

**United States Environmental Protection Agency
Region IX
POLLUTION REPORT**

Date: Friday, March 11, 2005

From: Craig Benson

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Subject: Continuation of Action (FPN 117026)
Toro Creek
1073 Toro Canyon Road, Summerland, CA
Latitude: 34.4569000
Longitude: -119.5600000

POLREP No.:	12	Site #:	Z918
Reporting Period:	1/21/05 - 3/11/05	D.O. #:	02-016-9048
Start Date:	1/21/2005	Response Authority:	OPA
Mob Date:	1/21/2005	Response Type:	Time-Critical
Demob Date:	3/11/2005	NPL Status:	Non NPL
Completion Date:		Incident Category:	Removal Action
CERCLIS ID #:		Contract #	
RCRIS ID #:		Reimbursable Account #	
FPN#	117026		

Site Description

See POLREP 1 in the documents link at www.epaosc.net/torocreek.

EPA involvement with the Toro Creek Oil Spill site was initiated in the summer of 1997 to support the California Department of Fish and Game (CADFG) with cleanup and control actions following vandalism that disabled a State installed oil/water separation system at this historic oil well site. The 1997 event resulted in the discharge of an estimated 3,000 gallons of oil to Toro Creek which impacted the creek for its full 4.5-mile length to the Pacific Ocean. In the years prior to the 1997 spill event, the State Regional Water Quality Control Board (RWQCB) and CADFG had responded to numerous oil discharges to Toro Creek and the Pacific Ocean resulting from primitive and improperly managed private oil/water separation systems on-site.

The State represented to EPA OSC B. Mandel that available State response funds would be exhausted by July 19, 1997, well short of the spill cleanup completion and installation of a new replacement treatment system. This factor, together with an on-site evaluation, led OSC Mandel to determine that the spill met the criteria for funding under the Oil Pollution Act of 1990 (OPA) and secured response funds from the Oil Spill Liability Trust Fund (OSLTF). Federal Project Number (FPN) 117026 was issued by Lt. Ron Chilton, USCG Dist. 11 on July 15, 1997.

The site is in a steep forested canyon (Toro Canyon) near Summerland, Santa Barbara County, CA. The Site is bordered upstream by the Los Padres National Forest, and by private property on the downstream edge. Land use in the Toro Canyon area is a mix of residential and agricultural uses, and as a perennial

stream, the Creek provides critical wildlife habitat. Up to 50 gpm of an oil/water mixture discharges at the headwaters of the Creek from an abandoned collapsed oil mine portal dug some 200 feet into the side of the canyon. Historical records indicate this well was constructed in 1882 by excavating a horizontal shaft into the side of Toro Canyon. After the oil “miners” struck a heavy flow of ground water in the shaft, they then built a primitive oil/water separator and sold the water for irrigation downstream.

Geologists have advised that sealing the old horizontally-dug well cannot be successfully accomplished using any known techniques. The flow fluctuates minimally and favored the continued operation of an oil/water separator.

POLREPS 1-11 (through May 1999) summarize the completion of the cleanup actions resulting from the 1997 spill event and describe the design, installation and field modifications to an EPA installed treatment system. The main components of the system include a 800 gpm capacity two clarifier system featuring a primary bottom-less stainless steel separator with underflow baffles for oil-water separation. It was placed directly on top of the seep resulting in an upflow from the bottom into the separator. The separated oil flows into a buried chemhose pipeline which drops 300 feet in a 900 foot run to the collection tank. The tank is a 6,000 gallon capacity conventional double-walled fiberglass underground storage tank (UST) providing secondary containment and is typical of those installed at gasoline stations. It is buried to provide security both from vandals and the threat of wildfire and uses conventional pipe fittings. The entire system has no moving parts and any elements not buried were enclosed in security fencing.

The most recent modification to the treatment system was added in the fall of 2002 and involved the construction of a 25-30 foot high mechanically stabilized segmental retaining wall to protect the upper oil/water separator enclosure from surficial sliding, slumping, and rock fall. The retaining structure was built following recommendations in a slope stability report commissioned by EPA. The retaining wall was necessary, in large part, due to slope instability caused by illegal grading and soil disturbance activities by the current property owner.

Throughout 2003 and 2004, Santa Barbara County inspectors have issued Correction Notices, Stop Work Orders and Notices of Violation to the property owner for grading violations on the property and, in particular, to the steep hillside immediately upslope of the oil/water separator system enclosure [County Grading Ordinance Chapter 14-6(a)]. The retaining wall has fulfilled its design function and, to date, there has been no slide related damage to the enclosure. The County’s rendered opinion, however, is that the illegal grading activity that continues has increased the risk of erosion and slope instability and the County continues to attempt property owner compliance.

Treatment system inspection and maintenance activities have been accomplished under a series of uninterrupted site-specific EPA contracts since FPN inception. The latest contract was awarded in January 2005 and involves tri-weekly site and treatment system inspections/EPA coordination and periodic transfer of accumulated oil to an approved local refinery. When approximately 4,000 gallons of oil is accumulated in the 6,000 gallon UST, a vacuum truck removes about 2,000 gallons of oil from the UST and transports it to a nearby oil refinery for use in asphalt products such as roofing tar, shingles, and road asphalt. The system has collected approximately 65,365 gallons(1,556 bbl) of oil from the fall of 1997 through the fall of 2004. This translates to an approximate 600 gallons of oil/month that has consistently been prevented from entering Toro Creek.

The existing system is working effectively since final modifications in 1998 and we anticipate it will continue to work well indefinitely, barring any unforeseen changes in the area due to catastrophic flooding, landslides, changes in flows, or location of the main oil seep. The determination of the OSC continues to be that this response is necessary to abate a substantial threat of discharge of oil into Toro Creek, a navigable water of the U.S. [33 U.S.C. 2702].

On November 15, 2004, EPA OSC lead was transferred from OSC Mandel (retired) to OSC C. Benson.

More complete background information and a more detailed chronology of project specific events can be found in the documents link at www.epaosc.net/torocreek.

Current Activities

01/21/05:

OSC Benson met cleanup contractors on-site to evaluate damage to treatment system dirt access road and drainage systems caused by recent record rainfall in Southern California. An approximate 3-day removal action to complete repairs will be scheduled after a sufficient dry spell.

2/22/05:

OSC Benson conferred with NPDF Case Officer R. Hildebrand to discuss proposed removal actions, costs and other short-term project plans. An FPN ceiling increase to \$850,000 was approved and processed in CANAPS. This amount is projected to cover response costs for approximately three additional years.

3/9/05:

OSC, 4 ERRS, 1 O&M Contractor. Personnel and excavator, skid steer and equipment mobilization. Begin clearing of slide areas on access road and assess repair needs for culverts and water bars. Approximately 2,100 gallons of accumulated oil pump into vac truck for scheduled transfer to Venoco Carpinteria facility.

3/10/05:

OSC, 4 ERRS, 1 O&M Contractor. Continue access road clearing and re-grading. Improvements to two water diversions and drainage culverts were completed. Crew re-establishes drainage pattern for a washed out natural drainage channel at upper portion of creek near treatment enclosure.

3/11/05:

OSC, 4 ERRS, 1 O&M Contractor. CADFG OSPR Biologist K. Wilson on-site. Access road clearing and grading completed. Three additional water bars and two additional culverts re-established. Minor rock fall and slough-off impacting upper portion of retaining wall cleared. Final treatment system check performed. Site demobilization.

OSC Benson and OSPR Wilson discussed future biological and water quality surveys to more specifically quantify the effectiveness of the current system and potential long-term site operations and maintenance options.

Planned Removal Actions

The removal action to repair rain/slide related damage is complete. No further weather related repair work is anticipated for the remainder of the year. Tri-weekly site and system inspections will continue under the existing EPA contract mechanism.

Next Steps

- Meet with designated RWQCB, CADFG, and County agencies to establish a modern understanding of the roles of the local and state agencies.
- Meet with NPFC Case Officer Hildebrand to develop recommendations/strategies for long-term operations and maintenance of the system. that strive to prevent extraordinary (long term) expenses from the OSTLF.
- The next oil pump-out and transfer should occur around late June 2005.

Key Issues

- The early response phase under this FPN was conducted under a Unified Command, with EPA and CADFG serving jointly as Incident Commanders. This structure assured that decisions were jointly made and that response actions were well coordinated. OSC Benson is currently trying to re-establish a multi-agency coordination group to address the long-term strategy for the Toro Creek project.
- NPFC and DOJ have previously determined that the property owner has no ability to pay.
- No current media interest.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
FPN To Date	\$850,000.00	\$713,000.00	\$137,000.00	16.12%
Intramural Costs				
Total Site Costs	\$850,000.00	\$713,000.00	\$137,000.00	16.12%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

Disposition of Wastes

Total oil collection and shipment off-site since project inception(est.): 67,465 gal. (1,606 bbl)

Approximate motnhly average (88 months): 650 gal.

response.epa.gov/torocreek

POLREP #12 Last Updated 3/11/2005