



**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: August 22, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department
Director Scott D. McGolpin, Public Works Director, (805) 568-3010 
Contact
Info: Walter Rubalcava, Deputy Director-Water Resources , (805) 568-3436
SUBJECT: Authority to Bid and Amendment No. 3 to the Agreement for Services of Independent Contractor for Design and Environmental Permitting for the Replacement of the Toro Canyon Oil Water Separator Facility, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Public Works Director or designee to execute Amendment No. 3 to the Agreement for Services of Independent Contractor with Geosyntec Consultants, (local vendor) for Design and Environmental Permitting for the replacement of the Toro Canyon Oil Water Separator Facility (Project No. WA8231), with the review and concurrence of the County Counsel, Risk Management, and the Auditor-Controller’s Offices, increasing the not to exceed amount by \$18,152 to a total amount of \$556,629 including a previously approved contingency of \$53,847.70 for a total not to exceed amount of \$610,476.70;
- b) Authorize the Public Works Director to advertise and receive bids for the Toro Canyon Oil Water Separator Replacement Project; and
- c) Find that the Toro Canyon Oil Water Separator Replacement Project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15269 (c) Emergency Projects, which exempts specific actions necessary to prevent or mitigate an emergency. A Notice of Exemption was filed with the Clerk of the Board on July 27th, 2023 and the proposed action to advertise and receive bids for the Toro Canyon Oil Water Separator Replacement

Authority to Bid and Amendment No. 3 to the Agreement for Services of Independent Contractor for Design and Environmental Permitting for the Replacement of the Toro Canyon Oil Water Separator Facility, First Supervisorial District
Agenda Date: August 22, 2023
Page 2 of 4

Project is within the scope of that Notice of Exemption that can be located at:
<https://content.civicplus.com/api/assets/86a7c3e9-68aa-49b2-8e9d-053e1ba2c8c0>

Summary Text:

This item is on the agenda to approve, ratify, and authorize the Public Works Director or designee to execute an amendment adding funds to the current agreement with Geosyntec Consultants for design and environmental permitting for the Toro Canyon Oil Water Separator Replacement Project (Project); and to authorize the Public Works Director to advertise and receive bids for the Project.

The Project will repair and replace the oil water separator, oil pipeline, and oil storage tank with materials and equipment that meet Health and Safety Code regulations, and provide safety features that will protect the system from future fires, floods, and debris flows.

Background:

Records of the Toro Canyon Oil Seep date back to 1882, when Occidental Mining and Petroleum Corporation (OMPC) dug a horizontal tunnel in the Toro Canyon hillside, at the site of a long-established and well-known oil seep. The intention of the tunnel was to collect the crude oil for commercial purposes. After digging the tunnel to a depth of over 210 feet, the company inadvertently opened a large water seep. At this point, OMPC shifted their development plans to focus on production of water, to serve the needs of the nearby Summerland community. An Oil Water Separator (OWS) was installed to clarify the water.

Over time, the original OWS fell into disrepair resulting in oil seeping directly into the creek. In 1997, the OWS was vandalized and resulted in a spill of over 3,000 gallons of oil into Toro Creek. The California Department of Fish and Game (now named California Department of Fish and Wildlife) and the U.S. Environmental Protection Agency (EPA) responded jointly under Unified Command. In response to this event the EPA assumed the lead role to stop the release of oil into the creek which it accomplished by installing a new flow interceptor box and concrete separator. Additionally, they installed a double-wall oil pipeline to transport the separated oil to the EPA-installed 6,000-gallon double wall underground storage tank.

The EPA operated the system for 10 years until federal funds were no longer available as an emergency response. At the EPA's request in 2009, the County became the oversight agency for the system in coordination with the State Water Resources Control Board.

In 2018 the system and surrounding watershed was damaged by the Thomas Fire and subsequent debris flows. Further damage to the system from flooding and debris flows occurred during the winter of 2023. Emergency repairs were conducted in response to each of these events.

In November 2021, an Engineering Planning Study was prepared to evaluate options for the system. The outcome of the Study determined that the entire system needed replacement.

Authority to Bid and Amendment No. 3 to the Agreement for Services of Independent Contractor for Design and Environmental Permitting for the Replacement of the Toro Canyon Oil Water Separator Facility, First Supervisorial District
Agenda Date: August 22, 2023
Page 3 of 4

In 2022 the County secured the services of Geosyntec to perform environmental permitting and design services for the Toro Canyon Oil Water Separator Replacement Project. The County also secured the Services of Hamner, Jewell & Associates to provide right-of-way acquisition services.

During the winter of 2023, significant rainfall resulted in damage to the facility that required emergency repairs. Amendment No. 1 was approved by the Board on May 9, 2023, which increased the Geosyntec contract for:

- Engineering and construction support for emergency repairs completed in March, 2023
- Resurvey and modeling of channel sections substantially altered during the winter storms of 2022-23
- Updates to the design of the replacement project in order to accommodate future high water and debris flows

Amendment No. 2 to the Geosyntec contract was executed by the Public Works director in June 2023 to extend the duration of the original contract from September 30, 2023 to September 30, 2024.

The initial Project schedule assumed a 12-month project period with a construction start date of July 2023, however due to winter storms and associated design modifications, the construction schedule is now estimated to begin October 2023 upon securing the necessary easements and environmental permits. Design of the project is currently at 95% completion.

On July 27, 2023, Public Works released the full amount of contingency in the amount of \$53,847 to Geosyntec Consultants to address the following additional services:

- Project Management services Jan–Jul, 2023
- Private property right-of-way support
- Revisions to technical specifications
- Bid support

Amendment No. 3 in the amount of \$18,152 will provide for continued and ongoing support from Geosyntec Consultants for the period leading up to Project construction including:

- Project Management services, Aug-Sep 2023
- Preparation of stand-alone bid/quote packages for advance County-procured materials, as requested
- Preparation of a construction schedule for better planning and management of the procurement and bidding process.

Fiscal and Facilities Impacts:

Budgeted: Yes

Authority to Bid and Amendment No. 3 to the Agreement for Services of Independent Contractor for Design and Environmental Permitting for the Replacement of the Toro Canyon Oil Water Separator Facility, First Supervisorial District
 Agenda Date: August 22, 2023
 Page 4 of 4

Funding Sources	Amendment No. 3 Costs	Annualized On-going Cost:	Total One-Time Project Cost
General Fund	\$ 18,152.00		
State			
Federal			
Fees			
Other:			
Total	\$ 18,152.00	\$ -	\$ -

Narrative:

Costs associated with this amendment will be paid using current appropriations in Public Works Project Clean Water General Fund for replacement of the Toro Canyon Oil Water Separator Facility, which are included in the adopted FY 2023-24 Water Resources Division of the Public Works Department as shown on page D-331 in the budget book. The Board approved the contract award to Geosyntec Consultants on July 12, 2022 and also approved Amendment No. 1 on May 9, 2023, which increased the contract amount to \$592,324.70. Amendment No. 3 in the amount of \$18,152 increases the total contract amount to not exceed \$610,476.70 including contingency. The majority of expenditures associated with this contract were paid using funds from the prior fiscal year.

Special Instructions:

Direct the Clerk of the Board email Christina Lopez at x83436 or clopez@countyofsb.org to pick up an original signature page of the amendment and a copy of the minute order of these actions.

Attachments:

- Attachment A - Copy of Amendment No. 3 to the Agreement for Services of Independent Contractor with Geosyntec Consultants for Design and Environmental Services for the replacement of the Toro Canyon Oil Water Separator Facility Project (includes BC summary)
- Attachment B - Copy of Amendment No. 2 to the Agreement for Services of Independent Contractor with Geosyntec Consultants for Design and Environmental Services for the replacement of the Toro Canyon Oil Water Separator Facility Project
- Attachment C - Copy of Amendment No. 1 to the Agreement for Services of Independent Contractor with Geosyntec Consultants for Design and Environmental Services for the replacement of the Toro Canyon Oil Water Separator Facility Project
- Attachment D - Copy of original Agreement for Services of Independent Contractor with Geosyntec Consultants for Design and Environmental Services for the replacement of the Toro Canyon Oil Water Separator Facility Project

Authored by:

Cathleen Garnand, Project Manager, (805) 568-3561