

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA**

**RESOLUTION TO ACCEPT AMENDMENT NO. 2 )  
TO THE CLEANUP AND ABATEMENT ACCOUNT )  
GRANT AGREEMENT WITH THE STATE )  
WATER RESOURCES CONTROL BOARD FOR )  
THE TORO CREEK CANYON OIL/WATER )  
SEPARATOR FACILITY EMERGENCY REPAIR )  
AND ONGOING OPERATION AND MAINTENANCE )  
PROJECT )** ) **RESOLUTION NO. 21-74**

**WHEREAS**, in 1998 the U.S. Environmental Protection Agency (U.S. EPA) constructed an oil/water separator, oil pipeline, and an underground storage tank, wholly on private properties, to address an historic oil well system that was under failure and causing oil spills into Toro Creek; and

**WHEREAS**, in 2009 the County of Santa Barbara (County) received a State Water Resources Control Board (SWRCB) Grant from the Division of Financial Assistance Cleanup and Abatement Account (CAA) of \$96,500 to take over operation and maintenance of the Toro Creek Canyon Oil/Water Separator Facility (Facility) from the U.S. EPA through 2019; and

**WHEREAS**, in 2018 the County received \$56,000 in CAA funds to conduct repairs due to damage sustained from the Thomas Fire and the January 9<sup>th</sup> Debris Flow, and to conduct routine ongoing operation and maintenance through June 2020; and

**WHEREAS**, in August 2020 an oil leak was detected in the pipeline requiring notification to the State Office of Emergency Services as a hazardous spill / release and which resulted in oil entering Toro Creek; and

**WHEREAS**, the Facility requires additional repairs and upgrades to repair the leaking oil line; and

**WHEREAS**, inspections by the County’s Environmental Health Division Certified Unified Program Agency (CUPA) indicate failure to submit a business plan for handling hazardous materials and numerous failures and violations associated with the underground storage tank itself, including corrective actions issued to the Owner or Operator; and

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with the SWRCB and for the Toro Creek Canyon Oil/Water Separator Facility  
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**WHEREAS**, the majority of the facilities including the oil / water separator and the underground storage tank are located on private properties which the County has no easements or agreements in place whereby to access the facilities; and

**WHEREAS**, the SWRCB has approved \$139,674 for the Project, including repairs and abatement of the leaking oil line in the amount of \$94,674 plus an additional \$45,000 to conduct a planning study to address structural deficiencies of the underground storage tank, through Grant Amendment 2;

**WHEREAS**, the SWRCB Division of Financial Assistance CAA will no longer fund the routine and ongoing operation and maintenance of the facility; and

**WHEREAS**, the SWRCB has revised the terms of the Grant through Amendment 2 such that routine operation and maintenance is now the responsibility of the County for the life of the Facility;

**NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED**, that the Board of Supervisors agrees and authorizes that:

1. The foregoing recitals are true and accurate.
2. The County is hereby authorized to carry out the Project, enter into a funding agreement with SWRCB, and accept and expend State funds for the Project; and
3. By accepting the funds for the Project, the County acknowledges responsibility and risk for all future operation and maintenance activities without support from the State Division of Financial Assistance CAA funds; and
4. The Public Works Director (the "Authorized Representative") or designee is hereby authorized and designated to sign, for and on behalf of the County, the Grant Amendment 2 and any amendments or time extensions thereto; and
5. The Authorized Representative or designee is designated to represent the County in carrying out the County's responsibilities under Grant Amendment 2, including submitting reports, approving and signing invoices and requests for reimbursement of Project costs, and compliance with applicable requirements on behalf of the County; and

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- 6. Any and all actions, whether previously or subsequently taken by the County, which are consistent with the intent and purposes of the foregoing resolution, shall be, and hereby are, in all respects, ratified, approved and confirmed.

THE FOREGOING RESOLUTION was adopted by the Board of Supervisors of the County of Santa Barbara, State of California, on this 4<sup>th</sup> day of May, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Nelson and Lavagnino


NAYS: NONE


ABSENT: NONE

ABSTAIN: NONE

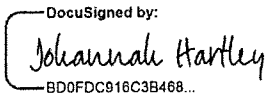
ATTEST:  
MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

BOARD OF SUPERVISORS

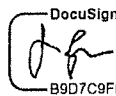
By:   
Deputy

By:   
Bob Nelson,  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
Deputy County Counsel

APPROVED AS TO FORM:  
BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

By:   
Deputy

APPROVED AS TO FORM:  
RAY AROMATORIO, ARM, AIC  
RISK MANAGER

By: 