

4.5 Land Use and Policy Consistency Analysis

This section describes existing land uses within and surrounding the Project Site and identifies and assesses the Proposed Project's consistency with applicable County land use plans, policies, and zoning. This analysis is based largely on review of applicable County plans and zoning codes, as well as analysis of conclusions reached for other pertinent issue areas addressed in this Environmental Impact Report.

4.5.1 Environmental Setting

4.5.1.1 Background

The Phillips Santa Maria Facility (SMF) has been a petroleum oil Refinery since its construction in 1955. The SMF is linked to the San Francisco-area Rodeo Refinery by a 200-mile pipeline through which semi-refined liquid products are transferred for upgrading into finished petroleum products. The SMF also produces solid petroleum coke that leaves the Refinery by rail or haul truck and recovered solidified sulfur that is transported by haul truck.

In recent years, the SMF has made significant upgrades to include the installation of emission control devices, a reverse osmosis system, a new water softener unit, changing the water effluent to a tankage system, and eliminating the petroleum coke calciner.

The SMF is currently surrounded by industrial, recreational, agricultural, residential, and open space land uses. Except when shut down for maintenance, the SMF operates 24 hours per day, 365 days per year.

4.5.1.2 Existing Land Use

Project Site Land Use

The Proposed Project Site is within unincorporated San Luis Obispo County as shown in Figure 4.5-1 with an industrial land use classification. The SMF processes crude oil into semi-refined liquid products, petroleum coke, elemental sulfur, and fuel gas. The facility includes a truck loading area, an electric power generating plant, cooling towers, an administration building, a waste water treatment plant, an evaporation pond, a coke storage area, and a product storage building (see Figure 2-3).

Adjacent Land Uses

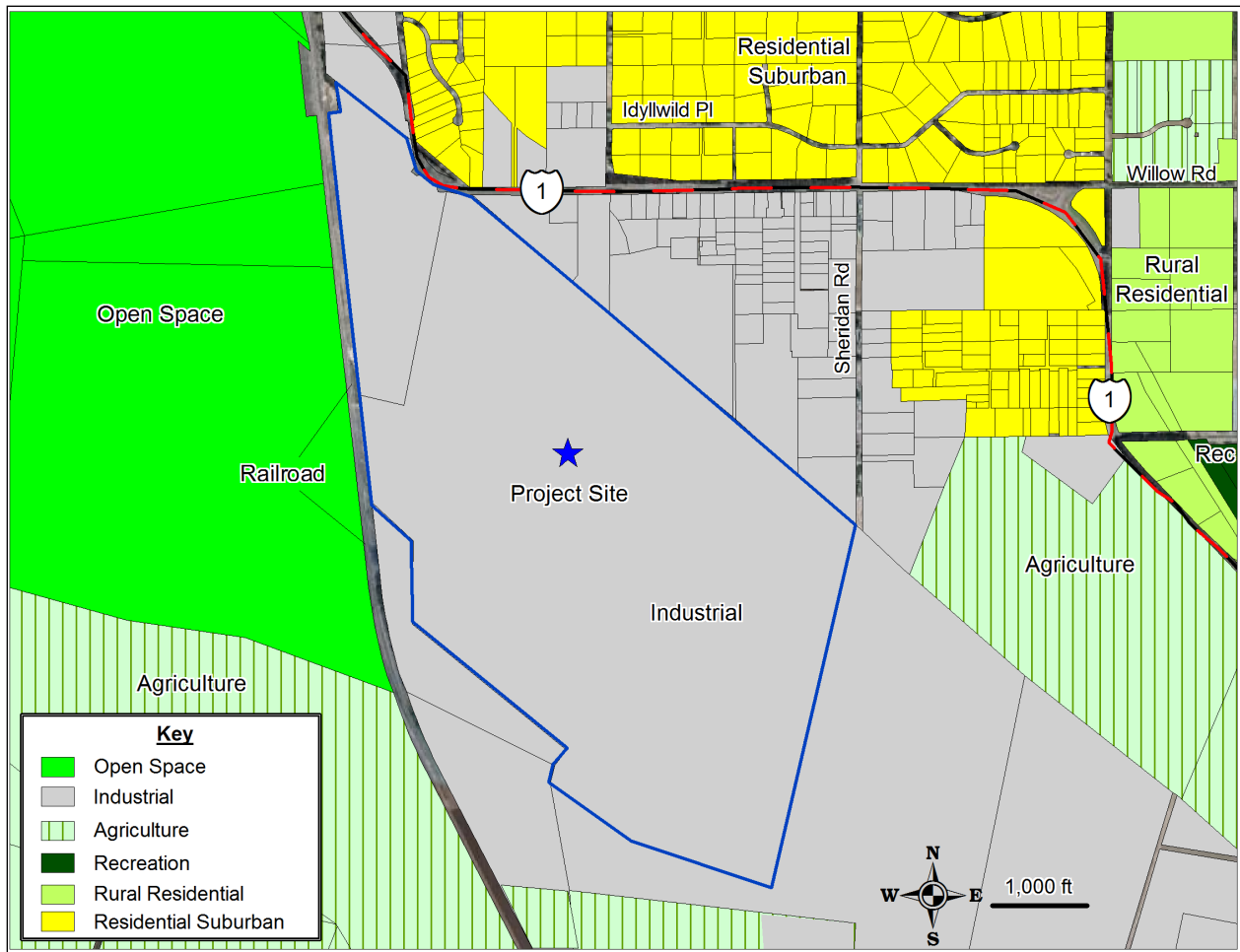
As shown in Figure 4.5-1, a variety of land uses surround the Proposed Project Site. Land to the north is industrial and residential land use classifications consisting of mobile home storage and residential homes. Industrial, agriculture, and recreation classifications are to the east consisting of vacant land, farmland, and a golf course with homes. Farmland lies to the south with an agriculture classification. Lastly, immediately west is the Southern Pacific Railroad. Beyond that

area is a mix of recreation and open space classifications consisting of the Pismo Dunes State Vehicular Recreation Area and a sensitive resource area.

4.5.1.3 Land Use Plans, Policies, Sections & Standards

Since the Proposed Project Site lies within unincorporated San Luis Obispo County, the San Luis Obispo County General Plan is the applicable land use plan. The following sections summarize County land use designations for the Proposed Project Site and applicable policies and standards. Figure 4.5-1 illustrates planned land uses for the Proposed Project Site and the surrounding area according to the San Luis Obispo County General Plan.

Figure 4.5-1 Land Use Designations of the Project Area



Source: SLOC 2011

4.5.1.4 San Luis Obispo County General Plan

The General Plan identifies the goals and policies of each element that are applicable to the Proposed Project.

Agriculture Element

- Goal AG3: Protect Agricultural Lands
 - Policy AGP17 Agricultural Buffers: Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisors.
 - Policy AGP18 Location of Improvements: Locate new buildings, access roads, and structures so as to protect agricultural land.

Land Use Element – Coastal Zone Framework for Planning¹

General Goals

- Environment - Maintain and protect a living environment that is safe, healthful and pleasant for all residents by:
 - Balancing the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
 - Mitigating adverse impacts from development using the best available methods and technology, to the maximum extent feasible.
- Air Quality - Preserve, protect and improve the air quality of the County by:
 - Seeking to attain and maintain state and federal ambient air quality standards.
 - Mitigating to the extent feasible, potential adverse air quality impacts from new development using the best available technology.
 - Minimizing the generation of air pollutants from projected growth.
 - Implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle.
 - Minimizing travel distance and trip generation by the location of land uses.
 - Encouraging the use of alternative energy sources such as solar, wind, and wave technology to reduce the use of non-renewable resources.
- Distribution of Land Uses - Encourage an urban environment that is an orderly arrangement of buildings, improvements, and open space appropriate to the size and scale of development for each community by:
 - Maintaining a clear distinction between urban and rural scale development. Rural uses outside of urban and village areas should be predominately agriculture, low-intensity recreation, low-density residential and open space uses, which will preserve and enhance the pattern of identifiable communities.

¹ For understanding and ease of administration, the Land Use Element and Land Use Plan portion of the Local Coastal Program have been combined into a single plan for the Coastal Zone portion of the County (General Plan 2009).

- Identifying important agricultural, natural and other rural areas between cities and communities, and work with landowners to maintain their rural character.
- Encouraging the protection of commercial agricultural land, both prime and non-prime soils, for the production of food, fiber, and other agricultural commodities.
- Residential Land Uses - Preserve and enhance the quality of residential areas by:
 - Protecting residential areas from incompatible and undesirable land uses.
- Commercial and Industrial Land Uses - Designate commercial and/or industrial areas that are compatible with overall land use by:
 - Creating and preserving desirable neighborhood business characteristics, such as compatible uses, safe employment areas, sense of scale, landscaping, pedestrian ways, and other amenities.
- Public Services and Facilities - Provide additional public resources, services and facilities to serve existing communities in sufficient time by:
 - Avoiding the use of public resources, services, and facilities beyond their renewable capacities.
 - Planning for and monitoring new development through the resource management system and growth management strategies, to ensure that resource demands will not exceed existing and planned capacities, or service levels.
 - Locating new public service facilities as close as possible to the users. If facilities are necessary in rural areas, allow for sufficient buffers to protect environmentally sensitive, and agricultural areas.
 - Planning new land uses that avoid overburdening existing resources, services and facilities
- Circulation - Integrate land use and transportation planning by:
 - Coordinating with cities to ensure that traffic and transportation demands can be safely and adequately accommodated.
- Implementation and Administration - Improve the effectiveness of the planning process by:
 - Working toward minimizing administrative delays and costs to fee payers in the administration of the land use element.
 - Simplifying development review procedures and providing incentives for development to locate where plan policies encourage it to occur.
 - Encouraging maximum public participation in the decision making process when new plans are developed and when development is being reviewed.
 - Encouraging comments from other agencies, districts, community advisory councils, special interest groups, property owners, residents, and other individuals.
 - Developing clear policies, programs, and performance standards that encourage the most desirable community living and working environment for the residents of the County.

- Resource Use and Energy Conservation - Support the conservation of energy resources by:
 - Requiring energy conservation through land use/transit balances, and subdivision and building regulations that require energy conservation methods incorporated into their design.
 - Decreasing reliance on environmentally costly energy sources, increasing conservation efforts, and encouraging use of alternative energy sources.
 - Recognizing the impacts of land use and water consumption in an area that has a semi-arid climate.
 - Encouraging land use and transit measures that reduce use of non-renewable resources such as petroleum.
- Economics - Promote a strong, diverse, and viable local economy by:
 - Pursuing planning policies that balance economic, environmental, and social needs of coastal areas.
 - Recognizing the importance of tourism and agriculture as significant parts of the economic base of the coastal areas.
 - Considering the economic effects of land use planning decisions.

Circulation Goals

- Recognizing public transit and car pooling as very important components of the County's strategy to provide adequate circulation and to reduce dependency on the automobile.
- Developing and coordinating transportation programs that reinforce federal, state, regional and local agency goals.

Land Use Goals

- Reconciling discordant land uses by identifying the relationships between uses that minimize land use conflicts.
- Supporting preservation of the County's agricultural industry and the soils essential to agriculture.
- Supporting protection and preservation of County open space and recreational resources while providing for appropriate development.
- Providing areas where agricultural, residential, commercial and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments.
- Protecting coastal resources, public access to the shoreline and visitor-serving areas, as required by the California Coastal Act.
- Establishing density patterns keyed to both the physical and man-made characteristics of land.

Conservation and Open Space Element

Air Quality

- Goal AQ 1: Per capita vehicle-miles-traveled countywide will be substantially reduced consistent with statewide targets.
 - Policy AQ 1.2 Reduce vehicle miles traveled: Require Project subject to discretionary review to minimize additional vehicle travel.
 - Policy AQ 1.9 Use of rail: Encourage and facilitate, where appropriate, the use of railways as an alternative to trucking materials out of the County by preserving existing services and rights-of-way and investigating the feasibility of increasing general freight traffic by developing additional loading facilities. Railways should also be encouraged for use by passengers.
- Goal AQ 3: State and federal ambient air quality standards will, at a minimum, be attained and maintained.
 - Policy AQ 3.1 Coordinate with other jurisdictions: Coordinate with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.
 - Policy AQ 3.2 Attain air quality standards: Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.
 - Policy AQ 3.3 Avoid air pollution increases: Avoid a net increase in criteria air pollutant emissions in planning areas certified as Level of Severity II or III for Air Quality by the County's Resource Management System (RMS).
 - Policy AQ 3.4 Toxic exposure: Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.
 - Policy AQ 3.5 Equitable decision making: Ensure that land use decisions are equitable and protect all residents from the adverse health effects of air pollution.
 - Policy AQ 3.6 Strategic growth principles: Ensure that implementation of the Strategic Growth principles and goals are balanced with protection of sensitive receptors near high-volume transportation routes and sources of toxic emissions (i.e., railyards, downtown centers, gasoline development facilities, chrome platers, dry cleaners, and refineries).
 - Policy AQ 3.7 Reduce vehicle idling: Encourage the reduction of heavy-vehicle idling throughout the County, particularly near schools, hospitals, senior care facilities, and areas prone to concentrations of people, including residential areas.
 - Policy AQ 3.8 Reduce dust emissions: Reduce PM10 and PM2.5 emissions from unpaved and paved County roads to the maximum extent feasible.
- Goal AQ 4: Greenhouse gas emissions from County operations and communitywide sources will be reduced from baseline levels by a minimum of 15% by 2020.
 - Policy AQ 4.1 Reduce greenhouse gas emissions: Implement and enforce State legislative or regulatory standards, policies, and programs designed to reduce greenhouse gas emissions.

- Policy AQ 4.2 Identify greenhouse gas emissions: Quantify, reduce, and mitigate greenhouse gas emissions.
- Policy AQ 4.4 Development projects and land use activities: Reduce greenhouse gas emissions from development projects and other land use activities.

Biological Resources

- Goal BR 1: Native habitat and biodiversity will be protected, restored, and enhanced.
 - Policy BR 1.3 Environmental review: Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.
 - Policy BR 1.9 Preserve ecotones: Require that proposed discretionary development protects and enhances ecotones, or natural transitions between habitat types because of their importance to vegetation and wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.
 - Policy BR 1.10 Identify and protect ecologically sensitive areas: Protect and enable management of ecologically sensitive areas to the maximum extent feasible.
- Goal BR 4: The natural structure and function of streams and riparian habitat will be protected and restored.
 - Policy BR 4.1 Protect stream resources: Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat.

Energy

- Goal E 1: The County will have an environmentally sustainable supply of energy for all County residents.
 - Policy E 1.4 Methane: Increase the use of methane as an energy source from wastewater treatment plants and active and inactive, closed landfills.
- Goal E 3: Energy efficiency and conservation will be promoted in both new and existing development.
 - Policy E 3.1 Use of renewable energy: Ensure that new and existing development incorporates renewable energy sources, such as solar, passive building, wind and thermal energy. Reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources.
 - Policy E 3.2 Energy efficient equipment: Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.

- Policy E 3.3 Use of renewable energy for water and wastewater: Promote the use of renewable energy systems to pump and treat water and wastewater.
- Goal E 5: Recycling, waste diversion, and reuse programs will achieve as close to zero waste as possible.
 - Policy E 5.1 Source reduction and waste diversion: Encourage source reduction and diversion of solid waste generated to as near zero waste as possible, in order to reduce energy consumption.
- Goal E 7: Design, siting, and operation of non-renewable energy facilities will be environmentally appropriate.
 - Policy E 7.2 Facility upgrades and replacements: Encourage the upgrade or replacement of existing, older facilities to current safety and environmental standards where appropriate, support the decommissioning and redevelopment of existing, older facilities where current safety and environmental standards cannot be met and existing energy production could be replaced with renewable energy sources. Further, develop a cooperative working relationship with the utility and oil and gas industry, including workshops to provide information about the permitting process.

Soil Resources

- Goal SL 1: Soils will be protected from wind and water erosion, particularly that caused by poor soil management practices.
 - Policy SL 1.2 Promote soil conservation practices in all land uses: Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse stormwater so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.

Water Resources

- Goal WR 1: The County will have a reliable and secure regional water supply (IRWM).
 - Policy WR 1.14 Avoid net increase in water use: Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.
- Goal WR 3: Excellent water quality will be maintained for the health of people and natural communities.
 - Policy WR 3.1 Prevent water pollution: Take actions to prevent water pollution, consistent with federal and state water policies and standards, including but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).
- Goal WR 4: Per capita potable water use in the County will decline by 20 percent by 2020.
 - Policy WR 4.1 Reduce water use: Employ water conservation programs to achieve an overall 20 percent reduction in per capita residential and commercial water use in the

unincorporated area by 2020. Continue to improve agricultural water use efficiency consistent with Policy AGP 10 in the Agricultural Element.

- Policy WR 4.4 Reuse wastewater: The County will work with wastewater system operators to identify and implement programs for reuse of treated wastewater, particularly in landscaping, irrigation, parks, and public facilities.

Economic Element

- Goal 1: Promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the County.
 - Policy 1a: Pursue economic development activities that will benefit the economy while maintaining the quality of life.
 - Policy 1i: Encourage businesses that promote the concept of sustainability.
- Goal 2: Create a diverse economy
 - Policy 2a: In evaluating proposed plans and projects, consideration of potential economic benefits should be in balance with environmental and social considerations.
- Goal 3: Assure the provision of strategically-located opportunities for economic development.
 - Policy 3a: Encourage a pattern of commercial and/or industrial development that is consistent with the General Plan, convenient to patrons, realistically related to market demand and the needs of the community, and, when compatible, near areas designated for residential use.

Noise Element

- Goal 1: To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise.
- Goal 2: To protect the economic base of San Luis Obispo County by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.
- Goal 3: To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.
- Goal 5: To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses.
- Policy 3.3.1: The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.
- Policy 3.3.2: New development of noise-sensitive land uses (see Section 1.5 – Definitions) shall not be permitted in areas exposed to existing or projected future levels of noise from transportation noise sources which exceed 60 dB LDN or CNEL (70 LDN or CNEL for

outdoor sports and recreation) unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to or below the levels specified for the given land use in Table 3-1.

- Policy 3.3.3: Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 3-1 within the outdoor activity areas or interior spaces of existing noise sensitive land uses.
- Policy 3.3.4: New development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2, unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.
- Policy 3.3.5: Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source:
 - Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in Table 3-2. When the affected noise-sensitive land use is Outdoor Sports and Recreation, the noise level standards in Table 3-2 shall be increased by 10 Db.
 - Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in Table 3-2.
 - For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed the noise level standards in Table 3-2.
- Policy 3.3.6: San Luis Obispo County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise-sensitive land uses or where new development may result in cumulative increases of noise upon noise-sensitive land uses.

Safety Element

- Goal S-1: Attain a high level of emergency preparedness.
 - Policy S-1 Response: Support the response programs that provide emergency and other services to the public when a disaster occurs. The focus of response activities is saving live and preventing injury, and reducing immediate property damage.
 - Policy S-2 Emergency Preparedness: Continue to improve preparedness programs that educate and organize people to respond appropriately to disasters. They include education and awareness programs for individuals, families, institutions, businesses, government agencies and other organizations.
 - Policy S-3 Coordination: Improve coordination among City, County and State programs, and among others working to reduce the risks of disasters. This should also include improved coordination with the news media. This will result in more effective preparedness, response and recovery from disasters.
 - Policy S-4 Information Systems and Research: Expand and keep current the database of safety related information. Knowledge about disasters and the area we live in is growing. New information must be made available to the public and decision makers. Regularly update the GIS data as new information becomes available.
 - Policy S-5 Risk Assessment: Continue investigations that reduce or eliminate long term risks. Risk assessment activities, effectively carried out, can improve the efficiency and reduce the cost of response and recovery from disasters.
- Goal S-4: Reduce the threat to life, structures and the environment caused by fire.
 - Policy S-14 Facilities, Equipment and Personnel: Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan.
 - Policy S-15 Readiness and Response: The CDF/County Fire Department will maintain and improve its ability to respond and suppress fires throughout the County.
 - Policy S-16 Loss Prevention: Improve structures and other values at risk to reduce the impact of fire. Regulations should be developed to improve the defensible area surrounding habitation.
- Goal S-5: Minimize the potential for loss of life and property resulting from geologic and seismic hazards.
 - Policy S-19 Reduce Seismic Hazards: The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage.
 - Policy S-20 Liquefaction and Seismic Settlement: The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code (UBC).

- Goal S-6: Reduce the potential for harm to individuals and damage to the environment from aircraft hazards, radiation hazards, hazardous materials, electromagnetic fields, radon, and hazardous trees.
 - Policy S-26 Hazardous Materials: Reduce the potential for exposure to humans and the environment by hazardous substances.

4.5.1.5 San Luis Obispo County Local Coastal Program

In addition to those policies covered in the General Plan, the following sections of the Local Coastal Program (LCP) would apply to the Proposed Project.

Energy & Industrial Development

- Section 30262. Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:
 - (a) The development is performed safely and consistent with the geologic conditions of the well site.
 - (b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
 - (c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.
 - (d) Platforms or islands will not be sited where a substantial hard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
 - (e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.
 - (f) With respect to new facilities, all oil field brines are re-injected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to re-injections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.
- Section 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of

such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

- Section 30263

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from in plant processes where feasible.

- Policy 1A New Facilities and Expansion of Existing Sites

- Section 1. No permit, entitlement, lease, or other authorization of any kind within the County of San Luis Obispo which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity shall be final unless such authorization is approved by a majority of the votes cast by a vote of the people of the County of San Luis Obispo in general or special election. For the purpose of this ordinance, the term "onshore support facility" means any land use, installation, or activity required to support the exploration, development, production, storage, processing, transportation, or related activities of offshore energy resources.

- Policy 24: Requirement for Petroleum Transportation

- Offshore oil shall be transported to refining centers by pipeline, where feasible, rather than by petroleum tankers to minimize increased air pollutant emissions and the increased probability of oil spills.
- Proposals for expanding, modifying or constructing new oil processing facilities shall be conditioned to require shipment of oil by pipeline when constructed, unless such transport would not be feasible for a particular operation as determined by the Pipeline Working Group (PWG), the operator and the county.

- The county in conjunction with the OCS Pipeline Working Group shall examine the applicability and feasibility of designating existing marine terminals as nonconforming uses and requiring the shipment of oil through the new pipelines.
- Policy 25: Air Pollution Standards
 - Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution Control District (SLOCAPCD) standards. As a condition of approval, the SLOCAPCD Officer may:
 - Require an air pollutant emission/oil throughput limitation by which allowable oil throughput through the facility is based upon the amount of air pollutant emissions.
 - Set limits on the timing of loading operations when projected oxidant levels exceed designated levels.
 - Require establishment of an ambient air monitoring system in a manner approved by the SLOCAPCD to continuously monitor pollutants and record wind speed and direction.

Public Works

- Policy 1: Availability of Service Capacity
 - New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:
 - It can be serviced by adequate private on-site water and waste disposal systems; and
 - The proposed development reflects that it is an environmentally preferable alternative.
 - The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

Coastal Watersheds

- Policy 1: Preservation of Groundwater Basins
 - The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which

assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Hazards

- 30253. (Portion) New development shall:
 - Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
 - Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- Policy 9: High Fire Risk Areas
 - Fire hazard areas shall be defined as those having potential for catastrophic fire. The county shall designate and show on the Hazards maps those high risk fire areas as delineated by the State Division of Forestry.
 - New residential development in high risk fire areas shall be required to be reviewed and conditioned by the Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes.

Air Quality

- Policy 1: Air Quality
 - The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board.

4.5.1.6 South County Coastal Area Plan

The South County Coastal Area Plan identifies these standards pertaining to the Proposed Project.

- Permit Requirements. Any proposed modification or expansion of the existing Refinery or coke oven or the construction of partial oil and gas processing facilities to service off-shore derived oil and gas that involves land area beyond that presently developed requires Development Plan approval and shall be subject to the following:
 - Phasing plan for staging development indicating the anticipated time table and site plans for Project initiation, expansion possibilities, completion, consolidation possibilities, and decommissioning (Local Coastal Plan [LCP]).
 - A fire protection system approved by the governing authority (LCP).
 - Screening of the facilities from public view through height limitations, careful site design, artificial contoured banks and mounding, extensive landscaping, and decorative walls and fences (LCP).

- Any part of the facilities that cannot effectively be screened by the above methods shall be painted with nonreflective paint of colors that blend with the surrounding natural landscape (LCP).
- Oil spill contingency plan (using most effective feasible technology) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the County, to test the effectiveness of the cleanup and containment equipment and personnel (LCP).
- Limitation on Use. All uses are prohibited except petroleum refining and related industries (including partial oil and gas processing and related industries); coastal access ways; water wells and impoundments; and pipelines and power transmissions. No off-road vehicular use is permitted other than for management of the industrial and natural areas (LCP).
- Site Location. Site location shall minimize impacts to identified rare and endangered plant species and be located to provide a buffer from exposed dune areas on site. A qualified biologist shall survey the site and make recommendations on siting alternatives and appropriate mitigation (LCP).
- Buffer Zones. No facilities shall be located in the area west of the railroad, which shall serve as a protective, natural buffer separating the heavy industrial use from the recreational activities within the dunes. This buffer area shall be managed cooperatively between the property owners and the California Department of Parks and Recreation to encourage dune revegetation and stabilization within the buffer area. A buffer area shall be required to reduce impacts to the nearby residential areas (LCP).
- Air Pollutions Standards. Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution District (SLOCAPCD) standards (LCP).

4.5.1.7 Zoning

The San Luis Obispo County Code, Title 23 Coastal Zone Land Use, contains the County's Land Use Ordinance. The Land Use Ordinance implements the policies of the General Plan, identifying allowable uses within each land use category and site planning and project design standards and review procedures. The policies of the Land Use Ordinance and the enforceable standards of the Land Use Ordinance work together to ensure the compatibility of uses. The Proposed Project Site has an industrial land use designation.

4.5.1.8 Santa Barbara County Comprehensive Plan

The Santa Maria Pump Station, located in Santa Barbara County, is one of the elements used to deliver crude oil to the Santa Maria Facility. As a result, several policies within the Santa Barbara Comprehensive Plan could be applicable to the Proposed Project.

Land Use Element

- Land Use Development Policy 4.
 - Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Affordable housing projects proposed pursuant to the Affordable Housing Overlay regulations, special needs housing projects or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level shall be presumed to be consistent with this policy if the project has, or is conditioned to obtain all necessary can and will serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.15
- Land Use Development Policy 10.
 - Impacts of oil, gas, and produced-water pipelines outside of industry facilities shall be minimized by requiring the use of available or planned common carrier and multiple-user pipelines to the maximum extent feasible. New pipeline construction shall be permitted only if the Planning Commission determines that the use of available or planned common carrier and multiple-user pipelines is not feasible or is not environmentally preferable to alternative proposals. New pipelines that are permitted shall be constructed, operated and maintained as common carrier or multiple-user pipelines unless the Planning Commission determines it is not feasible. New multiple-user pipelines shall provide equitable access to all shippers with physically compatible stock on a nondiscriminatory basis.
 - New pipelines shall be restricted to approved corridors that have undergone comprehensive environmental review unless the Planning Commission determines that such corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed pipeline. The required environmental review for proposed pipelines shall include analysis to determine what cumulative impacts might result in adding future pipelines to that corridor.
 - The design of new common carrier and multiple-user pipelines shall take into account the reasonable, foreseeable needs of other potential shippers. If other pipeline projects are expected to be located in the same corridor, the proposed project shall be required to coordinate concurrent or “shadow” construction with the other projects where practical.
 - Permits for new pipeline construction shall require engineering of pipe placement and burial within the corridor to minimize incremental widening of the consolidated corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.18 19
- Land Use Development Policy 11.

- For the purpose of ensuring safe, orderly, and planned development of oil and gas resources, the Board of Supervisors designates the northwestern and midwestern portion of the county as the North County Consolidation Planning Area, or NCCPA (as defined under the section “Other Definitions” in this element) and subjects oil and gas development in this planning area to the following policies:
 - a. Due to estimated oil and gas reserves located offshore, the County has prepared a study entitled Siting Gas Processing Facilities: Screening & Siting Criteria. That study is incorporated herein by reference to guide a comprehensive analysis of alternative sites should the county receive an application for a Development Plan to construct or expand a facility in the NCCPA for treating or processing either onshore or offshore gas production. The criteria are designed to optimize public safety, environmental protection, and the benefits of consolidation.
- The county has conducted a comparative assessment of available modes for shipping large volumes of crude oil which are produced from offshore fields, processed locally, and requiring transportation to refineries. The assessment concluded that, although pipelines exhibit potentially significant adverse impacts to the environment, they are measurably the environmentally preferred mode of transportation when compared to marine tanker and rail. Furthermore, major crude oil pipelines are in operation for transporting crude oil from both northern and southern Santa Barbara County to refineries outside the county. Consequently, the county shall require that all crude oil produced from offshore reserves and landed in Santa Barbara County shall be shipped to onshore facilities via pipeline, and thence to refineries via overland pipeline, except as provided in Policy 12. Presently, this policy does not apply to facilities that serve only onshore fields however, it shall apply to facilities that serve both onshore and offshore fields as well as only offshore fields. 22
- Land Use Development Policy 12.
 - Proposals for expansion, modification, or construction of new oil and gas processing facilities, oil storage facilities, or pipeline terminals, which receive oil from offshore fields exclusively or from both offshore and onshore fields, shall be conditioned to require transportation of oil by pipeline, to processing facilities and final refining destination, except as provided in this policy.
 - “Final Refining Destination” shall mean a refinery in California where final refining of the subject oil into products is accomplished. Exceptions: Oil shall be considered to reach its final refining destination if (a) the oil has been transported out of the State of California, and does not reenter before final refining; or (b) the oil has been transferred to truck or train after leaving the County by pipeline, and does not reenter the County by truck or train, and is not transferred to a marine vessel for further shipment to a port in California prior to final refining.
 - Crude oil received onshore from offshore production facilities may be transported by highway or rail if the Director determines that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

- Any shipment of oil by highway or rail under this policy shall be limited to that fraction of the oil that cannot feasibly be transported by pipeline and shall not exceed the limits of permitted capacity for these transportation modes. The shipper or carrier shall mitigate to the maximum extent feasible any environmental impacts caused by use of the alternate transportation mode.
- Temporary transport of oil by waterborne vessel may be authorized under an emergency permit if the Governor of the State of California declares a state of emergency pursuant to Public Resources Code Sec. 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore Santa Barbara County. In such a case, the oil transported by alternate mode shall be limited to that fraction which cannot feasibly be transported by pipeline. Transport by the alternate mode shall cease immediately when it becomes technically feasible to resume pipeline transport23 24

Safety Element Supplement

- POLICY HAZARDOUS FACILITY SAFETY 2-B: UNACCEPTABLE RISK INVOLVING MODIFICATIONS TO EXISTING DEVELOPMENT
 - Proposed modifications to existing development that require a discretionary land-use permit and meet any of the following three criteria shall represent an unacceptably high level of risk and constitute a *prima facie* standard for denial.
 - 1) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is required to comply with law, the modification does not increase significant risk to highly sensitive land uses, and no other feasible alternatives are achievable.
 - 2) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is made to an urban dependent land use and highly sensitive land uses are not exposed to significant risk as a result of the modification.
 - 3) Modifications that increase risk and the resulting, mitigated risk registers in the amber zone of the County's risk thresholds if exposure of a highly sensitive land use would occur as result of project approval.
 - IMPLEMENTING ACTION: As stipulated in the County's Risk Thresholds, this policy shall apply to new hazardous facilities and development proposed in proximity to an existing hazardous facility, but does not apply to occupational risk (e.g., employees of new or existing hazardous facilities).
- POLICY GAS PIPELINE SAFETY 2-B: UNACCEPTABLE RISK INVOLVING MODIFICATIONS TO EXISTING DEVELOPMENT
 - Proposed modifications to existing development that require a discretionary land-use permit and meet any of the following three criteria shall represent an unacceptably high level of risk and constitute a *prima facie* standard for denial.

- (1) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is required to comply with law, the modification does not increase significant risk to highly sensitive land uses, and no other feasible alternatives are achievable.
- (2) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is made to an urban dependent land use and highly sensitive land uses are not exposed to significant risk as a result of the modification.
- (3) Modifications that increase risk and the resulting, mitigated risk registers in the amber zone of the County's risk thresholds if exposure of a highly sensitive land use would occur as result of project approval.
- IMPLEMENTING ACTION: As stipulated in the County's Risk Thresholds, this policy shall apply to new gas pipelines and development proposed in proximity to an existing gas pipeline, but does not apply to occupational risk.

4.5.2 Regulatory Setting

This section summarizes applicable federal, state, and local land use planning policies and regulations regarding the Proposed Project.

4.5.2.1 Federal

The Federal Coastal Zone Management Act of 1972, as administered by the State of California, applies to the Proposed Project. Other federal agencies having regulatory authority that affect land use and growth issues include the U.S. Environmental Protection Agency (EPA), the U.S. Army Corp of Engineers (ACOE), and the U.S. Fish and Wildlife Service (USFWS).

4.5.2.2 State

The California Coastal Commission

The California Coastal Act (Act) of 1976 created the California Coastal Commission (CCC) and established planning and management policies for the protection of coastal resources. The Act requires local governments lying in the coastal zone to prepare local coastal programs (LCP) that provide for maximum public access to the coast and public recreation areas (see Section 30500 of the Act). Through the certification process of the local coastal programs, the CCC would identify sensitive coastal resources, determine whether these areas were of regional or statewide significance, identify potentially significant adverse impacts that could result to these coastal resources from development, and ensure that actions adequate to protect these resources are incorporated into the LCP.

After an LCP has been certified and all implementing actions have become effective, the Act delegates subsequent development review authority to the local agency whose program has been

certified. However, such delegation does not apply to any development on any tidelands, submerged lands, or public trust lands lying within the coastal zone. Such lands are considered the original jurisdiction of the state. The act does not change the authority of the CSLC over lands within its jurisdiction.

The planning and management policies to protect coastal resources are described in Sections 30200 through 30264 of the Act. Sections 30210 through 30213 of the Act provide that the public's right of access to the sea is not to be interfered with by development unless it is inconsistent with public safety, military security, or the protection of coastal resources. Where appropriate and feasible, public facilities, including parking would be distributed throughout an area to minimize impact to any single area. Low-cost visitor and recreation facilities and low- and moderate-income housing opportunities would be encouraged.

Sections 30230 through 30236 of the Act provide that marine resources are to be maintained, enhanced, and, where feasible, restored. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances would be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures would be provided for accidental spills. Facilities serving the commercial fishing and recreational boating industries would be protected and, where feasible, upgraded.

Pursuant to Sections 30240 through 30254 of the Act, land resources such as environmentally sensitive habitat areas and prime agricultural land would be protected. Archaeological and paleontological resources would also be protected. The scenic and visual qualities of coastal areas would be considered and protected when contemplating development. New development would maintain and enhance public access to the coast by having passages to roadways and transit opportunities.

Pursuant to Sections 30260 through 30264 of the Act, coastal-dependent industrial development would be encouraged to locate or expand within existing sites and long-term growth would be permitted where consistent with the area. Where new or expanded facilities are not otherwise consistent, they will be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

Other State Agencies

Other state agencies having control over land use in San Luis Obispo County include the California Department of Parks and Recreation, the California Department of Fish and Game, and the California Department of Transportation. Additionally, the South Coast Air Quality Management District implements state and federal policies within the vicinity of the Proposed Project Site.

4.5.2.3 Local

County of San Luis Obispo

General Plan

In accordance with California state law, the County of San Luis Obispo adopted a General Plan to guide development within the County. The General Plan expresses the County's development goals; embodies public policy relative to the distribution of future land uses; provides a basis for local government decision making; and informs citizens, developers, and decision-makers of the ground rules pertaining to new development.

The existing General Plan land use map designates the Proposed Project Site as industrial. The General Plan permits petroleum refining and related industries as a special use (S-5-P) in the industrial land use category.

Individual policies within the General Plan applicable to the Proposed Project are discussed in the Policy Consistency Analysis subsection.

South County Coastal Area Plan

The County General Plan Land Use Element includes multiple area plans that refine general policies of the Framework for Planning for each community. The Proposed Project Site is within the County's South Coastal Planning Area. The South County Coastal Area Plan identifies policies, programs, and standards that provide guidance for development specific to the planning area.

Chapter 6, Land Use, Section A, Rural Area Land Use of the South County Coastal Area Plan states the following regarding the Proposed Project Site:

The large industrial area west and south of Highway 1 is currently occupied by the Santa Maria Oil Refinery (operated by Union Oil Company of California) and the Santa Maria Chemical Plant operated by the Union Chemical Division, Carbon Group. These uses occupy only a portion of the total area, and the large vacant areas provide a desirable buffer from adjacent uses and an area where wind-carried pollutants can be deposited on-site, thereby not affecting neighboring properties. This is particularly important to the agricultural uses in the Santa Maria Valley. Any proposed modification or expansion of the Refinery and coke ovens should be subject to Development Plan approval covering the entire property to designate buildable and open space areas. No major expansion or alterations to these operations are envisioned at this time. Proposed offshore oil and gas lease sales, however, may generate the need for onshore partial oil and gas processing facilities. The siting of such facilities may be appropriate in this area due to similarities in scale and use, adequate vacant lands, and proximity to areas being considered for lease.

Local Coastal Program

In compliance with the 1976 California Coastal Act, the County of San Luis Obispo prepared an LCP for the portion of County land within the coastal zone. The LCP guides future development within the County's coastal zone and makes recommendations for the preservation of resources in the zone.

Coastal Zone Land Use

The County Zoning Ordinance implements the General Plan and provides more specific criteria for development. The County of San Luis Obispo Land Use Ordinance is articulated in the County of San Luis Obispo Municipal Code, Title 23 Coastal Zone Land Use.

The County's Land Use Ordinance, Chapter 23.08.080 Industrial Uses (S-5), allows petroleum refining subject to Development Plan approval in areas with an Industrial land use designation.

The County's Land Use Ordinance, Chapter 23.08.094 Petroleum Refining and Related Industries, and Marine Terminals and Piers, requires a Specific Plan except for:

Additions within existing facilities or modifications to existing facilities mandated by local, state, or federal requirements or by a demonstrated need for replacement due to technological improvement or facility age that do not expand the capacity of a facility by more than 10 percent or expand the existing exterior boundary of the site.

In accordance with the County's Land Use Ordinance, Chapter 23.02.033 Minor Use Permits, a Minor Use Permit (D890530P) was granted for the Project Site in 1990 to allow a gland oil system, an upgraded sulfur unit, a coker steamout system, a refinery relief system, certain instrumentation, and a tank farm vapor recovery system. Conditions of Approval for the permit included:

GEN 1: Refinery operations under this approval to be conducted at a maximum 44,500 barrels per day wet.

GEN 3: Obtain a new development plan approval for any refinery modifications or expansion, any changes in maximum refining capacity or changes in maximum throughput from 44,500 BPD wet oil, or any other significant changes which in the county's sole judgment have the potential to cause significant impacts.

In accordance with the County's Land Use Ordinance, Chapter 23.02.034 Development Plan, a Development Plan (D890287D) was granted for the Project Site in 1990 to allow a modified process water stripper and storage tank, and a flare stack. Conditions of Approval for the Development Plan included:

GEN 1: Refinery operations under this approval to be conducted at a maximum 44,500 barrels per day wet.

GEN 3: Obtain a new development plan approval for any refinery modifications or expansion, any changes in maximum refining capacity or changes in maximum throughput from 44,500 BPD wet oil, or any other significant changes which in the county's sole judgment have the potential to cause significant impacts.

4.5.3 Significance Criteria

Based on the State of California Environmental Quality Act (CEQA) Guidelines (Appendix G), the Proposed Project would result in a significant impact if it:

- Physically divides an established community;
- Conflicts with established and proposed land use policies and adopted general or specific plans for purpose of avoiding or mitigating an environmental effect;
- Results in substantial quality of life effects on occupants of existing surrounding uses or is incompatible with existing surrounding land uses;
- Conflicts with any applicable habitat conservation plan or natural community conservation plan.

4.5.4 Proposed Project Impacts and Mitigation Measures

Impact #	Impact Description	Phase	Residual Impact
LU.1	Noise from throughput increase operations would be incompatible with the adjacent land uses.	Operations	Class II

Potential future operations would be in close proximity to land uses zoned as recreational, agricultural, residential land, and open space. As discussed in Section 4.3, Noise and Vibration, various operations and alarms at the Refinery generate noise in the community. The level of noise impacts on the community would not increase due to an increase in crude oil throughput at the Refinery. Alarm frequency would remain the same. Although use of equipment, such as the crude heaters, would increase, noise levels would not increase at receptors near the Refinery.

The pump stations along the pipeline routes from the Santa Maria Pump Station to the Refinery and from the Refinery north to the Bay Area could increase their pumping frequency or operate in a manner that would increase noise levels (e.g., operating multiple pumps).

The Summit Pump Station, located midway between the Santa Maria Pump Station and the Refinery, is in close proximity to residences. However, the pumps at this location have been shut down and the facility produces minimal noise. An increase in throughput at this location would not generate additional noise levels at nearby residences.

The Santa Margarita Pump Station, located along the pipeline from the Refinery to the Bay Area, is also located in a rural area in close proximity to residences. Natural gas engines operate the pumps and create noise in the vicinity. Noise monitoring at the Santa Margarita Pump Station indicated that noise levels during the nighttime would be audible to nearby residences, but would not produce a significant impact. However, noise levels at the Santa Margarita Pump Station property line currently exceed the County Noise Element limit of 50 dBA. Increasing operations of these pumps, which might or might not occur under the Proposed Project, would be considered a significant impact.

Mitigation Measures

Implement mitigation measure N-1.

Residual Impacts

The residual impacts would be less than significant with mitigation.

Impact #	Impact Description	Phase	Residual Impact
LU.2	Emissions and odors from operations could be incompatible with adjacent land uses.	Operations	Class II

According to Section 4.1, Air Quality, throughput increase operations at the SMF could cause emissions and odor events as various components in the operations equipment could leak and cyclical operations (coking, crude tanks, etc) at the Refinery would increase with the increased throughput, thereby causing odors. The storage of sulfur at the Refinery could also be a source of odors to nearby residences and more sulfur would be processed with the Proposed Project. The combustion of Refinery gases that contain sulfur produces SO₂ which could travel downwind after combustion and produces odors and more gases would be combusted under the Proposed Project. Sulfur levels of Refinery fuel gases vary, but generally are limited by the SLOCAPCD permit to less than 250 to 300 ppm.

Released materials that cause odors can travel a substantial distance since the odor thresholds for materials can be as low as parts per billion. Odor impacts associated with accidental releases or from normal operations at the Refinery could impact surrounding areas. Increased processing of crude oil, leading to increased movements of sulfur and increased emissions, could lead to increased frequency and/or duration of odor events. The impacts to adjacent land uses due to emissions and odors would be considered significant.

Mitigation Measures

Implement mitigation measure AQ-2. No additional mitigation measures are proposed.

Residual Impacts

The residual impacts would be less than significant with mitigation.

4.5.5 Policy Consistency Analysis

The policy analysis contains a preliminary evaluation of the Proposed Project's consistency with selected General Plan policies. The County is responsible for deciding whether to approve, conditionally approve, or deny the Proposed Project. Among other considerations, the County will base its decision on the Project's consistency with applicable plans and policies. The assessment of the Project's consistency with the plans and policies below is preliminary. The County will make findings of fact concerning policy consistency during its deliberations on the Proposed Project.

4.5.5.1 San Luis Obispo County General Plan

Several goals and policies of the General Plan would be applicable to the Proposed Project.

Agricultural Element

Goal AG3: Protect Agricultural Lands

Policy AGP17 Agricultural Buffers: Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor.

Consistency Analysis: The Proposed Project is an industrial use with existing agricultural land uses nearby to the south, southwest, and east. Sufficient land use buffering exists between the subject property and surrounding properties. As the Proposed Project does not include any construction, new buildings or facility additions that could impact surrounding properties, no new land use buffering techniques are planned. Therefore, the Proposed Project is consistent with this goal.

Policy AGP18 Location of Improvements: Locate new buildings, access roads, and structures so as to protect agricultural land.

Consistency Analysis: The Proposed Project does not include any construction, new buildings, facility additions or new access roads that could impact surrounding properties. Therefore, the Proposed Project is consistent with this goal.

Land Use Element – Coastal Zone Framework for Planning²

Environment Goal: Maintain and protect a living environment that is safe, healthful and pleasant for all residents.

Consistency Analysis: Since 1955 the subject property's land use has been petroleum oil refining and operations have been conducted in a safe and healthful way. Over the years, improvements have been made to include four of the large petroleum storage tanks that were retrofitted with domed-roof vapor recovery systems in the early 1990s to reduce significant odor impacts. In 2007, ConocoPhillips permanently shut down the petroleum coke calciner, thereby reducing facility emissions of hazardous air pollutants to less than the major source threshold level. Additionally, the facility installed a new boiler in the utility plant to replace steam production from the calciner waste heat boiler. The Proposed Project would increase the permitted volume of processed crude oil at the existing refinery in a demonstrated safe and healthful way. Therefore, the Proposed Project is consistent with this goal.

² For understanding and ease of administration, the Land Use Element and Land Use Plan portion of the Local Coastal Program have been combined into a single plan for the Coastal Zone portion of the county (General Plan 2009).

Air Quality Goal: Preserve, protect and improve the air quality of the county.

Consistency Analysis: The Applicant has demonstrated in the past an effort to preserve, protect and improve the air quality of the county. In 2007, to meet criteria pollutant requirements, rather than implementing control technology on the petroleum coke calciner, ConocoPhillips elected to permanently shut down the facility. This shutdown reduced facility emissions of hazardous air pollutants to less than the major source threshold level and also led to several equipment and operating condition changes in the permit. For example, the facility installed a new boiler in the utility plant to replace steam production from the calciner waste heat boiler. These actions exemplify the Applicant's continued desire to preserve, protect and improve the air quality in the County. Therefore, the Proposed Project is consistent with this goal.

Distribution of Land Uses Goal: Encourage an urban environment that is an orderly arrangement of buildings, improvements, and open space appropriate to the size and scale of development for each community.

Consistency Analysis: The Proposed Project does not include any construction, new buildings, facility additions or new access roads that could impact the surrounding environment to include adjacent and nearby open space, industrial, agricultural, and residential land uses. Therefore, the Proposed Project is consistent with this goal.

Residential Land Uses Goal: Preserve and enhance the quality of residential areas.

Consistency Analysis: The Proposed Project would not introduce any additional employees or substantial construction to the area and therefore, would not change the area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure), would not displace existing housing or people, requiring construction of replacement housing elsewhere or create the need for substantial new housing in the area. The Proposed Project would also not require the expansion of existing roadways to accommodate increased traffic. Therefore, the Proposed Project is consistent with this goal.

Commercial and Industrial Land Uses Goal: Designate commercial and/or industrial areas that are compatible with overall land use.

Consistency Analysis: The Proposed Project is an industrial land use and has been since at least 1955. Furthermore, the subject property is mostly adjacent to industrial land uses. Therefore, the Proposed Project is consistent with this goal.

Public Services and Facilities Goal: Provide additional public resources, services and facilities to serve existing communities in sufficient time.

Consistency Analysis: The Proposed Project Site's land use has been petroleum oil refining since 1955. The Proposed Project would not require additional public resources. The Proposed Project would not use substantial amounts of fuel or energy as modifications to the Refinery would not be substantial. The SMF obtains all of its water from onsite wells and projects a potential one percent increase in water usage. Further, according to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this goal.

Circulation Goal 1: Integrate land use and transportation planning.

Consistency Analysis: The Proposed Project would continue its industrial nature and continue to use the existing network of roadways leading to and from the Santa Maria Facility and US Highway 101. The increased traffic generated by the Proposed Project would not require any expansion or improvements to the roadway network. Therefore, the Proposed Project is consistent with this goal.

Circulation Goal 2: Recognizing public transit and car pooling as very important components of the county's strategy to provide adequate circulation and to reduce dependency on the automobile.

Consistency Analysis: Santa Maria Facility operations currently involve 95 employees and 65 contractors during the week and 40 employees on weekends. Typically 10 employees work at the facility during nighttime. Although the facility is not accessible by public transit, the Applicant encourages its employees to carpool whenever possible. Therefore, the Proposed Project is consistent with this goal.

Circulation Goal 3: Developing and coordinating transportation programs that reinforce federal, state, regional and local agency goals.

Consistency Analysis: Santa Maria Facility operations currently involve 95 employees and 65 contractors during the week and 40 employees on weekends. Typically 10 employees work at the facility during nighttime. Although the facility is not accessible by public transit, the Applicant encourages its employees to carpool whenever possible. Therefore, the Proposed Project is consistent with this goal.

Implementation and Administration Goal: Improve the effectiveness of the planning process.

Consistency Analysis: Approval of the Proposed Project is partly contingent on successful review of the environmental impacts and associated mitigation measures. Further, this EIR is subject to public review and comment by affected stakeholders, which contributes to the effectiveness of the planning process. Therefore, the Proposed Project is consistent with this goal.

Resource Use and Energy Conservation Goal: Support the conservation of energy resources.

Consistency Analysis: The Proposed Project would not use substantial amounts of fuel or energy as modifications to the Refinery would not be substantial. Under the Proposed Project, electricity purchased from PG&E would most likely decrease due to the increased amount of Refinery fuel gas generated and the additional electricity generated onsite. Further, natural gas purchased from Southern California Gas would most likely decrease. Therefore, the Proposed Project is consistent with this goal.

Economics Goal: Promote a strong, diverse, and viable local economy.

Consistency Analysis: The Proposed Project contributes to the local economy by providing a much needed energy resource, as well as jobs. The Santa Maria Facility operations currently involve 95 employees and 65 contractors during the week and 40 employees on weekends.

Typically 10 employees work at the facility during nighttime. Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 1: Reconciling discordant land uses by identifying the relationships between uses that minimize land use conflicts.

Consistency Analysis: The Proposed Project is an industrial land use adjacent to or nearby industrial, open space, recreation, agricultural, and residential land uses. The subject property's land use has been petroleum oil refining since 1955 and has not experienced any major land use conflicts with neighboring properties. The proposed throughput increase would not aggravate these land use conditions. Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 2: Supporting preservation of the county's agricultural industry and the soils essential to agriculture.

Consistency Analysis: The Proposed Project would not convert existing agricultural land to other uses, impair agricultural use of nearby lands, or conflict with existing zoning. The Proposed Project would not involve soil movement or grading, and therefore would not result in exposure to or production of unstable earth conditions, result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions. The Proposed Project would also not change rates of soil absorption, or the amount or direction of surface runoff or change the drainage patterns.

Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 3: Supporting protection and preservation of county open space and recreational resources while providing for appropriate development.

Consistency Analysis: The Proposed Project does not include any construction, new buildings, facility additions or new access roads that could impact surrounding properties to include open space and recreational resources, such as the Pismo Dunes State Vehicular Recreation Area.

Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 4: Providing areas where agricultural, residential, commercial and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments.

Consistency Analysis: The Proposed Project is an industrial land use adjacent to or nearby industrial, open space, recreation, agricultural, and residential land uses. The subject property's land use has been petroleum oil refining since 1955 and has not experienced any major land use conflicts with neighboring properties. The proposed throughput increase would not aggravate these land use conditions. Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 5: Protecting coastal resources, public access to the shoreline and visitor-serving areas, as required by the California Coastal Act.

Consistency Analysis: The Proposed Project would not impact public access to the shoreline and visitor-serving areas since no new construction is proposed. Therefore, the Proposed Project is consistent with this goal.

Land Use Goal 6: Establishing density patterns keyed to both the physical and man-made characteristics of land.

Consistency Analysis: The Proposed Project does not include any construction, new buildings, facility additions or new access roads that could impact existing density patterns. The surrounding properties would not be adversely affected by the proposed throughput increase. Therefore, the Proposed Project is consistent with this goal.

Conservation and Open Space Element

Goal AQ 1: Per capita vehicle-miles-traveled countywide will be substantially reduced consistent with statewide targets.

Policy AQ 1.2 Reduce vehicle miles traveled: Require project subject to discretionary review to minimize additional vehicle travel.

Consistency Analysis: Currently, the Santa Maria Facility personnel generate approximately 160 roundtrips (320 one-way trips) per day. The Santa Maria Facility normal operations generate approximately 5 truck roundtrips (10 one-way trips) per day, not including green coke and sulfur-related trips. In 2009, the Santa Maria Facility had approximately 15,009 truck roundtrips related to green coke and sulfur, which comes to approximately 41 trucks per day, or 82 one-way truck trips per day. In total, the Santa Maria Facility generates approximately 206 vehicle roundtrips per day or 412 one-way vehicle trips per day.

The Proposed Project operations estimate an increase from 15,009 truck roundtrips per year to 15,845 truck roundtrips per year, which is an increase of 836 truck roundtrips per year under a worst-case scenario. Therefore, although not significant, the Proposed Project may not be consistent with this policy.

Policy AQ 1.9 Use of rail: Encourage and facilitate, where appropriate, the use of railways as an alternative to trucking materials out of the county by preserving existing services and rights-of-way and investigating the feasibility of increasing general freight traffic by developing additional loading facilities. Railways should also be encouraged for use by passengers.

Consistency Analysis: The Proposed Project's increase in throughput would result in an increase in shipments leaving the facility by either truck or railcar. However, there are no permit limits on the amount of truck versus rail transportation levels. Rail transportation is driven by market forces and availability of rail infrastructure in those areas where markets for the different Refinery products may exist. In addition, under greenhouse gas mitigation in the Air Quality Section, there is a requirement to use rail if rail is available. In order to assess potential impacts, as a worst-case scenario, it is assumed that the entire future production of green coke and sulfur would be transported by truck. Therefore, the Proposed Project may be found consistent with this policy.

Goal AQ 3: State and federal ambient air quality standards will, at a minimum, be attained and maintained.

Policy AQ 3.1 Coordinate with other jurisdictions: Coordinate with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

Consistency Analysis: The Proposed Project was developed in cooperation with the San Luis Obispo County Air Pollution Control District (SLOCAPCD). Regarding transportation, data and reports from Caltrans, San Luis Obispo County, the City of Santa Maria, and Santa Barbara County were analyzed in developing this EIR. Therefore, the Proposed Project is consistent with this policy.

Policy AQ 3.2 Attain air quality standards: Attain or exceed federal or state ambient air quality standards (the more stringent if not the same) for measured criteria pollutants.

Consistency Analysis: The evaluation of the Project's air emissions identified mitigation measures to address air quality standards where thresholds would be exceeded. Therefore, the Project does not conflict with this policy.

Policy AQ 3.4 Toxic exposure: Minimize public exposure to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead.

Consistency Analysis: The evaluation of the Project's air emissions did not identify significant increases to toxic air contaminants, ozone, particulate matter, sulfur dioxide, carbon monoxide, nitrogen oxides, and lead where thresholds would be exceeded. Therefore, the Project does not conflict with this policy.

Policy AQ 3.5 Equitable decision making: Ensure that land use decisions are equitable and protect all residents from the adverse health effects of air pollution.

Consistency Analysis: The Project may result in adverse air quality impacts; however, mitigation measures have been identified to address these impacts and their related effects on residents. Therefore, the Project does not conflict with this policy.

Policy AQ 3.6 Strategic growth principles: Ensure that implementation of the Strategic Growth principles and goals are balanced with protection of sensitive receptors near high-volume transportation routes and sources of toxic emissions (i.e., railyards, downtown centers, gasoline development facilities, chrome platers, dry cleaners, and refineries).

Consistency Analysis: The Air Quality Section analyzed impacts associated with transportation routes and diesel truck emissions and their health effects on populations and found them to be less than significant. Therefore, the Project does not conflict with this policy.

Policy AQ 3.7 Reduce vehicle idling: Encourage the reduction of heavy-vehicle idling throughout the county, particularly near schools, hospitals, senior care facilities, and areas prone to concentrations of people, including residential areas.

Consistency Analysis: The Project does not include idling of trucks during transportation or delivery of crude to the Santa Maria Pump Station. In addition, there are no sensitive receptors within 1,000 feet of the Pump Station. Therefore, the Project does not conflict with this policy.

Policy AQ 3.8 Reduce dust emissions: Reduce PM10 and PM2.5 emissions from unpaved and paved County roads to the maximum extent feasible.

Consistency Analysis: The Project does not include construction that could lead to dust emissions, nor does it contain vehicles using unpaved roads. Therefore, the Project does not conflict with this policy.

Goal AQ 4: Greenhouse gas emissions from County operations and communitywide sources will be reduced from baseline levels by a minimum of 15% by 2020.

Policy AQ 4.1 Reduce greenhouse gas emissions: Implement and enforce State legislative or regulatory standards, policies, and programs designed to reduce greenhouse gas emissions.

Consistency Analysis: State requirements for greenhouse gas (GHG) emissions have been evaluated and the Project would generate a significant amount of GHG emissions. With full implementation of GHG mitigation measures to get the Proposed Project below the SLOCAPCD's significance threshold, the Project does not conflict with this policy.

Policy AQ 4.2 Identify greenhouse gas emissions: Quantify, reduce, and mitigate greenhouse gas emissions.

Consistency Analysis: State requirements for greenhouse gas (GHG) emissions have been evaluated and the Project would generate a significant amount of GHG emissions. With full implementation of GHG mitigation measures to get the Proposed Project below the SLOCAPCD's significance threshold, the Project does not conflict with this policy.

Policy AQ 4.4 Development projects and land use activities: Reduce greenhouse gas emissions from development projects and other land use activities.

Consistency Analysis: State requirements for greenhouse gas (GHG) emissions have been evaluated and the Project would generate a significant amount of GHG emissions. With full implementation of GHG mitigation measures to get the Proposed Project below the SLOCAPCD's significance threshold, the Project does not conflict with this policy.

Goal BR 1: Native habitat and biodiversity will be protected, restored, and enhanced.

Policy BR 1.3 Environmental review: Require environmental review of development applications pursuant to CEQA and County procedures to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors.

Consistency Analysis: The Proposed Project would not be expected to cause any impacts to native species and habitat diversity, or to introduce barriers to the movement of resident or

migratory fish or wildlife species, or hinder the normal activities of wildlife. Therefore, the Proposed Project is consistent with this policy.

Policy BR 1.9 Preserve ecotones: Require that proposed discretionary development protects and enhances ecotones, or natural transitions between habitat types because of their importance to vegetation and wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.

Consistency Analysis: The Proposed Project would not be expected to impact ecotones or natural transition between habitat types. Therefore, the Proposed Project is consistent with this policy.

Goal BR 4: The natural structure and function of streams and riparian habitat will be protected and restored.

Policy BR 4.1 Protect stream resources: Protect streams and riparian vegetation to preserve water quality and flood control functions and associated fish and wildlife habitat.

Consistency Analysis: The Proposed Project would not change rates of soil absorption, or the amount or direction of surface runoff or change the drainage patterns, thereby not impacting streams, riparian vegetation, or associated fish and wildlife habitat. Therefore, the Proposed Project is consistent with this policy.

Goal E 3: Energy efficiency and conservation will be promoted in both new and existing development.

Policy E 3.1 Use of renewable energy: Ensure that new and existing development incorporates renewable energy sources such as solar, passive building, wind and thermal energy. Reduce reliance on non-sustainable energy sources to the extent possible using available technology and sustainable design techniques, materials, and resources.

Consistency Analysis: Although the Santa Maria Facility uses fuel gas produced from the refining operation as a fuel source, primarily to fire heaters and boilers for process heat and steam, renewable energy is not used. The Proposed Project would result in a net decrease of use of energy from the grid and result in an increase of use of energy produced at the Refinery. Therefore, the Proposed Project may be consistent with this policy.

Policy E 3.2 Energy efficient equipment: Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.

Consistency Analysis: The Santa Maria Facility continues to improve its energy efficiency. Currently, nearly half of the electricity used by the Santa Maria Facility is generated onsite by the power generating unit. Additionally, the facility uses fuel gas produced from the refining operation as a fuel source, primarily to fire heaters and boilers for process heat and steam. Recently, a new boiler was installed in the utility plant to replace steam production from the calciner waste heat boiler. Therefore, the Proposed Project may be consistent with this policy.

Policy E 3.3 Use of renewable energy for water and wastewater: Promote the use of renewable energy systems to pump and treat water and wastewater.

Consistency Analysis: The SMF obtains all of its water from on-site wells. SMF water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The water treatment plant was recently upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system.

All water drainage, including storm run-off, is contained on site. The Santa Maria Facility (SMF) discharges water to the Pacific Ocean pursuant to waste discharge requirements in Regional Water Quality Control Board Order Number R3-2007-0002, adopted September 7, 2007. The Order serves as the permit under the National Pollutant Discharge Elimination System (NPDES).

All process wastewater and contaminated storm water from the facility flow to a treatment system consisting of oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification. The treated wastewater is discharged to the Pacific Ocean through an outfall terminating 1,700 feet offshore and 27 feet deep. Because the Refinery does not use renewable energy systems to pump or treat water or wastewater, the Proposed Project may be found in conflict with this policy.

Goal E 5: Recycling, waste diversion, and reuse programs will achieve as close to zero waste as possible.

Policy E 5.1 Source reduction and waste diversion: Encourage source reduction and diversion of solid waste generated to as near zero waste as possible, in order to reduce energy consumption.

Consistency Analysis: The Proposed Project's expansion relates to increased crude oil throughput by 10 percent and does not include any facility expansion or related construction. Therefore, the Proposed Project is not expected to result in significant non-hazardous solid waste increases. Only insignificant quantities of wastes associated with the throughput increase would be generated. The Project would not result in a need for new or physically altered waste handling facilities, and would be in compliance with applicable regulations. During operations, trash and rubbish would be collected in waste bins and disposed of by a local waste hauler. The Cold Canyon Landfill will probably be the primary landfill serving the Proposed Project should the proposed landfill increase be approved by the County. If not, both the Chicago Grade and City of Paso Robles landfills have sufficient capacity. Therefore, the Proposed Project is consistent with this policy.

Goal E 7: Design, siting, and operation of non-renewable energy facilities will be environmentally appropriate.

Policy E 7.2 Facility upgrades and replacements: Encourage the upgrade or replacement of existing, older facilities to current safety and environmental standards where appropriate, support the decommissioning and redevelopment of existing, older facilities where current safety and environmental standards cannot be met and existing energy production could be replaced with renewable energy sources. Further, develop a cooperative working relationship with the utility

and oil and gas industry, including workshops to provide information about the permitting process.

Consistency Analysis: Petroleum refining has been the primary land use at the subject property since 1955. During recent years, the SMF has been changed and modified, and upgraded to modernize the process and comply with changing environmental regulations. Significant upgrades included installing emission control devices like the tail gas unit, low nitrogen oxide burners, tank vapor recovery, and flare vapor recovery. The water treatment plant was also upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system. Also, changing the water effluent to a tankage system eliminated storing water in onsite surface impounds. The most recent upgrade, permanently shutting down the petroleum coke calciner in March 2007, decreased criteria and hazardous air pollutants in addition to reducing water usage.

The Proposed Project's expansion relates to increased crude oil throughput by 10 percent and does not include any facility replacement, expansion or decommissioning. Therefore, the Proposed Project is consistent with this policy.

Goal SL 1: Soils will be protected from wind and water erosion, particularly that caused by poor soil management practices.

Policy SL 1.2 Promote soil conservation practices in all land uses: Require erosion and sediment control practices during development or other soil-disturbing activities on steep slopes and ridgelines. These practices should disperse stormwater so that it infiltrates the soil rather than running off, and protect downslope areas from erosion.

Consistency Analysis: The Proposed Project would not involve soil movement or grading, and therefore would not result in exposure to or production of unstable earth conditions, result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions. The Proposed Project would also not change rates of soil absorption, or the amount or direction of surface runoff or change the drainage patterns. Therefore, the Proposed Project is consistent with this policy.

Goal WR 1: The County will have a reliable and secure regional water supply (IRWM).

Policy WR 1.14 Avoid net increase in water use: Avoid a net increase in non-agricultural water use in groundwater basins that are recommended or certified as Level of Severity II or III for water supply. Place limitations on further land divisions in these areas until plans are in place and funded to ensure that the safe yield will not be exceeded.

Consistency Analysis: The Santa Maria Facility obtains all of its water from on-site wells. Facility water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The Santa Maria Facility currently uses less water than it has historically due to: (i) a recent water treatment plant upgraded that installed a reverse osmosis system and replaced a water softener unit, thereby reducing water demand from the Refinery well water system; and (ii) a March 2007 shutdown of the Carbon Plant that used water for cooling coke from the calcine process and green coke screening.

Prior to the calciner shutdown, the facility used approximately 459 million gallons of groundwater per year. Currently, usage is estimated to be 358 million gallons of groundwater per year. The proposed change of increased crude feed would increase water use by approximately one percent, but would not increase water use above the 5-year baseline. Therefore, the Proposed Project is consistent with this policy.

Goal WR 3: Excellent water quality will be maintained for the health of people and natural communities.

Policy WR 3.1 Prevent water pollution: Take actions to prevent water pollution, consistent with federal and state water policies and standards, including but not limited to the federal Clean Water Act, Safe Drinking Water Act, and National Pollutant Discharge Elimination System (NPDES).

Consistency Analysis: All water drainage, including storm run-off, is contained onsite. The Santa Maria Facility discharges water to the Pacific Ocean pursuant to waste discharge requirements in Regional Water Quality Control Board Order Number R3-2007-0002 (the Order), adopted on September 12, 2007. The Order serves as the permit under the National Pollutant Discharge Elimination System (NPDES). The SMF is currently in full compliance with the permit conditions. Accommodating the crude throughput increase would not require changes to the NPDES permit.

As part of the responses to comments on the DEIR process, the RWQCB indicates that: “limited impacts to groundwater have been detected at the site during the past several years of groundwater monitoring, primarily due to low levels of metals and TPH that generally have not exceeded standards and do not appear to be migrating off site.”

Phillips has been conducting groundwater monitoring at SMR under the regulatory authority of the RWQCB since 1994. In addition, Phillips conducted soil and groundwater assessments in 2001 at the request of the RWQCB of the coke piles, a former pond located in the coke piles, and the area around monitoring well BC-4 to evaluate whether the coke piles, the former coke pond, and a surface water runoff area near well BC-4 were impacting the underlying soil and groundwater. These studies indicated “slightly increased concentrations of metals in soil” but are relatively low and insignificant. Metals that are present in coke have been detected in groundwater at concentrations above the California Department of Health maximum contamination levels (MCL) in the area around the coke pile runoff area due to reduced pH levels (acidic) associated with the periodically saturated conditions in the runoff area. TPH was detected in the coke and process water samples and several groundwater samples. The concentrations of TPH were below 1,000 ppm in all samples, and the samples with elevated levels were determined to be naturally occurring organic materials (non-hydrocarbon based) by utilizing a silica-gel sampling technique (Secor 2001). These levels are below the RWQCB action levels. Therefore, due to the potential contamination of ground water associated with coke piles in areas not appropriately isolated, the Proposed Project could be found in conflict with this policy.

Goal WR 4: Per capita potable water use in the County will decline by 20 percent by 2020.

Policy WR 4.1 Reduce water use: Employ water conservation programs to achieve an overall 20% reduction in per capita residential and commercial water use in the unincorporated area by 2020. Continue to improve agricultural water use efficiency consistent with Policy AGP 10 in the Agricultural Element.

Consistency Analysis: The Santa Maria Facility obtains all of its water from on-site wells. Facility water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The Santa Maria Facility currently uses less water than it has historically due to: (i) a recent water treatment plant upgraded that installed a reverse osmosis system and replaced a water softener unit, thereby reducing water demand from the Refinery well water system; and (ii) a March 2007 shutdown of the Carbon Plant that used water for cooling coke from the calcine process and green coke screening.

Prior to the calciner shutdown, the facility used approximately 459 million gallons of groundwater per year. Currently, usage is estimated to be 358 million gallons of groundwater per year. The proposed change of increased crude feed would increase water use by approximately one percent, but would not increase water use above the 5-year baseline. Therefore, the Proposed Project is consistent with this policy.

Policy WR 4.4 Reuse wastewater: The County will work with wastewater system operators to identify and implement programs for reuse of treated wastewater, particularly in landscaping, irrigation, parks, and public facilities.

Consistency Analysis: The Santa Maria Facility water treatment plant was recently upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system. All water drainage, including storm run-off, is contained on site. All process wastewater and contaminated storm water from the facility flow to a treatment system consisting of oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification. The treated wastewater is discharged to the Pacific Ocean through an outfall terminating 1,700 feet offshore and 27 feet deep. Therefore, the Proposed Project is consistent with this policy.

Economic Element

Goal 1: Promote a strong and viable local economy by pursuing policies that balance economic, environmental, and social needs of the county.

Policy 1a: Pursue economic development activities that will benefit the economy while maintaining the quality of life.

Consistency Analysis: The Proposed Project contributes to the local economy by providing a much needed energy resource, as well as jobs. The Santa Maria Facility operations currently involve 95 employees and 65 contractors during the week and 40 employees on weekends. Typically 10 employees work at the facility during nighttime. Employment at the Santa Maria Facility allows employees and their families to maintain their quality of life, while at the same

time reinvesting in the community through monetary circulation. Therefore, the Proposed Project is consistent with this policy.

Policy 1i: Encourage businesses that promote the concept of sustainability.

Consistency Analysis: During recent years, the Santa Maria Facility has been changed and modified, and upgraded to modernize the process and comply with changing environmental regulations. Significant upgrades included installing emission control devices like the tail gas unit, low nitrogen oxide burners, tank vapor recovery, and flare vapor recovery. The water treatment plant was also upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system. Also, changing the water effluent to a tankage system eliminated storing water in onsite surface impounds. The most recent upgrade, permanently shutting down the petroleum coke calciner in March 2007, decreased criteria pollutants and reduced water usage. Therefore, the Proposed Project is consistent with this policy.

Goal 2: Create a diverse economy

Policy 2a: In evaluating proposed plans and projects, consideration of potential economic benefits should be in balance with environmental and social considerations.

Consistency Analysis: The Proposed Project contributes to the local economy by providing a much needed energy resource, as well as jobs. These economic benefits are balanced with environmental and social considerations. Over the years, the Santa Maria Facility has consistently been changed, modified and upgraded to modernize the process and comply with changing environmental regulations. Further, the Proposed Project would not introduce any additional employees or substantial construction to the area and therefore, would not displace existing housing or people, require construction of replacement housing elsewhere or create the need for substantial new housing in the area. Therefore, the Proposed Project is consistent with this policy.

Goal 3: Assure the provision of strategically-located opportunities for economic development.

Policy 3a: Encourage a pattern of commercial and/or industrial development that is consistent with the General Plan, convenient to patrons, realistically related to market demand and the needs of the community, and, when compatible, near areas designated for residential use.

Consistency Analysis: The Proposed Project is, in general, consistent with the General Plan and related to market demand as it provides a much needed energy resource, as well as jobs. Therefore, the Proposed Project is consistent with this policy.

Noise Element

Goal 1: To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Goal 3: To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Goal 5: To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Policy 3.3.1: The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Policy 3.3.3: Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 3-1 within the outdoor activity areas or interior spaces of existing noise sensitive land uses.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Policy 3.3.4: New development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed the noise level standards of Table 3-2, unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the levels specified in Table 3-2.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Policy 3.3.5: Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated ... and shall be the responsibility of the developer of the stationary noise source.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Policy 3.3.6: San Luis Obispo County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise-sensitive land uses or where new development may result in cumulative increases of noise upon noise-sensitive land uses.

Consistency Analysis: The EIR has identified noise mitigation for the Project to reduce impacts to less than significant levels. Implementation of these measures would minimize noise exposure and noise generation. Therefore, the Project does not conflict with this policy.

Safety Element

Goal S-1: Attain a high level of emergency preparedness.

Policy S-1 Response: Support the response programs that provide emergency and other services to the public when a disaster occurs. The focus of response activities is saving lives and preventing injury, and reducing immediate property damage.

Consistency Analysis: The proposed throughput increase at the Santa Maria Facility would not increase fire risk and fire-fighting requirements. The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project.

If an incident requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than half-a-mile away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately eight miles away and has an 8-minute response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this policy.

Policy S-2 Emergency Preparedness: Continue to improve preparedness programs that educate and organize people to respond appropriately to disasters. They include education and awareness programs for individuals, families, institutions, businesses, government agencies and other organizations.

Consistency Analysis: To provide a level of protection for the Proposed Project and the surrounding area, the Applicant proposes to utilize the facility’s existing fire protection system, which includes Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans.

This continued effort will ensure the likelihood of an appropriate response to disasters. Therefore, the Proposed Project is consistent with this policy.

Policy S-3 Coordination: Improve coordination among City, County and State programs, and among others working to reduce the risks of disasters. This should also include improved coordination with the news media. This will result in more effective preparedness, response and recovery from disasters.

Consistency Analysis: To provide a level of protection for the Proposed Project and the surrounding area, the Applicant proposes to utilize the facility's existing fire protection system, which includes Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans. Aspects of these plans include coordination with affected governmental agencies and the news media. These efforts will ensure the likelihood of an appropriate response to disasters. Therefore, the Proposed Project is consistent with this policy.

Policy S-4 Information Systems and Research: Expand and keep current the database of safety related information. Knowledge about disasters and the area we live in is growing. New information must be made available to the public and decision makers. Regularly update the GIS data as new information becomes available.

Consistency Analysis: The Applicant maintains a database of safety-related plans, which are continually updated based on new information and regulations. The Applicant will continue to coordinate with the public and decision makers to ensure the safest working environment possible. Therefore, the Proposed Project is consistent with this policy.

Policy S-5 Risk Assessment: Continue investigations that reduce or eliminate long term risks. Risk assessment activities, effectively carried out, can improve the efficiency and reduce the cost of response and recovery from disasters.

Consistency Analysis: The Applicant maintains a database of safety-related plans and emergency response plans, which are continually updated based on new information and regulations. The Applicant will continue to coordinate with the public and decision makers to ensure the safest working environment possible. Therefore, the Proposed Project is consistent with this policy.

Goal S-4: Reduce the threat to life, structures and the environment caused by fire.

Policy S-14 Facilities, Equipment and Personnel: Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting in San Luis Obispo County based on the level of service set forth in the fire agency's master plan.

Consistency Analysis: The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project.

If an incident requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than half-a-mile away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately eight miles away and has an 8-minute response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this policy.

Policy S-15 Readiness and Response: The CDF/County Fire Department will maintain and improve its ability to respond and suppress fires throughout the County.

Consistency Analysis: If an incident at the Santa Maria Facility requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than half-a-mile away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately eight miles away and has an 8-minute response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this policy.

Policy S-16 Loss Prevention: Improve structures and other values at risk to reduce the impact of fire. Regulations should be developed to improve the defensible area surrounding habitation.

Consistency Analysis: The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans, Oil Spill Response Plans, and building safety-related plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project. Therefore, the Proposed Project is consistent with this policy.

Goal S-5: Minimize the potential for loss of life and property resulting from geologic and seismic hazards.

Policy S-19 Reduce Seismic Hazards: The County will enforce applicable building codes relating to the seismic design of structures to reduce the potential for loss of life and reduce the amount of property damage.

Consistency Analysis: Although the Santa Maria Facility is not located in a California Department of Mines & Geology Earthquake Fault Zone, the facility meets applicable building and fire regulations. Compliance with applicable regulations will reduce the potential for loss of life and reduce the amount of property damage. Therefore, the Proposed Project is consistent with this policy.

Policy S-20 Liquefaction and Seismic Settlement: The County will require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the currently adopted Uniform Building Code.

Consistency Analysis: Although the Santa Maria Facility is not located in a California Department of Mines & Geology Earthquake Fault Zone, the facility meets applicable building and fire regulations. Compliance with applicable regulations will reduce the potential for loss of life and reduce the amount of property damage. Further, the Proposed Project does not include any new building construction or redevelopment of existing structures. Therefore, the Proposed Project is consistent with this policy.

Goal S-6: Reduce the potential for harm to individuals and damage to the environment from aircraft hazards, radiation hazards, hazardous materials, electromagnetic fields, radon, and hazardous trees.

Policy S-26 Hazardous Materials: Reduce the potential for exposure to humans and the environment by hazardous substances.

Consistency Analysis: Santa Maria Facility procedures require that any spilled petroleum material be cleaned as soon as possible to minimize hydrocarbon emissions and odors, which can be harmful to humans and the environment. Clean-up materials are stored in closed containers in accordance with applicable regulations and disposed of as hazardous material in compliance with federal, state, and local regulations. The proposed change in crude throughput would not impact site contamination or the baseline.

Additionally, in accordance with the SLOCAPCD Permit to Operate, metal surface coatings are not thinned or reduced with photochemically reactive solvents. Similarly, architectural coatings are not thinned or reduced with photochemically reactive solvents.

The Refinery processes oily waste onsite using the Mobile Oil Sludge Coking system. Oily waste from equipment and drain cleaning activities is sent off-site. These levels would not increase with the proposed throughput increase.

Therefore, the Proposed Project is consistent with this policy.

4.5.5.2 San Luis Obispo County Local Coastal Program

In addition to those policies covered in the General Plan, the following sections of the Local Coastal Program would be applicable to the Proposed Project.

Energy and Industrial Development

Section 30262: Oil and gas development shall be permitted in accordance with Section 30260.

Consistency Analysis: Petroleum oil refining at the Santa Maria Facility has been active since 1955 and the facility currently operates in compliance with applicable regulatory standards and regulations. In addition, the Proposed Project would expand throughput within the existing site since alternative locations are not feasible. However, no construction or physical expansion of facilities would occur. Moreover, the Proposed Project mitigates adverse environmental effects to the maximum extent feasible. Therefore, the Proposed Project is consistent with this section.

Section 30232: Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Consistency Analysis: The proposed throughput increase at the Santa Maria Facility would not increase fire risk and fire-fighting requirements. The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project.

If an incident requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than half-a-mile away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately eight miles away and has an 8-minute response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this section.

Section 30263: (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if: (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and, (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

Consistency Analysis: The Santa Maria Facility is an existing operational refinery. In accordance with issue area analyses in this EIR and the respective mitigation measures, the Santa Maria Facility strives to mitigate the environmental effects to the maximum extent feasible. The Santa Maria Facility delivers an established economic benefit by providing a much needed energy resource, as well as jobs to the local area. The facility is not located in a highly scenic area nor is it located in a California Department of Mines & Geology Earthquake Fault Zone. The existing facility does not and will not adversely impact surrounding properties. Therefore, the Proposed Project is consistent with this section.

Section 30263: (b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

Consistency Analysis: Emissions analyzed in the Air Quality Section of this document for mobile sources were found to be less than significant with mitigation and as such is consistent with this Policy.

Section 30263: (c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from in-plant processes where feasible.

Consistency Analysis: The Santa Maria Facility obtains all of its water from on-site wells. SMF water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The water treatment plant was recently upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system.

All water drainage, including storm run-off, is contained on site. The Santa Maria Facility (SMF) discharges water to the Pacific Ocean pursuant to waste discharge requirements in Regional Water Quality Control Board Order Number R3-2007-0002, adopted September 7, 2007. The Order serves as the permit under the National Pollutant Discharge Elimination System (NPDES).

All process wastewater and contaminated storm water from the facility flow to a treatment system consisting of oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification. The treated wastewater is discharged to the Pacific Ocean through an outfall terminating 1,700 feet offshore and 27 feet deep. Because wastewater is not treated to be reused at the Refinery, the Proposed Project could be found in conflict with this policy.

Policy 1A: New Facilities and Expansion of Existing Sites

Section 1. No permit, entitlement, lease, or other authorization of any kind within the County of San Luis Obispo which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity shall be final unless such authorization is approved by a majority of the votes cast by a vote of the people of the County of San Luis Obispo in general or special election. For the purpose of this ordinance, the term "onshore support facility" means any land use, installation, or activity required to support the exploration, development, production, storage, processing, transportation, or related activities of offshore energy resources.

Consistency Analysis: The Santa Maria Facility has historically processed offshore crude from the Outer Continental Shelf (OCS) and Point Pedernales, as well as crude from onshore sources.

Phillips purchases its OCS and Point Pedernales crude on the open market and it does not own or operate any offshore production facility off of California. Theoretically, if Phillips were to stop purchasing OCS and Point Pedernales crude, then that same crude would instead be purchased by and processed at another refinery. Refineries in the Los Angeles area receive OCS and Point Pedernales crude through the Plains-All American Pipeline. Because there are multiple refineries that purchase and process OCS and Point Pedernales crude, it is possible to conclude that the Santa Maria Refinery is not required in order to support offshore energy resources and, therefore, is not subject to this policy.

Policy 24: Requirement for Petroleum Transportation

Offshore oil shall be transported to refining centers by pipeline, where feasible, rather than by petroleum tankers to minimize increased air pollutant emissions and the increased probability of oil spills.

Proposals for expanding, modifying or constructing new oil processing facilities shall be conditioned to require shipment of oil by pipeline when constructed, unless such transport would not be feasible for a particular operation as determined by the Pipeline Working Group (PWG), the operator and the county.

Consistency Analysis: The Santa Maria Facility receives all crude oil for processing by pipeline from various sources, including the Outer Continental Shelf (69%), Point Pedernales (18%), Orcutt (6%), and truck deliveries to the Santa Maria Pump Station (7%). Therefore, the Proposed Project would be consistent with this policy.

Policy 25: Air Pollution Standards

Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution Control District (SLOCAPCD) standards. As a condition of approval, the SLOCAPCD Officer may:

- a. Require an air pollutant emission/oil throughput limitation by which allowable oil throughput through the facility is based upon the amount of air pollutant emissions.
- b. Set limits on the timing of loading operations when projected oxidant levels exceed designated levels.
- c. Require establishment of an ambient air monitoring system in a manner approved by the SLOCAPCD to continuously monitor pollutants and record wind speed and direction.

Consistency Analysis: Through this environmental document and its analysis the Refinery Throughput Increase would result in some emissions from the Refinery that can be offset through mitigation included in this document. Emissions from offsite mobile sources would increase, resulting in a significant, but mitigable impact that could be found in conflict with this policy.

Environmentally Sensitive Habitats

Policy 3: Habitat Restoration

The County or the Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. Policy 11 discusses detailed wetlands restoration criteria .

Consistency Analysis: The Proposed Project would not be expected to cause any impacts to native species and habitat diversity, or to introduce barriers to the movement of resident or migratory fish or wildlife species, or hinder the normal activities of wildlife. Therefore, the Proposed Project is consistent with this policy.

Public Works

Policy 1: Availability of Service Capacity

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and
- b. The proposed development reflects that it is an environmentally preferable alternative.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

Consistency Analysis: The Santa Maria Facility obtains all of its water from on-site wells. SMF water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The water treatment plant was recently upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system.

All water drainage, including storm run-off, is contained on site. The Santa Maria Facility (SMF) discharges water to the Pacific Ocean pursuant to waste discharge requirements in Regional Water Quality Control Board Order Number R3-2007-0002, adopted September 7, 2007. The Order serves as the permit under the National Pollutant Discharge Elimination System (NPDES).

All process wastewater and contaminated storm water from the facility flow to a treatment system consisting of oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification. The treated wastewater is discharged to the Pacific Ocean through an outfall terminating 1,700 feet offshore and 27 feet deep. Therefore, the Proposed Project is consistent with this policy.

Coastal Watersheds

Policy 1: Preservation of Groundwater Basins

The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Consistency Analysis: The Santa Maria Facility obtains all of its water from on-site wells. SMF water usage is mainly used for cooling, boiler feed for steam production, and process use, such as coke drum cutting. The water treatment plant was recently upgraded by installing a reverse osmosis system and replacing a water softener unit, which reduced water demand from the Refinery well water system.

All water drainage, including storm run-off, is contained on site. The Santa Maria Facility (SMF) discharges water to the Pacific Ocean pursuant to waste discharge requirements in Regional Water Quality Control Board Order Number R3-2007-0002, adopted September 7, 2007. The Order serves as the permit under the National Pollutant Discharge Elimination System (NPDES).

All process wastewater and contaminated storm water from the facility flow to a treatment system consisting of oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification. The treated wastewater is discharged to the Pacific Ocean through an outfall terminating 1,700 feet offshore and 27 feet deep. Therefore, the Proposed Project is consistent with this policy.

Visual and Scenic Resources

Section 3025I. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Consistency Analysis: The Proposed Project would not be expected to cause any impacts to visual or scenic resources. Therefore, the Proposed Project is consistent with this policy.

Policy 1: Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

Consistency Analysis: The Proposed Project would not be expected to cause any impacts to unusual landforms, scenic vistas, or sensitive habitats. Therefore, the Proposed Project is consistent with this policy.

Hazards

Section 30253: (Portion) New development – (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard:

Consistency Analysis: The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans and Oil Spill Response

Plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project.

If an incident requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than half-a-mile away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately eight miles away and has an 8-minute response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area.

The Santa Maria Refinery is not located in a flood hazard zone, as per County maps, and is not located in a California Department of Mines & Geology Earthquake Fault Zone. Therefore, the Proposed Project may be consistent with this policy.

Section 30253: (Portion) New development – (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Consistency Analysis: Petroleum oil refining at the Santa Maria Facility has been active since 1955 and the facility currently operates in compliance with applicable regulatory standards and regulations, including building and design codes. The Proposed Project does not include plans for any new building construction or redevelopment of existing structures that may warrant protective devices that would substantially alter natural landforms along bluff and cliffs. Therefore, the Proposed Project is consistent with this section.

Policy 9: High Fire Risk Areas

Fire hazard areas shall be defined as those having potential for catastrophic fire. The county shall designate and show on the Hazards maps those high-risk fire areas as delineated by the State Division of Forestry.

New residential development in high-risk fire areas shall be required to be reviewed and conditioned by the Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes.

Consistency Analysis: The Proposed Project is within a Local Responsibility Area in a High Fire Hazard Zone. The Applicant proposes to utilize the existing fire protection system at the facility to provide a level of protection for the Proposed Project. However, a thorough audit of facility plans and current practices would help to ensure emergency readiness. Plans to be reviewed include Emergency Response Plans, Spill Prevention Plans and Oil Spill Response Plans, which may need to be updated to address the throughput increase and response actions due to the Proposed Project.

If an incident requires fire protection and emergency services, the closest fire stations to the Proposed Project Site are Fire Stations #22 and # 20. Fire Station #22 (Mesa Fire Station) is less than 0.5 miles away, and is the jurisdictional station (“first in”) for the Proposed Project Site. Fire Station #20 (Nipomo Fire Station) is approximately 8 miles away and has an 8-minute

response time. These response times comply with established significance criteria. According to CALFIRE, fire protection appears to be adequate for the existing area. Therefore, the Proposed Project is consistent with this policy.

Air Quality

Policy 1: Air Quality

The county will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the county's Air Pollution Control District and the State Air Resources Control Board.

Consistency Analysis: The SLOCAPCD is the Co-Lead Agency for this Project and this EIR and as such it provides oversight to the Air Quality programs consistent with this policy.

4.5.5.3 South County Coastal Area Plan

The South County Coastal Area Plan identifies the following standards pertaining to the Proposed Project.

Permit Requirements: Any proposed modification or expansion of the existing refinery or coke oven or the construction of partial oil and gas processing facilities to service off-shore derived oil and gas that involves land area beyond that presently developed requires Development Plan approval.

Consistency Analysis: The Proposed Project does not include plans for any new building construction or redevelopment of existing structures, but it is subject to Development Plan approval per conditions of approval associated with Development Plan D890530P and Development Plan D890287D. Therefore, the Proposed Project is consistent with this requirement.

Limitation on Use: All uses are prohibited except petroleum refining and related industries (including partial oil and gas processing and related industries); coastal access ways; water wells and impoundments; and pipelines and power transmissions. No off-road vehicular use is permitted other than for management of the industrial and natural areas.

Consistency Analysis: Petroleum oil refining at the Santa Maria Facility has been active since 1955 and the facility currently operates in compliance with applicable regulatory standards and regulations, including building and design codes. The Proposed Project will continue these operations by increasing the permitted volume of processed crude oil. Therefore, the Proposed Project is consistent with this limitation on use.

Site Location: Site location shall minimize impacts to identified rare and endangered plant species and be located to provide a buffer from exposed dune areas on site. A qualified biologist shall survey the site and make recommendations on siting alternatives and appropriate mitigation.

Consistency Analysis: The Santa Maria Facility is an existing operational refinery. In accordance with the analysis and respective mitigation measures in Section 4.9 Biological Resources, the Santa Maria Facility strives to mitigate the environmental impacts to identified rare and endangered plant species to the maximum extent feasible. These measures take into account the proximity from the Santa Maria Facility to the open space and recreational land use (Pismo Dunes State Vehicular Recreational Area) to the west, which are buffered by the railroad. Therefore, the existing facility does not and will not adversely impact surrounding properties. Therefore, the Proposed Project is consistent with this section.

Buffer Zones: No facilities shall be located in the area west of the railroad, which shall serve as a protective, natural buffer separating the heavy industrial use from the recreational activities within the dunes. This buffer area shall be managed cooperatively between the property owners and the California Department of Parks and Recreation to encourage dune revegetation and stabilization within the buffer area. A buffer area shall be required to reduce impacts to the nearby residential areas.

Consistency Analysis: The Santa Maria Facility is an existing operational refinery located east of the Pismo Dunes State Vehicular Recreational Area and buffered by the railroad. Therefore, the existing facility does not and will not adversely impact the dunes. Therefore, the Proposed Project is consistent with this section.

Air Pollutions Standards: Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution District (SLOCAPCD) standards.

Consistency Analysis: The Proposed Project will comply with all SLOCAPCD permit requirements associated with the Refinery consistent with this policy.

4.5.5.4 Santa Barbara County Comprehensive Plan

The Santa Maria Pump Station, located in Santa Barbara County, is one of the elements used to deliver crude oil to the Santa Maria Facility. As a result, several policies within the Santa Barbara Comprehensive Plan could be applicable to the Proposed Project. A preliminary consistency analysis with applicable policies is provided below.

Land Use Element

Land Use Development Policy 4.

Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Affordable housing projects proposed pursuant to the Affordable Housing Overlay regulations, special needs housing projects

or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level shall be presumed to be consistent with this policy if the project has, or is conditioned to obtain all necessary can and will serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.

Consistency Analysis: The Proposed Project would not require additional public resources. The Proposed Project does not include any construction, new buildings, facility additions or the expansion of existing roadways to accommodate increased traffic that could impact public or private services and resources to the surrounding environment to include adjacent and nearby industrial, agricultural, and residential land uses. Therefore, the Proposed Project is consistent with this policy.

Land Use Development Policy 10.

Impacts of oil, gas, and produced-water pipelines outside of industry facilities shall be minimized by requiring the use of available or planned common carrier and multiple-user pipelines to the maximum extent feasible. New pipeline construction shall be permitted only if the Planning Commission determines that the use of available or planned common carrier and multiple-user pipelines is not feasible or is not environmentally preferable to alternative proposals. New pipelines that are permitted shall be constructed, operated and maintained as common carrier or multiple-user pipelines unless the Planning Commission determines it is not feasible. New multiple-user pipelines shall provide equitable access to all shippers with physically compatible stock on a nondiscriminatory basis.

New pipelines shall be restricted to approved corridors that have undergone comprehensive environmental review unless the Planning Commission determines that such corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed pipeline. The required environmental review for proposed pipelines shall include analysis to determine what cumulative impacts might result in adding future pipelines to that corridor.

The design of new common carrier and multiple-user pipelines shall take into account the reasonable, foreseeable needs of other potential shippers. If other pipeline projects are expected to be located in the same corridor, the proposed project shall be required to coordinate concurrent or “shadow” construction with the other projects where practical.

Permits for new pipeline construction shall require engineering of pipe placement and burial within the corridor to minimize incremental widening of the consolidated corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.

Consistency Analysis: New pipeline construction is not part of the Proposed Project. The existing pipeline shall be used to move oil collected at the Santa Maria Pump Station to the Santa Maria Facility consistent with existing permits. Therefore, the Proposed Project is consistent with this policy.

Land Use Development Policy 11.

For the purpose of ensuring safe, orderly, and planned development of oil and gas resources, the Board of Supervisors designates the northwestern and midwestern portion of the county as the North County Consolidation Planning Area, or NCCPA (as defined under the section “Other Definitions” in this element) and subjects oil and gas development in this planning area to the following policies:

a. Due to estimated oil and gas reserves located offshore, the County has prepared a study entitled Siting Gas Processing Facilities: Screening & Siting Criteria. That study is incorporated herein by reference to guide a comprehensive analysis of alternative sites should the county receive an application for a Development Plan to construct or expand a facility in the NCCPA for treating or processing either onshore or offshore gas production. The criteria are designed to optimize public safety, environmental protection, and the benefits of consolidation.

The county has conducted a comparative assessment of available modes for shipping large volumes of crude oil which are produced from offshore fields, processed locally, and requiring transportation to refineries. The assessment concluded that, although pipelines exhibit potentially significant adverse impacts to the environment, they are measurably the environmentally preferred mode of transportation when compared to marine tanker and rail. Furthermore, major crude oil pipelines are in operation for transporting crude oil from both northern and southern Santa Barbara County to refineries outside the county. Consequently, the county shall require that all crude oil produced from offshore reserves and landed in Santa Barbara County shall be shipped to onshore facilities via pipeline, and thence to refineries via overland pipeline, except as provided in Policy 12. Presently, this policy does not apply to facilities that serve only onshore fields however, it shall apply to facilities that serve both onshore and offshore fields as well as only offshore fields.

Consistency Analysis: The bulk of the crude processed at the Santa Maria Refinery Facility is delivered via pipeline from offshore platforms in the Outer Continental Shelf of Santa Barbara County and from oil fields in the Santa Maria area. In addition, crude oil from some onshore areas is delivered by truck to the Santa Maria Pump Station and then pumped into the dedicated pipeline, which carries crude oil to the Santa Maria Facility.

Oil collected at the Santa Maria Pump Station is moved to the Suey Junction where it is commingled with oil traveling from the Lompoc Oil & Gas Plant (LOGP) and the Orcutt area. The oil then flows via a 10-inch and 12-inch pipeline (different sizes along route) to the Summit Pump Station and ultimately to the Santa Maria Facility.

Therefore, the Proposed Project is consistent with this policy.

Land Use Development Policy 12.

Proposals for expansion, modification, or construction of new oil and gas processing facilities, oil storage facilities, or pipeline terminals, which receive oil from offshore fields exclusively or from both offshore and onshore fields, shall be conditioned to require transportation of oil by pipeline, to processing facilities and final refining destination, except as provided in this policy.

“Final Refining Destination” shall mean a refinery in California where final refining of the subject oil into products is accomplished. Exceptions: Oil shall be considered to reach its final refining destination if (a) the oil has been transported out of the State of California, and does not reenter before final refining; or (b) the oil has been transferred to truck or train after leaving the County by pipeline, and does not reenter the County by truck or train, and is not transferred to a marine vessel for further shipment to a port in California prior to final refining.

Crude oil received onshore from offshore production facilities may be transported by highway or rail if the Director determines that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options such as modifications to existing pipelines, blending of NGLs, etc.

Any shipment of oil by highway or rail under this policy shall be limited to that fraction of the oil that cannot feasibly be transported by pipeline and shall not exceed the limits of permitted capacity for these transportation modes. The shipper or carrier shall mitigate to the maximum extent feasible any environmental impacts caused by use of the alternate transportation mode.

Temporary transport of oil by waterborne vessel may be authorized under an emergency permit if the Governor of the State of California declares a state of emergency pursuant to Public Resources Code Sec. 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore Santa Barbara County. In such a case, the oil transported by alternate mode shall be limited to that fraction which cannot feasibly be transported by pipeline. Transport by the alternate mode shall cease immediately when it becomes technically feasible to resume pipeline transport.

Consistency Analysis: The bulk of the crude processed at the Santa Maria Refinery Facility is delivered via pipeline from offshore platforms in the Outer Continental Shelf of Santa Barbara County and from oil fields in the Santa Maria area. In addition, crude oil from some onshore areas, both in and out of Santa Barbara County, is delivered by truck to the Santa Maria Pump Station and then pumped into the dedicated pipeline, which carries crude oil to the Santa Maria Facility. Note that the shipments of oil by truck to the Santa Maria Pump Station is limited to only those where pipelines are not available and where the oil cannot feasibly be transported by pipeline.

Oil collected at the Santa Maria Pump Station is moved to the Suey Junction where it is commingled with oil traveling from the Lompoc Oil & Gas Plant (LOGP) and the Orcutt area. The oil then flows via a 10-inch and 12-inch pipeline (different sizes along route) to the Summit Pump Station and ultimately to the Santa Maria Facility.

Therefore, the Proposed Project is consistent with this policy.

Safety Element Supplement**POLICY HAZARDOUS FACILITY SAFETY 2-B: UNACCEPTABLE RISK INVOLVING MODIFICATIONS TO EXISTING DEVELOPMENT**

Proposed modifications to existing development that require a discretionary land-use permit and meet any of the following three criteria shall represent an unacceptably high level of risk and constitute a *prima facie* standard for denial.

1) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is required to comply with law, the modification does not increase significant risk to highly sensitive land uses, and no other feasible alternatives are achievable.

2) Modifications that increase risk and the resulting mitigated risk registers in the red zone of the County's risk thresholds, unless the proposed modification is made to an urban dependent land use and highly sensitive land uses are not exposed to significant risk as a result of the modification.

3) Modifications that increase risk and the resulting, mitigated risk registers in the amber zone of the County's risk thresholds if exposure of a highly sensitive land use would occur as result of project approval.

IMPLEMENTING ACTION: As stipulated in the County's Risk Thresholds, this policy shall apply to new hazardous facilities and development proposed in proximity to an existing hazardous facility, but does not apply to occupational risk (e.g., employees of new or existing hazardous facilities).

Consistency Analysis: The Proposed Project includes a potential increase in materials and volumes of crude oil delivered to and shipped via pipeline from the Santa Maria Pump Station to the Santa Maria Facility. The Proposed Project does not include any construction, new buildings, facility additions or the expansion of existing roadways that could increase the risk associated with existing operations. There is also no proposed change in the permitted volumes or types of product delivered to the Santa Maria Pump Station. The existing pipeline shall be used to move oil collected at the Santa Maria Pump Station to the Santa Maria Facility. Therefore, the Proposed Project is consistent with this policy.

4.5.6 Cumulative Impacts and Mitigation Measures

Projects that could create cumulative land use impacts are those that would contribute to an incompatibility with the land uses in the vicinity of the Santa Maria Facility. None of the proposed residential, commercial, industrial or institutional projects listed in Section 3.0, Cumulative Projects Description, would be incompatible in scale, use, or characteristics with the Proposed Project. Therefore, cumulative land use impacts are expected to be less than significant.