



HEAL THE OCEAN

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The Woefulness of Waivers

Heal the Ocean Wins Round One in Goleta Case

In 1972, the U.S. Congress passed the Clean Water Act, which required wastewater treatment plants to achieve secondary treatment capability by 1978.

In primary-treated sewage, 70 to 75% of organic solids are removed. Secondary sewage requires bio-digestion of solids and chlorination, followed by dechlorination, before discharge, and 90% of solids are removed.

After passage of the Clean Water Act, some municipalities with sanitary plants discharging into the ocean argued that this requirement might be unnecessary on the grounds that marine facilities usually discharge into deeper water with large tides and substantial currents. This, they said, allows for greater dilution and dispersion than their freshwater counterparts.

As a result, Congress added section 301(h) to the Clean Water Act, which allows for a case-by-case review of treatment requirements for marine dischargers.

Under the program, the sanitary districts monitor themselves. Every time an extension of a 301h permit is applied for, the districts turn in this data (always favorable), and EPA gives its stamp of approval. EPA does not provide any outside monitoring service, and lately it has even discontinued the use of an outside consultant to review sanitary district data.

So it has gone, for 24 years.

In California, there are four sanitary plants still operating under the 301h waiver program – San Diego, Orange County, Goleta and Morro Bay.

This year, the Goleta Sanitary District applied to the Regional Water Quality Control Board for a five-year extension of its 301h permit. GSD currently deposits 5 million gallons of “secondary blend” sewage effluent, which is a

mix of primary and secondary sewage, one mile off Goleta Beach. In the proposed permit extension period (five years), the effluent amount would rise to over 7 million gallons, and the amount of solids deposited into the ocean would increase from 1,920 pounds per day (current) to 3,064 pounds per day (2005).

We believe the citizens of Santa Barbara do not want 3,000 pounds of sewage solids per day either drifting to shore or into nearby kelp beds, or settling on the ocean floor itself!

On April 19, the Regional Water Quality Control Board held a hearing in Santa Barbara on this issue. We appeared, together with marine biology consultant Craig Barilotti, and our attorney, Vicki Clark, and made the following points:

■ *Solids encase viruses and bacteria.* When solids break down in the ocean, the viruses and bacteria are released – and that is often after they have traveled in ocean currents away from the outfall. Heal the Ocean virus testing, conducted in a laboratory at USC, has shown human viruses in the final settling ponds of the Goleta Sanitary District (in sewage effluent, just before it goes out to sea), at the same time they have appeared in knee-deep swimming water at Goleta Beach.

■ *Poor beach ratings:* Goleta Beach got bad grades in Heal the Bay’s Beach Report Card – receiving an “F” 48% of the time in weekly bacteria testing between 6/14/99 to 3/6/02. The sanitary district maintains that bacteria problems at Goleta Beach are coming from the Goleta Slough. However, Heal the Ocean’s virus tests for August 4, 2001 show enteric viruses from the sanitary district and at Goleta Beach – and none in the slough.

...continued on page 3

Rincon Project Gets Boost

Heal the Ocean’s campaign to remove septic system leachfields from seven miles of south coast beaches was bogged down in bureaucratic red tape – until Assemblywoman Hannah-Beth Jackson intervened.

The governmental snarl had to do with the \$425,000 funding for the EIR study needed for the septic-to-sewer conversion project being proposed for the homes of the Rincon, Sandyland, Sand Point, as well as Padaro Lane and Beach Club Road. Calling the Rincon project a “number one priority issue” by the Regional Water Quality Control Board, the EIR funds were approved by the RWQCB for state funding in March 2001.

Upon receiving this approval, the Carpinteria Sanitary District, which would be hooking up these beach homes to its sewer facility, submitted its formal project proposal to the State Water Resources Control Board, which administers clean water funds under the Proposition 13/ Costa-Machado Act. This proposal was sent to SWRCB in February 2002.

In May, Heal the Ocean learned the Rincon septic-to-sewer EIR funding was 59th on the list of first come, first served. Only three projects had been reviewed and awarded by the state agency, and none of the necessary internal reviews had started on the Rincon project.

Realizing that this situation would create an undue delay, Heal the Ocean immediately appealed to Assemblywoman Jackson for help. Just as immediately, Assemblywoman Jackson contacted the SWRCB and requested “immediate review” of the Rincon project, citing the

...continued on page 3

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Hi From Hillary

"Is the ocean better now?"

This is a question we hear from the public very often these days. There has been a huge amount

of publicity devoted to creek and ocean cleanup, millions of dollars have poured into Santa Barbara County for this purpose, and Santa Barbara voters passed Measure B to raise money for the cleanup of our watershed.

The sad truth is that the cleanup is going very slowly – at a pace Heal the Ocean finds unacceptable.

A Measure B committee member recently admitted it might take ten years before any appreciable improvement in water quality is made. Meanwhile, we feel that with all the money poured into Santa Barbara to improve the water quality of ocean and watershed, not enough of this money is being used to make a vital attack on bacteria sources – the type of bacteria that closes our beaches.

We agree that motor oil and paint products are tremendously damaging to the ocean environment, but not enough emphasis is being placed on *bacteria* – especially bacteria generated by human waste.

Up until now Heal the Ocean's *modus operandi* has been to commission studies and tests to reveal these bacteria sources, as well as the costs of fixing those sources. We have taken the results to our regulatory agencies and to the people themselves. Homeowners have

shown willingness to abandon old septic systems. That is good.

Working with our bureaucratic agencies on the issue of other bacteria sources, however, is, for the most part, not good. Whenever we need assistance from a regulatory agency to get at these sources, it is a battle. We are blocked, ignored and/or fought tooth and nail.

Jan Schlichtmann, the celebrated lawyer upon which the book and John Travolta movie, "A Civil Action," is based, recently spoke at a benefit in Los Angeles. He said, "It is only through law that a big corporation is on the same exact footing as a small band of warriors. The law levels the playing field."

To level the playing field in Santa Barbara, and to speed up the pace of ocean cleanup, the Board of Directors of Heal the Ocean has committed itself to raising sizable funds to guarantee access, for one year, to one of Santa Barbara's best environmental attorneys. Vicki Clark, formerly with the Environmental Defense Center, is already hard at work for us on some of our key issues, which you'll read about in this newsletter.

We at Heal the Ocean want to be able to answer the public, "Yes, the oceans ARE better" sooner than ten years from now.

We have already committed to obtaining Vicki's services, and we are confident that the people of Santa Barbara will support our move.

Thanks for helping.

Executive Director, Heal the Ocean

Vicki Clark takes on Heal the Ocean cases

Heal the Ocean is proud to announce that Vicki Clark has agreed to represent us in a number of our campaigns directly related to ocean pollution in Santa Barbara County.

Formerly with the Environmental Defense Center in Santa Barbara, Vicki is already at work for us on the Goleta Sanitary District 301h waiver and on the expansion of the Tajiguas Landfill. She will be guiding Heal the Ocean on permits, approvals, projects and other issues with legal aspects that affect water quality, and she will also be identifying potential litigation and guiding case development.

Vicki received her Doctor of Jurisprudence in 1995 from Golden Gate University School of Law in San Francisco, where she was on the Dean's List. She received an Environmental Law Award for Academic Excellence and an Environmental Law Certificate with Distinction.



Vicki Clark

Prior to joining the Environmental Defense Center in November 1997, Vicki was an associate attorney with the Environmental Law Foundation in Oakland.

...Goleta Sanitary 301h Waiver: Time to Upgrade to Full Secondary

continued from page 1

■ **Wastefield movement toward shore.** Brown & Caldwell findings denying the waiver.

“drogue” studies, which used dye to track the movement of sewage effluent from the outfall, reveal an inshore drift of waste to Goleta Beach. The district disagrees with these studies, and has produced its own current-meter studies – which show the wastefield moving northeast – toward Campus Point.

At the hearing, we showed the RWQCB panel an underwater video of a dive we made on the Goleta outfall two weeks before the hearing.

The three minute film, shot by Jim Knowlton, who heads video production at Ocean Futures, Santa Barbara, shows exactly what 301h waiver sewage looks like: awful. In the film, HTO’s executive director Hillary Hauser and advisory board member Jeff Maassen swim along the outfall pipe at 80 to 90 feet, with Hillary’s light shining on waste spilling from diffusers, then following a cloud of solids drifting to the surface.

The regional board voted to direct staff to draft findings denying the waiver – five to two!

The April hearing is only round one of this battle, however. On July 12, Heal the Ocean will appear before the RWQCB to participate in the final arguments on the

If the denial “sticks,” as we hope it will, the sanitary

district will appeal the decision to the State Water Resources Control Board. In handling this issue, the state agency will basically function like an appellate court. It will review the RWQCB findings for denial, review the legal reasoning and regulations – and make a decision to uphold or overturn the denial.

Heal the Ocean will be at these hearings, representing the interests of Santa Barbara citizens who are sick and tired of the ocean being used to dilute human waste. We feel that the principle for 301h waivers is based on an old, outdated – and dangerous – premise: “*The solution to pollution is dilution.*”

This principle, and the waiver program accompanying it, has shown itself to be disastrous, in that many California beaches are showing signs of stress, with high bacteria counts resulting in warnings and closures.

We need your continued support, – ocean experts and attorneys helping us in this battle come with a price.

Please help! Thank you. ☺

Heal the Ocean platform

Heal the Ocean is a non-profit citizen’s action group with a simple philosophy: the ocean can no longer be used as a dump. Our focus is on the following:

- Zero pathogens in sewage discharges to the ocean
- Septic systems
- Groundwater pollution
- Non-point source pollution
- Dredging and dumping
- Tajiguas Landfill

Heal the Ocean Quarterly Virus Testing		
Conducted in the laboratory of Dr. Jed Fuhrman, USC		
Summer (August 4) 2001		
Arroyo Burro Beach	Hepatitis A	Enteric viruses
Arroyo Burro Creek	Yes	No
Butterfly Beach	No	No
Carpinteria State Beach	Yes	No
El Estero sewage treatment plant	No	No
Goleta Beach	No	Yes
Goleta Sanitary District	No	Yes
Goleta Slough	No	No
Hope Ranch Beach	No	No
Leadbetter Beach	Yes	Yes
Summerland Beach	Yes	No
Fall (Nov. 11) 2000		
Arroyo Burro	Hepatitis A	Enteric viruses
Butterfly Beach	No	No
Carpinteria State	No	No
El Estero sewage treatment plant	No	No
Goleta Beach	Yes	Yes
Leadbetter Beach	No	No
Summerland Beach	No	No
Summer 2000		
Arroyo Burro	Hepatitis A	Enteric viruses
Butterfly Beach	No	No
Carpinteria State	Yes	No
East Beach @ Mission Creek	Yes	No
Goleta Beach	No	No
Hope Ranch Beach	No	No
Leadbetter Beach	No	No
Summerland Beach	Yes	No
Winter 1999		
Arroyo Burro	Hepatitis A	Enteric viruses
Butterfly Beach	No	Yes
Carpinteria State	No	Yes
East Beach @ Mission Creek	No	Yes
Goleta Beach	No	No
Hope Ranch Beach	No	No
Las Palmas Creek (Hope Ranch)	No	No
Leadbetter Beach	No	No
Summerland Beach	No	Yes
Fall 1999		
Arroyo Burro	Hepatitis A	Enteric viruses
El Estero sewage treatment plant	No	No
Goleta Sanitary District	Yes	Yes
Goleta Beach East	No	Yes
Goleta Beach West	Yes	No
Hope Ranch Beach	No	Yes
Las Palmas Creek (Hope Ranch)	No	No
Leadbetter Beach	Yes	No
East Beach @ Mission Creek	Yes	Yes
	No	Yes

...Rincon Project Gets Boost

continued from page 1

importance of ensuring the availability of consultants.

As a result, the SWRCB pushed the Rincon project to the front of the line, and an edited Scope of Work was sent to the Carpinteria Sanitary District at the end of June. Following CSD’s approval of this edited Scope of Work, the EIR funds will be released, and the septic-to-sewer

study will get underway.

Heal the Ocean will continue to watchdog this case. After that, we will continue to push on all the next steps – until septic leachfields are removed from our beaches.

We extend our thanks to Assemblywoman Jackson for her invaluable help! ☺

With Deep Appreciation

Heal the Ocean sends its sincere thanks to these contributors who have helped assure the success of our campaign for a clean and healthy ocean. This roster records donations made from January 1, 2001 to June 1, 2002. If your name has been omitted, we sincerely apologize, and ask that you please call (805) 965-7570 so that we can correct our records.

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JoAnne Thompson

THANK YOU, EVERYONE!

Heal the Ocean is grateful for the wonderful generosity of the public – our supporters who make it possible to do our work.

We operate entirely from your support.

During this past donation period we have seen great ingenuity, including an at-home jewelry sale and a birthday party where guests were asked to substitute gifts for donations. (We found out about these events after we received the generous proceeds!).

And then there was Jack Johnson, the star recording artist who offered us a concert at the Arlington Theatre – which completely sold out! Together with surfboard shapers and kayak makers and surf resorts donating their best products for a giant raffle, Heal the Ocean received a significant financial boost at the end of 2001.

We thank the generous Foundations that have joined us this year, and we thank those who continue to help us every year.

We thank all those who send \$7 or \$10 or \$20 every month – because your faith in us is inspiring – but not only that, these donations add up immensely.

To give an idea of how this works, if everyone receiving this newsletter sent in \$30, our attorney fees would be paid for one full year.

Thanks to one and all,

Heal the Ocean Board of Directors

Heal the Ocean News

Origins of Heal the Ocean

Heal the Ocean started in August 1998 following the publication of a Santa Barbara News-Press editorial by Hillary Hauser. Read this "Genesis" article on our website: HealTheOcean.org

CWN features HTO

The Clean Water Network, steered by staff members of the powerful Natural Resources Defense Council and Coastal Alliance, recently featured Heal the Ocean in its "Network Activist Spotlight."

The story, appearing in CWN's May 2002 Status Report, states, "Heal the Ocean has proven that a few concerned citizens can question and change pollution practices that have been in place for decades by studying an issue, educating the media, rallying public support and diving right in!" ☀

HTO videos outfall

If a picture is worth a thousand words, a video is worth a million!

And it was an underwater video that became an "expert witness" for a recent Regional Water Quality Control Board hearing on the issue of whether or not to allow the Goleta Sanitary District to continue putting into the ocean sewage that has not been treated to full secondary levels (see article on page 1).

Heal the Ocean wanted to show the RWQCB panel what "301h waiver" sewage looks like, and so we made a scuba dive on the Goleta outfall. Underwater cameraman Jim Knowlton, who heads video production at Ocean Futures, Santa Barbara, came along for the dive, and



Jim Knowlton

the surface, dispersing into upper currents.

We thank Jim Knowlton for making this powerful film, and we can't help but wonder if he thinks diving sewer outfalls is riskier than his normal line of work – filming sharks. A UCSB graduate with degrees in environmental studies and geography, Knowlton went into underwater filming, and ultimately helped plan, shoot and edit shark documentaries for Discovery Channel's "Shark Week."

If you would like a copy of the Goleta Outfall Dive video, please send \$10 to Heal the Ocean. ☀

filmed HTO's Hillary Hauser and Jeff Maassen swimming along the GSD outfall pipe at 80 to 90 feet. Using creative lighting techniques, Knowlton captured an eerie scene of sewage spilling from diffusers, his lens following clouds of solid matter rising to

HTO's Maassen gets standing ovation

In April, Heal the Ocean advisory board member Jeff Maassen appeared before a federal ocean commission in Long Beach, to urge the cleanup of sewage being discharged into the nation's oceans.

The U.S. Commission on Ocean Policy, which has been holding hearings around the country on the issue of improved management of the nation's oceans, was told by Maassen that the cost of upgrading sewage treatment levels is in many cases "less expensive than the average monthly cable television bill."

Maassen then screened Heal the Ocean's videotaped dive on the Goleta Sanitary District sewer outfall. The three-minute film, shot and narrated by Jim Knowlton of Ocean Futures, Santa Barbara, gave the panel a graphic depiction of what primary-secondary "blend" sewage looks like (not a pretty picture!)

At the end of the film, Maassen was greeted by a standing ovation – including a number of the commissioners themselves. One member of the commission told Maassen the panel would "never forget what they saw here." ☀

Thank you, volunteers and helpers!

Many thanks to all the surfboard shapers and surf-resort owners who donated phenomenal prizes for the raffle during the sold-out Jack Johnson benefit for Heal the Ocean at the Arlington Theater in December: Clyde Beatty Surfboards, Steve Brom (Ocean Craft), Channel Islands Surfboards, Dave Johnson/Progressive, Matt & Ryan Moore/Rincon Design, Tustin Family, Renny and Lauran Yater, Tavarua Island Resorts and Encanta la Vida.

Thank you to Hilary Doubleday for organizing the silent auction at this event...and thanks, too, to Rich Coffin, who won not one, but *two* surfboards, *plus* the grand prize week on Tavarua Island, and but chose to throw the two surfboards back into the raffle so that others could win...Thank you to New York designer Raffaella Schirmer, who donated a percentage of her proceeds made during an in-home sale of jewelry, clothes and art objects at the home of HTO director Francoise Park

Thank you to Mimi Shiffman, for organizing the "Sea Animal Kids" of Santa Barbara Community Academy – who became octopuses, jellyfish, mermaids and fish and appeared on the Courthouse Sunken Garden stage at Earth Day to sing "Heal the Ocean" with Leslie Lembo. Thank you, too, Leslie – you ended the day on a positive note.

Finally, every mailing of a newsletter or letter to our membership requires many hours and many hands – labeling, sorting and stickers. For getting these mailings out with a smile, many thanks to Mimi deGruy, Nicola & Olivia Ghersen, Scott & Celia Graber; Matt Harris, Annette Irvine, Alyson Salamon, the Traxler family, Cath Webb, and of course the ever-present Maassen family – Jeff, Jane, Morgan and Graham. ☀

Tajiguas landfill violates Five-Foot Rule

A geological report has revealed that the trash being deposited at the county's unlined landfill at Tajiguas is saturated with groundwater, and may be contaminating underwater basins and the ocean.

The mixing of groundwater and trash is in violation of a regulation and permit condition requiring a five-foot separation between the bottom of the landfill and underlying groundwater.

The report, commissioned by the environmental coalition of Heal the Ocean, Gaviota Coast Conservancy and Surfrider, was done by GeoSolv, LLC. Using the county's own data

contained in its draft EIR study for the expansion of Tajiguas, GeoSolv examined the measurements of standing water inside the

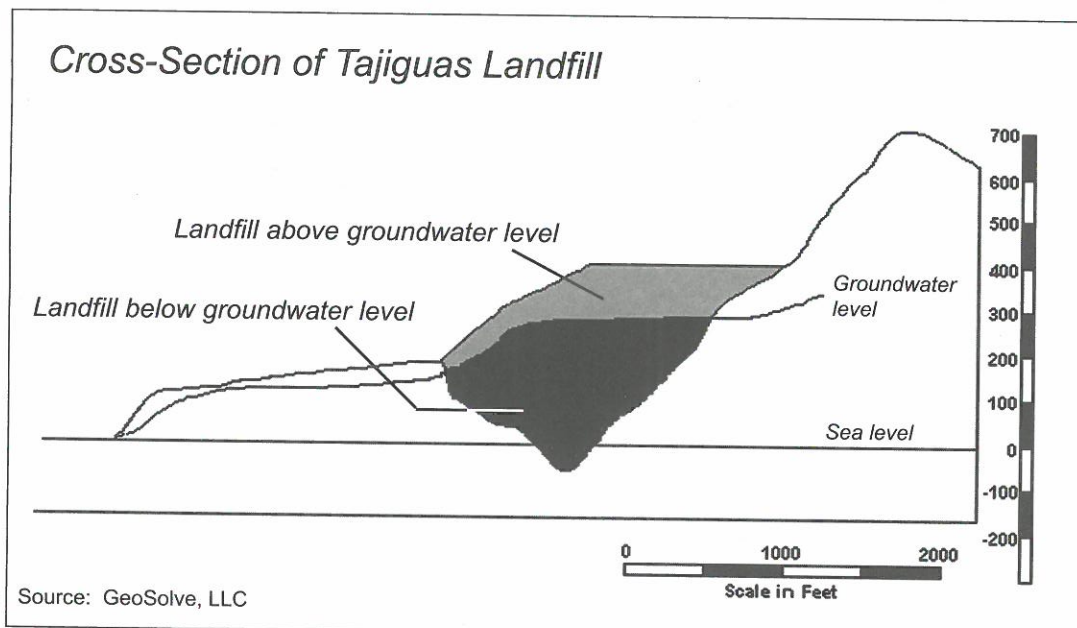
monitoring and gas extraction wells at Tajiguas and determined that groundwater permeates the trash 100 feet into its mass.

The leachate "soup" from Tajiguas is extraordinarily polluted. The county's own

enterococcus bacteria inside the Tajiguas trench collection system, as well as in the Pila Creek culvert and Pila Creek itself. Pila Creek runs through the landfill to the sea a few hundred yards upcoast from Arroyo Quemada.

In March, attorney Vicki Clark demanded from the Regional Water Quality Control Board that it send a "13267 letter" to Santa Barbara County's department of Public Works about the issues raised in the GeoSolv report. This letter, sent by the RWQCB at the end of March, demanded that the county address issues such as groundwater monitoring, leachate runoff, the efficacy of the trench collection

system, and most importantly, the matter of the five-foot rule, which states that there be no mixing of groundwater and trash. ☼



Septic-to-sewer

Heal the Ocean helps homeowners get engineering studies, so that exact costs of hooking up to sewer can be known. We feel homeowners need to know these costs before deciding if they're interested, and that informal polls are useless.

At the end of 2001 we lobbied the Santa Barbara Water Commission for the city to pick up the expense of a sewer engineering study for the 100 coastal-zone homes of Braemar/Yankee Farm. The commission voted to put the question before City Council, and Heal the Ocean is now pushing to see that this happens.

At the same time, we have shepherded a conceptual sewer engineering study for upper Mission Canyon. We thank Santa Barbara County Public Works for offering to pay for this \$17,500 study.

It is Heal the Ocean's premise that if the "septic clusters" of the south coast are significantly reduced, a large source of pollution will be eliminated from the watershed – and beaches of Santa Barbara County. ☼

Sewer infrastructure

Heal the Ocean continues to investigate Santa Barbara's leaking sewer infrastructure.

Working together with Santa Barbara ChannelKeeper, we have completed exhaustive research of the city's own maintenance records to construct a GIS map of the problem areas – chiefly, broken or defective sewer lines that remain unrepaired.

Onto this map we are now overlaying a groundwater map, as well as a septic system map and the city's storm drain system. In this way, we will be able to pinpoint where groundwater intersects with sewer pipes alone.

Working with the hydrogeologic firm of GeoSolv, LLC, Heal the Ocean hopes to be able to test these identified sites soon, to determine the extent of sewer leaks into groundwater.

It is Heal the Ocean's view that the city's annual 1% replacement rate of faulty sewer pipes is not nearly high enough – and that it should be more like 20%-25%. It is also our opinion that sanitary districts should be required to file a maintenance plan with the State. ☼

Tertiary survey results

Heal the Ocean's "Tertiary Sewage Treatment Survey," an informal poll asking residents whether or not they would agree to pay increased fees for upgrading sewage treatment, elicited the following responses:

The most "yes" votes came from Goleta (\$24.65 per month increase), followed by the City of Santa Barbara (\$12.56). Montecito (\$15.53) came in third, followed by Carpinteria (\$33.01) and Summerland (\$39.16).

The dollar amounts for increase were formulated in a Metcalf & Eddy cost/feasibility study commissioned by Heal the Ocean.

With drought predicted for California, Heal the Ocean has elected to pursue this concept further by amending the Metcalf & Eddy study to reflect the cost/feasibility of total reclamation, such that the end product could be more widely used – primarily for agriculture. We think the public might want to elect to upgrade sewage effluent for total recycling and re-use instead of dumping any of it into the ocean at all.

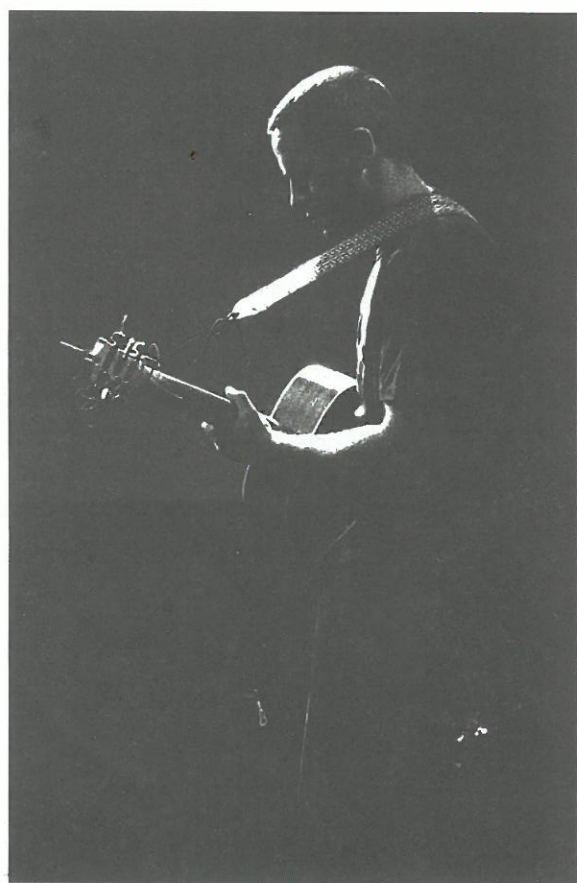
The cost of the amended study is \$16,000. ☼

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