.
- Did not have proper public notice for provisions of its Local Coastal Program.

The Local Coastal Program creates a partnership between local governments and the Coastal Commission. Once a community adopts policies that conform to the California Coastal Commission Act of 1976, and they are certified by the state agency, the local government can issue permits in its coastal area.

As part of the final decision, the commission found that the Santa Marians' appeal did not "raise substantial issue" with the consistency of the project and the Local Coastal Program.

The commission also found that San Luis Obispo County was within its right to dispose of the soil elsewhere. Additionally, the state officials said the four men should not appeal to the Coastal Commission how San Luis Obispo County implemented the California Environmental Quality Act.

Unocal, which is now owned by Chevron, has been working to clean up the Nipomo-Guadalupe Dunes site since 1990. Officials plan to move 860,000 cubic yards of contaminated soil over five years from the site to the Santa Maria Regional Landfill. The landfill, east of Santa Maria on Main Street, has been permitted to accept this type of soil.

The oil company, which was ordered by the Regional Water Quality Control Board to clean up the former oil field, had tried to remove the contaminants from the sand on site, but that solution didn't work.

Santa Maria officials will use the contaminated sand, officially called nonhazardous impacted soil, as a capping layer to close the landfill. For taking the sand from the site, Santa Maria expects to receive \$6 million in fees paid by Chevron over the course of the project.

However, the project has been stalled since March when the Coastal Commission appeal was filed. The company is also working to get permits from Santa Barbara County to use county roads as part of the trucking route.

The appellants aren't against the oil company cleaning up the dunes, Kirk said.

The state has other landfills that can receive the sand, he said, adding that is where soil should be trucked.