



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: February 26, 2019
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Scott McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Adoption of a Resolution Authorizing Execution of a Funding Agreement with the State Water Resources Control Board for the Toro Canyon Oil/Water Separator Facility, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

- a) Adopt a Resolution entitled "Authorization for Funding Agreement with the State Water Resources Control Board and Designation of a Representative for the Toro Creek Canyon Oil/Water Separator Facility and Emergency Repair and Ongoing Maintenance Project";
- b) Authorize the Public Works Director or his designee to execute a Cleanup and Abatement Account Funding Agreement, and all necessary amendments, with the State Water Resources Control Board in the amount of \$56,000 for the repair and ongoing maintenance of the Toro Canyon Oil/Water Separator Facility after it has been reviewed and approved by County Counsel, Auditor-Controller and Risk Manager or their authorized representatives; and
- c) Determine that the proposed actions are not a project under the California Environmental Quality Act, pursuant to Guidelines Sections 15378(b)(4), the creation of government funding mechanisms or other government fiscal activities which do not involve any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

This item is the agenda in order to approve the Cleanup and Abatement Account (CAA) Grant Agreement with the State Water Resources Control Board (SWRCB) in the amount of \$56,000 for funding for the “Toro Creek Canyon Oil/Water Separator Facility Emergency Repair and Ongoing Operation and Maintenance Project.” The Public Works Department requested this funding in order to: 1) repair damage incurred at the Toro Canyon Oil/Water Separator Facility (Facility) during the Thomas Fire and January 9th Debris Flow; and 2) continue ongoing operations and maintenance activities at the Facility. In order to execute the Grant Agreement, the State Water Resources Control Board requests that the Board adopt the Resolution included as Attachment A of this Board Letter. The draft Grant Agreement is included as Attachment B.

Background:

The Facility is a gravity-fed system consisting of two oil/water separators and an underground storage tank, and is located at the “headwaters” of a major tributary to Toro Canyon Creek, approximately 1.8 miles north of the intersection of State Route 192 and Toro Canyon Road.

The area surrounding the Facility contains numerous natural oil seeps/surface expressions, which likely provided the incentive for the Occidental Mining and Petroleum to drill a horizontal oil well 511 feet into the mountain in 1882. When the drilling operation tapped into an aquifer, surface water flows mixed with the crude oil were increased in Toro Canyon Creek. For 60 years, this water provided domestic water to the citizens of Summerland. In 1993, a primitive oil/water separator (which had been operated and maintained by a local homeowner/caretaker) was replaced by a Central Coast Regional Water Quality Control Board-constructed Facility.

In 1997, the US Environmental Protection Agency (EPA) constructed the current Facility and operated it as an emergency response until 2009. When that emergency response period closed, the County assumed ownership of the Facility through the purchase of APN 155-020-015. The County received funding for maintenance through a CAA grant of \$96,500 over a ten-year period, 2009-2019. In that time, the Facility has collected approximately 50,000 gallons (1,200 barrels) of crude oil (which is transported offsite by a licensed hauler). Without the Facility, this oil would have been deposited directly into the creek, with a substantial amount reaching the beach in Summerland and the Pacific Ocean.

The 2009 CAA grant has expired. In order to provide for ongoing maintenance and make necessary repairs, the County requires additional funding under a new CAA grant for \$56,000. The subject CAA funds will be used for: 1) the repairs necessary to fully restore the damaged Facility; and 2) continued Facility operations and maintenance. Repairs to the Facility are needed due to: 1) partial melting of PVC pipes and an equipment shed during the Thomas Fire on December 12, 2017; and 2) a severed pipeline, damaged chain link security fence, and erosion and sedimentation during the Debris Flow on January 9, 2018. In mid-January 2018, minor stopgap measures were taken by Public Works staff to prevent an uncontrolled discharge of oil into the creek; however, repairs are needed to restore the long-term functionality of the Facility. The new \$56,000 grant will expire in June 2020, at which time the County must secure a new funding source for operation and maintenance.

In order to execute the grant, the State Water Resources Control Board requires the Board of Supervisors to adopt a Resolution authorizing a designated County representative to carry out the responsibilities under the funding agreement, prior to executing the funding agreement. This Resolution is provided in Attachment A.

The following Categorical Exemptions apply to the work which will be conducted using the grant funds provided, thereby demonstrating that there is no specific project with the potential for a significant physical impact on the environment: Section 15302, replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaces and will have substantially the same purpose and capacity as the structure replaced; Section 15307, actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and Section 15330, which consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

Fiscal and Facilities Impacts:

Budgeted: Yes

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total Project Cost</u>
SWRCB Grant Funds	\$ -		\$ 56,000.00
			\$ -
	\$ -		\$ -
	\$ -		\$ -
Total	\$ -		\$ 56,000.00

Narrative:

Revenue and expenditures from the grant were included in the adopted FY 2018-19 budget and will also be included in next year’s budget since this grant is valid until June 2020. No General Fund monies will be utilized for this project.

Key Contract Risks:

Key contract risks for these agreements are low.

Special Instructions:

Direct the Clerk of the Board to send a copy of the minute order of these actions to the Public Works Water Resources Division Project Clean Water office, Attn: Christina Lopez.

Attachments:

- Attachment A: Resolution
- Attachment B: Draft Cleanup and Abatement Account Grant Agreement

Authored by:

John Karamitsos, Senior Program Specialist, 739-8761