

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** 10/8/2004  
**Department Name:** General Services  
**Department No.:** 063  
**Agenda Date:** 10/26/2004  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

---

**TO:** Board of Supervisors

**FROM:** Ron Cortez, Director  
General Services Department

**STAFF CONTACT:** Ronn Carlentine, SR/WA (568-3078)  
Real Property Manager

**SUBJECT:** Culligan International Company Remediation Project  
at the Garden Street Employee Parking Lot  
Access and Use Agreement Addendum No. 1  
First Supervisional District Folio No. 003148

---

**Recommendation(s):**

That the Board of Supervisors approve and execute Addendum No. 1 to the Access and Use Agreement by and between the County of Santa Barbara and Culligan International Company for the purpose of adding one additional groundwater remediation well in the County's Garden Street employee parking lot.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 2, A Safe and Healthy Community in Which to Live, Work, and Visit.

**Executive Summary and Discussion:**

On July 20, 2004 your Board entered into an Access and Use Agreement with Culligan International Company. Culligan desires to modify slightly the access granted by the Agreement to add one additional groundwater remediation well on the County's property, and that there are only four monitoring wells, rather than five. This revision to the earlier County Fire Department's Protective Services Division approved Remedial Action Plan for clean up has also been approved by the Protective Services

As earlier provided, County Public Works, Fire/PSD, County Counsel and General Services Departments have been collaborating with Culligan, Culligan's consultant, Shaw Environmental, and Culligan's attorney, Jon Benjamin, on a Remedial Action Plan to complete the remediation work within a time span of 3 -5 years. With the approval of a Remedial Action Plan on March 12, 2004, Culligan has initiated permitted activities.

Subject: Culligan International Company Remediation Project at Garden Street Parking Lot;  
Folio: 003148; First Supervisorial District  
Agenda Date: October 26, 2004  
Page 2

**Mandates and Service Levels:**

No change in service levels.

**Fiscal and Facilities Impacts:**

The revenue generated by this agreement (\$200 per month) will be deposited in General Services/Vehicle Ops Account: 7460; Fund: 1900; Program: 4100; Dept: 063.

The impact to facilities will be a one time (for two consecutive weeks) trenching and installation of underground piping and utilities. It is the intent of the parties that the activities to be performed take place to minimize disturbance to employees parking their vehicles during normal County business hours.

**Special Instructions:**

Upon approval and execution by the Board, the Clerk should distribute as follows:

- |  |   |
|--|---|
| 1. Original executed Addendum                | - Board's Official File   |
| 2. Dupl. orig. exec. Addendum & Minute Order | - Attn: Ronn Carlentine, Facilities Svcs.,<br>Courthouse, 2 <sup>nd</sup> Floor Annex |
| 3. Copy exec. Addendum & Minute Order        | - Attn: Bill Tracy, Public Works  |
| 4. Copy exec. Addendum & Minute Order        | - Attn: Div. Chief Tom Franklin, Fire<br>Department/Protection Svcs. Div.             |

**Concurrence:**

County Fire Department/Protection Services Division (Ron Gutier)  
Public Works (Bill Tracy)  
County Counsel (Mike Ledbetter)

## ADDENDUM TO "ACCESS AND USE AGREEMENT"

### RECITALS

A. Permittee, Culligan International Company ("Culligan") and Permitter, County of Santa Barbara, previously entered into an "Access and Use Agreement", dated effective July 27, 2004 (the "Agreement", Folio No. 003148; APN 029-212-011 & -019). The purpose of Agreement is to facilitate Culligan's remediation of a historical fuel release from an underground tank at an adjacent location.

B. Culligan desires to modify slightly the access granted by the Agreement, to add one additional groundwater remediation well on the County's property. This revision to the earlier PSD-approved RAP for the clean up has also been approved by the PSD.

C. County consents to the request on the terms and conditions stated herein.

**NOW, THEREFORE**, according to the foregoing recitals and the following terms and conditions, and in consideration of the mutual promises herein, Culligan and County hereby covenant and agree as follows:

1. Section 1(b) of the Agreement shall be amended and replaced in its entirety to read as follows:

(b) The "Permitted Activities" shall consist of the following specific activities at specific locations of the County's property, as shown on revised "Exhibit A" to this Agreement, all of which are necessary for Culligan to undertake in order to implement the remedial action plan, as described in the report titled "Remedial Action Plan," dated March 9, 2004, and approved by PSD on March 12, 2004, and as modified by the RAP Addendum, dated August 23, 2004, and approved verbally by PSD on August 23, 2004. These documents, which were prepared by and submitted to PSD by Shaw Environmental, Inc. (Shaw), Culligan's technical consultant, included the following activities: (1) continued periodic monitoring of five groundwater monitoring wells (MW-7, MW-9, MW-10, and MW-13) currently located at various locations on the County's property; (2) utilization of MW-15 as a remediation well during the remediation project; (3) installation of three additional remediation wells (MW-17, MW-19 and MW-20); (4) utilization of an unused portion of the parking lot plus one adjacent parking space (the "treatment pad") during the remediation project, for installation of above-ground equipment necessary to operate the treatment system for the remediation project and discharge treated vapor to the atmosphere under permit from County Air Pollution Control District; (5) one-time (for two consecutive weeks) trenching and installation of underground piping and utilities from the treatment pad to wells MW-15, , MW-17 , MW-19 and MW-20, temporary storage of excavated soils on the County's Property, followed by utilization of such below-ground piping during the remediation project; (6) one-time trenching and installation of piping

from the treatment pad to the edge of the Bank's Property, as shown on Exhibit A hereto, from where further underground trenching and piping will lead to a remediation well (MW-18) on the Bank's adjacent Property, temporary storage of excavated soils on the County's property, followed by utilization of such below-ground piping and utilities during the remediation project; and (7) such access as may reasonably be required for installation, start-up, operation and maintenance of the treatment system, the wells, the associated piping and utilities.

2. Section 22 of the Agreement shall be amended and replaced in its entirety to read as follows:

This Agreement represents the entire agreement between the Parties with respect to the matters covered herein. No alteration, modification, amendment, or waiver of this Agreement shall be valid unless it is in writing and signed by all Parties hereto; except that the COUNTY'S Director of General Services, or designee, may execute any amendments hereto on behalf of the COUNTY.

3. No other provisions of the Agreement are changed by this addendum.

Project: Culligan's  
Remediation at  
Garden Street Lot  
Folio: 003148  
APN: 029-212-011&-019  
Agent: RC

**IN WITNESS WHEREOF**, the parties have executed this Addendum to Access and Use Agreement as of the last date set forth below.

**"PERMITEE"**  
CULLIGAN INTERNATIONAL COMPANY, a Delaware Corporation

By: \_\_\_\_\_  
Robert LaBoube, Director  
Environment, Health & Safety

**"PERMITTOR"**  
COUNTY OF SANTA BARBARA

By: \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
COUNTY COUNSEL

APPROVED AS TO FORM:  
ROBERT W. GEIS, CPA  
AUDITOR-CONTROLLER

By: \_\_\_\_\_

By: \_\_\_\_\_

APPROVED:

APPROVED AS TO INSURANCE FORM:

By \_\_\_\_\_  
Ronn Carlentine, SR/WA  
Real Property Manager

By \_\_\_\_\_  
Stephan D. Underwood  
Chief Assistant County Counsel