



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: October 17, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 Vote

TO: Board of Supervisors

FROM: Department Scott D. McGolpin, Public Works Director, (805) 568-3010
Director(s)
Contact Matt Young, Interim Deputy Director - Water Resources, (805) 568-3542
Info:

SUBJECT: Toro Canyon Oil Water Separator Replacement Project WA8231-TCRP, First
Supervisory District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management, CEO Budget

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve plans and specifications for the Toro Canyon Oil Water Separator Replacement Project (Attachment A);
- b) Award the construction contract for the Toro Canyon Oil Water Separator Replacement Project, in the amount of \$2,248,865 (\$2,198,865 Base plus \$50,000 Supplemental) to Innovative Construction Solutions subject to the provisions of documents and certifications, as set forth in the plans and specifications applicable to the project and as required by law;
- c) Approve and authorize the Public Works Director or designee to execute the Construction Agreement upon return of the contractor's executed contract documents, in a form substantially similar to the template attached hereto (Attachment B), and the review and approval of County Counsel, Auditor-Controller, and Risk Manager or their authorized representatives;
- d) Authorize the Public Works Director or designee to approve changes or additions to the work being performed under the Construction Agreement, in an amount not to exceed \$124,943.25 to complete the work within the scope of the Agreement for the Toro Canyon Oil Water Separator Replacement Project;

- e) Approve and authorize the Public Works Director or designee to execute the Agreement for Services of Independent Contractor with Geosyntec Consultants (a local vendor) for Construction Management Services for the Toro Canyon Oil Water Separator Replacement Project for the period of October 17, 2023 through June 30, 2024 in the amount of \$496,005 (Attachment C) upon the review and concurrence of the Auditor Controller, Risk Management, and County Counsel; and
- f) Approve and authorize the Public Works Director, or designee, to make immaterial changes in accordance with Section 25 of the Agreement, to make amendments to the professional services agreement with Geosyntec Consultants in an amount not to exceed \$49,600.50 for a total not to exceed amount of \$545,605.50 (\$496,005 plus \$49,600.50 contingency) and to extend the term of the Agreement by up to six months to complete the work within the scope of the Agreement; and
- g) Approve the Budget Revision Request (BJE No. 0009285) to increase appropriations of \$2,222,000 in Public Works Project Clean Water General Fund for Capital Assets (Attachment D); (4/5 vote required); and
- a) 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 27, 2023 and the proposed actions are 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 in order to provide upgrades and new system components to the existing Toro Canyon Oil Water Separator. These actions include: approve plans and specifications, award the construction agreement and authorize the Public Works Director to execute that agreement, approve and authorize the Public Works Director to execute the agreement with Geosyntec Consultants for construction management services, and increase appropriations in order to complete construction of the Toro Canyon Oil Water Separator Replacement Project.

The County solicited formal bids but did not receive any bids on the bid due date. According to the Public Contract Code, if no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account or negotiated contract (Pub. Con. Code sec. 22038(c).). Thus, the County negotiated a contract on the Toro Replacement Project with Innovative Construction Solutions, ICS, for \$2,198,865. Staff recommends awarding this contract to ICS and approving the construction management services contract with Geosyntec Consultants.

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.

Efforts on the replacement project through FY 2022-23 included environmental permitting and design services for the Toro Canyon Oil Water Separator Replacement Project which are now complete. The County also secured the services of Hamner, Jewell & Associates to provide right-of-way acquisition services which are mostly completed with follow up continuing through FY 2023-24. Emergency services in FY 2022-23 used a portion of the appropriations designated for the replacement project.

Expenditures for FY 2023-24 will include construction, contingency, supplementals, costs to finalize right of way acquisitions and long-term permanent easements, environmental mitigation, and fees associated with permits. Additional costs for the remaining expenses result in a total budget of approximately \$3.7M.

Therefore, in addition to the \$1.5M appropriated for FY 2023-24, this Budget Revision Request includes an additional \$2.2M for a total of \$3.7M to complete the Toro Canyon Oil Water Separator Replacement Project in FY 2023-24.

Fiscal and Facilities Impacts:

Budgeted: No

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			\$ 3,722,000.00
Other:			\$ -
Total	\$ -	\$ -	\$ 3,722,000.00

Fiscal Analysis:

Budget Revision Request (BJE No. 0009285) for the Toro Canyon Oil Water Separator Facility increases appropriations by \$2,222,000 for a total FY23/24 appropriation amount of \$3,722,000. The additional funding comes from the FY 2022/23 year-end carryover, held in the General County Programs. The funding will cover expenditures for construction, construction management, and staff labor through project completion.

Current expenditures are being paid using current appropriations in Public Works Project Clean Water General Fund for the replacement of the Toro Canyon Oil Water Separator Facility, which was 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.

Special Instructions:

Direct the Clerk of the Board call Christina Lopez at x83436 to pick up an original of the signed Specifications sheet (special provisions) and a copy of the minute order.

Attachments:

- Attachment A - Plans and Specifications (special provisions) for the Toro Canyon Oil Water Separator Replacement Project
- Attachment B - Draft of Construction Agreement with Innovative Construction Solutions
- Attachment C- Copy of Agreement for Services of Independent Contractor with Geosyntec for Construction Management Services
- Attachment D- Budget Revision Request (BJE No. 0009285)

Authored by:

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