



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 Names: Public Works
Department No.: 054
For Agenda Of: January 24, 2023
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department
Director(s) Scott D. McGolpin, Public Works Director, (805) 568-3010
Contact
Info: Walter Rubalcava, Deputy Director-Water Resources, (805) 568-3436

SUBJECT: Toro Canyon Creek Emergency Cleanup, 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

Executive Office Concurrence

As to concurrence: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Public Works director, or designee, to execute an emergency service contract with Pacific Petroleum California, Inc. upon review and concurrence of County Counsel, Auditor-Controller, and Risk Manager, for a total amount not to exceed \$651,996 based upon a \$464,724 estimated cost for initial response, \$128,000 for potential additional services on as-needed basis, and a \$59,272 contingency. This contract will provide emergency response for oil cleanup and removal that occurred within Toro Canyon Creek and for ongoing services, as needed.
- b) Find that the above recommended action is exempt from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines sections 15304 (Minor Alterations) and 15308 (Actions for Protection of the Environment) as an emergency response in order to restore, enhance, and protect the environment from damages; and direct the Clerk of the Board to file the California Environmental Quality Act Notice of Exemption.

Summary Text:

This item is on the agenda in order to ratify and authorize the emergency contract with Pacific Petroleum California, Inc. for emergency oil cleanup at Toro Canyon Creek.

On January 1, 2023, local fire responders were called to the area of the underground storage tank in response to a reported oil leak. A Unified Command consisting of County of Santa Barbara, Santa Barbara County Fire, and California Department of Fish and Wildlife's (CDFW) Office of Spill Prevention and Response was established to manage the Toro incident. Numerous personnel were assigned to investigate; there were no reports or observations of oiled wildlife and no oil was observed in the creek downstream of Highway 192 at Toro Canyon Road.

As of January 7th, the Unified Command concluded that the response to the Toro Incident was complete. Surveys of the area indicated that no recoverable product remained in the environment. On January 4, 2023, Governor Newsom signed a Proclamation of State of Emergency due to the severe winter storms. Santa Barbara County will continue to assess conditions at the facility in coordination with emergency responders. Additional operational response may be required and is included in this emergency contract.

Background:

In 1882, Occidental Mining and Petroleum Corporation began construction on a horizontal tunnel at the site of a well-known oil seep in upper Toro Canyon. Such wells were commonly used to enhance oil flow. During construction, a large volume of water was inadvertently tapped. Further development of the oil resource was abandoned for the important water supply that was needed for the growing community of Summerland.

As Summerland switched to other water supplies, the onsite separator fell into disrepair and numerous spills occurred into the creek. Significant spills in the 1990's resulted in oil flow to the ocean. Initially, the CDFW, then Fish and Game, responded. By 1997, a Unified Command was established with the U.S. Environmental Protection Agency (EPA) and CDFW serving jointly as Incident Commanders.

The Toro Canyon Oil Water Separator was installed under the direction of the EPA in 1998 and operated by EPA until December of 2008. The overall system includes: 1) an oil / water separator, 2) an underground storage tank, and 3) a pipeline that carries the oil from the separator high in the canyon to the storage tank below. Before installing the Toro Canyon Oil Water Separator, the EPA considered various options, including capping the well in place. Engineering geologists advised against sealing the well. The tunnel itself had collapsed many years before and any attempt to access and reopen the tunnel was considered too dangerous. The surrounding area contains numerous naturally-occurring oil seeps. Portions of soil are stained and thick with oil; oil continuously seeps into the creek channel at various locations downstream of the oil/water separator. If the artesian well were to be plugged, the pressurized oil/water mixture would likely find another way out at a different and unpredictable location.

After ten years of operating the facility, the EPA requested that the state or a local agency take over operations. Initially, the County was unwilling to become involved. However, in early 2009 the County was awarded Cleanup & Abatement funds from the State Water Resources Control Board; funds were exhausted by 2019 with no intention of further support, per the State Water Resources Control Board. Currently, ongoing maintenance is funded by Project Clean Water through the General Fund.

The Thomas Fire (December 2017) damaged an approximately 120-ft long section of above-ground pipeline. In August 2020, oil was observed on the ground surface from a leak within this above-ground section. The California Office of Emergency Services was notified upon discovery and the Office of Spill Prevention and Response (OSPR) established temporary control measures to control and reduce oil discharge. The pipeline section was replaced and cleanup activities were concluded by August 2021.

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	\$651,996		
State			
Federal			
Fees			
Total	\$ 651,996	\$ -	\$ -

Narrative:

Funding for this emergency clean up was not budgeted, however, Project Clean Water will use a portion of the \$1,500,000 that was appropriated on 7/12/2022 for the Toro Canyon Oil Water Separator Facility project. Funding for the Separator Facility project will be allocated as needed to keep the project on track.

Special Instructions:

Direct the Clerk of the Board to send one original of the Contract with Pacific Petroleum and the minute order of these actions to Christina Lopez at the Public Works Water Resources Division office.

Attachments:

- Attachment A: Draft Agreement with Pacific Petroleum California, Inc. for the Toro Canyon Creek Emergency Cleanup
- Attachment B: CEQA Notice of Exemption

Authored by:

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