

**AGENDA**  
**FOR THE SPECIAL MEETING OF THE  
CARPINTERIA SANITARY DISTRICT GOVERNING BOARD  
TO BE HELD September 8, 2023**

**The special meeting of the Governing Board will be held commencing at 11:00 a.m. The location of the meeting is at 5300 Sixth Street, Carpinteria, CA.**

THIS IS A SPECIAL MEETING OF THE BOARD OF DIRECTORS CALLED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54956. OTHER THAN THE LISTED AGENDA ITEMS, NO OTHER BUSINESS WILL BE CONDUCTED BY THE BOARD. THE PUBLIC IS INVITED TO ATTEND THE OPEN SESSION ITEMS. MEMBERS OF THE PUBLIC MAY COMMENT ON ANY ITEM ON THIS AGENDA. NO OTHER BUSINESS, OTHER THAN WHAT IS SET FORTH IN THE AGENDA, SHALL BE CONSIDERED BY THE BOARD.

The public is encouraged to participate in one of the following ways:

1. Submitting a Written Comment. If you wish to submit a written comment, please email your comment to the Board Clerk at [kimg@carpsan.com](mailto:kimg@carpsan.com) by **9:00 A.M. on the day of the meeting**. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.
2. Attend the in-person meeting at the Carpinteria Sanitary District Board room.

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**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC FORUM**

*In accordance with Government Code Section 54954.3, every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.*

**IV. MATTERS BEFORE THE BOARD**

**A. GENERAL REPORTS:**

1. **Resolution No. R-367: Declaring an Emergency With Regard to** (Pages 1-6)  
**Certain District Facilities, Authorizing Remedial Work to be Performed**  
**Without Competitive Bidding, Declaring the Project to be Exempt From**  
**The Requirements of the California Environmental Quality Act, and Making**  
**Necessary Findings Thereof**

Description: The Board to review and consider adopting Resolution No. R-367 which finds that an emergency condition exists related to the District's ocean outfall pipeline, authorizes the General Manager to proceed with emergency work, and determines the work is exempt from the competitive bidding requirements of the Public Contract code and from the California Environmental Quality Act.

Staff Recommendation: Staff recommends that the Board adopt Resolution No. R-367.

## V. ADJOURNMENT

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### **FURTHER INFORMATION AVAILABLE**

A staff report providing more detailed information is available for most agenda items and may be reviewed in the District office during regular hours (Monday - Friday from 8:00 a.m. to 12:00 p.m. and/or 1:00 p.m. to 5:00 p.m.). Copies of individual reports may be requested at this office. Call (805) 684-7214 extension 10 for more information.

In compliance with the Ralph M. Brown Act and the Americans with Disabilities Act, if you need a disability-related modification, accommodation, or other special assistance to participate in this meeting, please contact the District's Board Secretary at (805) 684-7214, extension 111, at least 48 hours prior to the start of the meeting.

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Next Ordinance Available.....#20  
Next Resolution Available.....R-368  
Posting Date.....9/7/23



# Carpinteria Sanitary District

Board of Directors Meeting

## STAFF REPORT

TO: Board of Directors

FROM: Craig Murray, P.E. - General Manager

**SUBJECT: RESOLUTION No. R-367: Declaring an Emergency With Regard to Certain District Facilities, Authorizing Remedial Work to be Performed Without Competitive Bidding, Declaring the Project to be Exempt From the Requirements of the California Environmental Quality Act, and Making Necessary Findings Thereof**

DATE: September 8, 2023

**REQUESTED ACTION:** That the Board review and adopt Resolution R-367 which finds that an emergency condition exists related to the District's ocean outfall pipeline, authorizes the General Manager to proceed with emergency work, and determines that the work is exempt from the competitive bidding requirements of the Public Contract Code and from the California Environmental Quality Act.

**BACKGROUND:** The District owns and operates a 24-inch diameter ocean outfall pipeline that conveys treated effluent from the wastewater treatment facility to the discharge point approximately 1,100 feet offshore of the mouth of Carpinteria Creek. The outfall has 17 4-inch diameter diffuser ports located in the outermost 100 linear feet of pipeline that are intended to convey peak effluent flows and provide adequate mixing in the receiving waters. The diffusers were originally installed in 1987 and modified in 2020 to include variable length risers, 90 degree elbows and Tideflex diffuser check valves.

On January 9, 2023 a damaging storm event in the Carpinteria Creek watershed resulted in a significant debris flow. There was visible deposition of sediment, trees and other debris offshore, in the vicinity of the District's outfall pipe. However, ocean conditions prevented an underwater inspection of the pipe for several months. Subsequently, dredging of the Carpinteria Salt Marsh by Santa Barbara County Flood Control severely impacted nearshore visibility for a period of several more months. Finally, on August 15<sup>th</sup>, Salty Dog Dive Service (SDDS) performed a comprehensive dive inspection and determined that the outermost 100 linear feet of the District's outfall (the entire diffuser section) was buried in sand, gravel and cobble. They also determined that 13 of 17 diffuser ports were not visible and presumed to be conveying no flow. Four diffuser ports were found to have broken risers with no elbow or check valve attached. These open ports were conveying effluent, although they were well below the static sea floor level at the time of inspection.

With only 4 of 17 diffusers functional, it can be assumed that the hydraulic capacity of the outfall is seriously diminished. This condition could have serious consequences. In a high flow condition, the outfall could potentially surcharge back into the wastewater treatment facility, overflowing the effluent box and flooding the plant. A discharge from the outfall inspection vault, located in the Carpinteria State Beach campground adjacent to Carpinteria Creek, may also result. Either of these conditions could result in a violation of the District's NPDES discharge permit and has the potential to impact water quality.

In my professional engineering opinion, based on the observations made in the recent underwater inspection, an emergency situation exists and it is critical for the District to take action immediately. The compromised condition of the outfall is sudden and unexpected, in the sense that we were unable to assess the condition until the recent investigation was performed. Immediate response measures to restore flow from the buried diffuser ports, repair the damaged diffuser assemblies, and to remove accumulated sand from the interior of the outfall pipe is necessary to restore its hydraulic capacity and reestablish proper effluent mixing in the receiving water column.

Resolution No. R-367, if adopted, would provide the required determination that an emergency condition exists pursuant to Public Contract Code sections 20806 and 1102. This would exempt the district from competitive bidding requirements and allow the District to immediately proceed with construction activities to expose the diffuser ports, add longer risers, repair/replace damaged diffuser assemblies, and to remove the accumulated sand from within the outfall. The resolution would authorize the General Manger to proceed with the project and expend necessary funds. Resolution No. R-367 further finds that the proposed emergency work is statutorily exempt from environmental review under the California Environmental Quality Act and authorizes filing of a Notice of Exemption. The anticipated time to conduct an environmental review of this project would create a risk to public safety, health or welfare.

In January 2023 the District formally notified FEMA of potential damage to the outfall as a result of the debris flow, which was within a State and Federal disaster declaration window. We are now working with FEMA and CalOES staff to pursue disaster assistance grant funding for necessary repairs to the outfall. We will concurrently coordinate with appropriate permitting and resource agencies, including USACE and the California Coastal Commission, to make sure the emergency work meets applicable regulatory requirements.

Proposals were received from two qualified marine contractors, Global Diving and Salvage, Inc. (GDS), and J.F. Brennan Company, Inc. Both companies have done work on the District's outfall in the past. Their proposed scope and unit cost fee estimates are similar and selection may be based on availability


**Section 20806 of the Public Contract Code requires that this resolution pass by a four-fifths majority vote.**

**RECOMMENDATION:** Staff recommends that the Board adopt Resolution R-367 as presented.

**SUGGESTED MOTION:** I move that the Board adopt Resolution No. R-367.

M \_\_\_\_\_ S \_\_\_\_\_

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_

Prepared By:  \_\_\_\_\_  
Craig Murray, P.E. - General Manager

Attachments: Resolution No. R-367  
Notice of Exemption

## **RESOLUTION NO. R-367**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE CARPINTERIA SANITARY DISTRICT DECLARING AN EMERGENCY WITH REGARD TO CERTAIN DISTRICT FACILITIES, AUTHORIZING REMEDIAL WORK TO BE PERFORMED WITHOUT COMPETITIVE BIDDING, DECLARING THE PROJECT TO BE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING NECESSARY FINDINGS THEREOF**

**WHEREAS**, the Carpinteria Sanitary District (“District”) owns and operates a 24-inch diameter ocean outfall pipeline that conveys treated effluent from its wastewater treatment facility to the point of discharge to the Pacific Ocean; and

**WHEREAS**, in January 2023 a series of winter storm events resulted in local, State and Federal disaster declarations due to damaging floods, which included a significant debris flow event in Carpinteria Creek on January 9, 2023; and

**WHEREAS**, ocean conditions prevented underwater inspection of the outfall until August 15, 2023, at which point the District’s qualified marine contractor determined that the outermost 100 linear feet of the District’s outfall was completely buried in sand and gravel, effluent was flow emanating only from 4 of 17 diffuser ports, and that those 4 ports were missing the riser, elbow and duckbill check valve; and

**WHEREAS**, hydraulic surcharge of the outfall attributable to blocked diffuser ports or sand accumulation within the outfall pipe could result in a backup of treated effluent into the District’s wastewater treatment facility or cause a discharge to the environment; and

**WHEREAS**, to remain in compliance with requirements contained in its National Pollutant Discharge Elimination System (NPDES) Permit, the District must repair the pipeline so as to ensure release of treated effluent through the diffusers near the end of the outfall pipeline as designed; and

**WHEREAS**, avoiding potential hydraulic surcharge and unauthorized discharges requires immediate corrective action and expenditure of District funds to prevent such failure and to protect water quality, the environment and the provision of essential public services; and

**WHEREAS**, the described occurrence and the existing condition of the pipeline as described herein constitutes an “emergency” for purposes of Public Contract Code Sections 20806 and 1102, respectively, and Public Resources Code Section 21060.3; and

**WHEREAS**, the existing conditions will not permit a delay resulting from a competitive solicitation for bids for the corrective action, which involves installation of new, longer risers on each diffuser assembly to raise the diffuser elbows and check valves above the current sea floor

level and to remove any sand that has deposited inside the outfall pipe reducing its hydraulic capacity (the “Work”), and immediate action is necessary to respond to the emergency, pursuant to Public Contract Code Section 22050; and

**WHEREAS**, the Work to be performed is statutorily exempt from environmental review under the California Environmental Quality Act pursuant to Public Resources Code Sections 21080(a)(2) and 21080(a)(4) and 14 Cal. Regs. Sections 15269(b) and 15269(c);

**NOW, THEREFORE**, based on the staff report concerning the issues set forth above and this resolution, and District staff’s presentation at the September 5, 2023 Board meeting, the Board of Directors hereby resolves as follows:

1. Regarding the existing condition of the outfall pipeline, the Board finds that an "emergency" exists within the meaning of Public Contract Code sections 20806 and 1102, and further finds that the public interest and necessity demand the immediate expenditure of District funds for the Work to safeguard life, health and property.
2. The Board further finds, pursuant to Public Contract Code section 22050(a)(2), that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that immediate commencement of the Work is necessary to respond to the emergency.
3. Pursuant to Public Contract Code Section 22050(b)(1), the Board directs the General Manager to immediately proceed with and expend funds for the Work, without giving notice for competitive bids.
4. The Board further finds that the Work is statutorily exempt from environmental review under the California Quality Act pursuant to Public Resources Code Sections 21080(b)(2) and 21080(b)(4), and 14 Cal. Code of Regs. Section 15269(b) and 15269(c). The Board hereby directs the District staff to file a Notice of Exemption with the Clerk of the Board of Supervisors for the County of Santa Barbara.
5. The above recitals are incorporated herein by reference and adopted as findings.

**PASSED AND ADOPTED** by the Governing Board of the Carpinteria Sanitary District on the 5<sup>th</sup> day of September 2023 by the following vote to wit:

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

Resolution No. R-367 was thereupon declared, carried, and adopted.

Dated this 5<sup>th</sup> day of September 2023.

**We certify that the above is a true and correct copy of Resolution No. R-367, adopted by the Board of Directors of the Carpinteria Sanitary District on September 5, 2023.**

**APPROVED:**

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Mike Modugno  
President, Board of Directors

**ATTEST:**

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Gerald Velasco  
Secretary, Board of Directors

**NOTICE OF EXEMPTION**

**To:** County Clerk  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

**From:** Carpinteria Sanitary District  
5300 Sixth Street  
Carpinteria, CA 93013

**Project Title:** Emergency Outfall Repair Project

**Project Location-Specific:** Pacific Ocean, approximately 900 to 1000 feet offshore just West of the mouth of Carpinteria Creek.

**Project Location City:** Carpinteria                      **Project Location County:** Santa Barbara County

**Description of Nature, Purpose and Beneficiaries of Project:** Emergency

**Name of Public Agency Approving Project:** Carpinteria Sanitary District

**Name of Person or Agency Carrying Out Project:** Carpinteria Sanitary District

**Exempt Status:**

- Ministerial
- Declaration Emergency
- Emergency Project
- Categorical Exemption
- Statutory Exemption

**Reason Why Project is Exempt:** Statutory exemption per Public Resources Code Sections 21080(b)(2) and 21080(b)(4) and 14 Cal. Regs. Sections 15269(b) and 15269(b)(c). See Board Resolution No. R-367 (attached).

**Lead Agency Contact Person:** Craig Murray.    **Area Code/Telephone Extension:** (805) 684-7214, x112

**If filed by applicant:** (Not Applicable)

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? **YES**

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Craig M. Murray, P.E.  
General Manager  
Carpinteria Sanitary District

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Date