

**PROPOSED ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2025-0074
PUBLIC COMMENTS AND PROSECUTION TEAM RESPONSES**

The Central Coast Water Board publicly noticed the proposed Stipulated Order for a 33-day public comment period from October 16, 2025, through November 17, 2025, and received comments from:

- Santa Barbara Channelkeeper
- County of Santa Barbara Supervisor Capps, City of Goleta Mayor Perotte, City of Goleta Councilmember Smith (County of Santa Barbara and City of Goleta)
- Heal the Ocean
- Bernard Friedman

The Prosecution Team's responses to these comments are provided below. All comments are direct transcriptions from the letters containing them. Transcriptions do not include the entire content of the comment letter as some content is non-substantive (e.g., salutations, contact information).¹

Santa Barbara Channelkeeper – 1

On behalf of Santa Barbara Channelkeeper (Channelkeeper), please accept the following comment letter regarding the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R3-2025-0074 ("Settlement Agreement") entered into by and between the California Regional Water Quality Control Board, Central Coast Region Prosecution Team (Prosecution Team) and Goleta West Sanitary District (Discharger). After reviewing the Settlement Agreement, Channelkeeper is concerned about the low monetary penalty assessed and the lack of robustness of the investigation. Additionally, we have several questions regarding the proposed Supplemental Environmental Project (SEP) that the Discharger proposes to settle this sewage discharge violation.

The Settlement Agreement describes the imposition of an administrative civil liability penalty of \$1,551,145 for a spill of at least 1,071,696 gallons of untreated wastewater that entered an unnamed tributary to Tecolotito Creek, the Goleta Sough State Marine Conservation Area and its estuary, and the Pacific Ocean. This spill occurred from a broken 24-inch force main owned and operated by Goleta West Sanitary District over the course of at least fourteen hours. The discharge of untreated wastewater violated Water Code section 13376 and Clean Water Act section 301. There were many significant issues with the spill response including poor communication with other agencies that ultimately lead to a delay in beach closure and a lack of the ability to immediately document and collect data for an early analysis of the spill's impact on the aquatic environment.

¹ Contact the Prosecution Team staff to request copies of the entire comment letters and letter attachments.

Channelkeeper reviewed the penalty calculation methodology and is disappointed with the settlement that the parties have agreed upon. We disagree that the resolution of providing approximately \$1.45 per gallon of discharged sewage is fair, reasonable, or fulfills the enforcement objectives as further described in our letter below.

Channelkeeper was expecting a thorough investigation of the largest sewage spill, which is more than 100 times greater than the next largest spill reported in Santa Barbara County in recent years, to have been conducted. However, based on the information and details described in the proposed settlement agreement, the many issues we raised regarding facility operations, the spill response, and the spill impact that we detailed in our June 14, 2024 letter do not appear to have been fully considered in the proposed settlement.

Prosecution Team Response to Comment Channelkeeper – 1

The Prosecution Team conducted a complete and thorough investigation of the February 2024 sewage spill. From the first report of the spill through the development of the proposed liability, members of the Prosecution Team collectively spent over 100 hours across seven months considering all spill reports, technical reports, and applicable regulations to produce a thorough and focused proposed Settlement Agreement. Relevant details of staff’s investigation efforts are identified in Attachment A of the Settlement Agreement, which provides the Prosecution Team’s application of the penalty calculation methodology set forth in the State Water Resources Control Board’s (State Water Board) 2017 Water Quality Enforcement Policy (Enforcement Policy²). Step 7 of the penalty calculation methodology (Other Factors as Justice May Require) allows the Central Coast Water Board to “exercise their discretion to include *some* of the costs of investigation and enforcement in a civil liability. Including *some* staff investigation and enforcement costs is valid from an economic standpoint as it requires [a discharger] to pay a greater percentage of the full costs of their violations.” (2024 Enforcement Policy, page 28 (*emphasis added*).) The assessment of staff costs, however, must be balanced in consideration of a discharger’s right to due process and should be considered separately under Step 7 because staff costs “are

² The State Water Board amended the 2017 Enforcement Policy on December 5, 2023, and those amendments became effective on November 7, 2024. The Prosecution Team applied the 2017 Enforcement Policy’s penalty methodology in this Settlement Agreement because the Parties were engaged in settlement negotiations prior to November 7, 2024, and the alleged violation occurred when the 2017 Enforcement Policy was in effect. However, amendments in the 2024 Enforcement Policy identified as “clarifications” were applied because this matter was pending when the 2024 Enforcement Policy became effective. Clarifications apply retroactively because they eliminate potential ambiguities in the 2017 Enforcement Policy. (See Appendix D of the 2024 Enforcement Policy.)

2017 Enforcement Policy:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

2024 Enforcement Policy:

https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf

unrelated to impacts to water quality and not specifically identified as a statutory factor to be considered in determining the amount of liability.” (Id.)

Here, a staff member of the Prosecution Team spent at least 14 hours preparing the initial draft analysis in Attachment A of the Settlement Agreement, after completing the thorough investigation discussed above. The 14 hours is also separate from the Central Coast Water Board staff time spent on its initial regulatory response to the spill and excludes attorney staff costs and any staff costs associated with preparing for and attending settlement meetings with the Discharger as required by the Enforcement Policy.

Commenter’s issues presented in the June 14, 2024 letter are considered in the responses below.

Santa Barbara Channelkeeper – 2

High Volume Discharge Discount and Culpability

Although the Prosecution Team has discretion when determining an initial liability amount on a per gallon basis and can assess between \$2 and \$10 per gallon for discharges between 100,000 and 2,000,000 gallons, Channelkeeper asserts that automatically and arbitrarily assessing the minimum per gallon amount essentially provides a massive discount to the discharger. In order to effectively deter violators and for consistency, Channelkeeper believes that the Prosecution Team should first apply the \$10 per gallon statutory maximum when calculating liability for high discharges and then make adjustments to the liability assessed through the Adjustment Factor process that is outlined in a later step of the monetary assessment procedure.

Prosecution Team Response to Comment Channelkeeper – 2.1

The Discharger’s sanitary sewer overflow volume falls within the Enforcement Policy’s range for high-volume discharge consideration. The Enforcement Policy includes this consideration under Step 2 of the penalty calculation methodology “to provide a basis for achieving consistency and substantial justice in setting appropriate civil liabilities.” (2017 Enforcement Policy, page 14; 2024 Enforcement Policy, page 19.) Waiting to consider the discharge volume until Step 7 (Other Factors as Justice May Require) could result in arbitrary and inconsistent penalties that the commenter is urging the Central Coast Water Board to avoid.

The Prosecution Team has consistently applied Step 2 in cases involving high-volume discharges, and the Central Coast Water Board has, to date, supported the recommended high-volume reduction in the proposed orders it has adopted.³ Such

³ See Response 2.2 for examples where a reduced maximum per gallon penalty was used for high-volume discharges in Stipulated Administrative Civil Liability Orders approved by the Central Coast Water Board and other Regional Water Boards.

**Item 12 - Attachment 2
February 26-27, 2026
Response to Comments**

consideration is subject to the exception of cases where applying a \$2 per gallon maximum would result in an inappropriately small civil liability based on the severity of impacts to beneficial uses, the discharger's degree of culpability, and/or other considerations. As stated in the high-volume discharge factor consideration in Attachment A of the Settlement Agreement, the Prosecution Team determined that applying the high-volume discharge factor adjustment resulted in an appropriate recommended civil liability. The Prosecution Team's recommendation complies with the Enforcement Policy and is neither automatic nor arbitrary.

Channelkeeper also asserts that the high-volume discharge discount was incorrectly applied in this case because it does not accurately account for the severity of impacts to beneficial uses and the discharger's degree of culpability. Additionally, it does not match the examples provided in the State Water Resources Control Board's Water Quality Enforcement Policy for discharges that could be subject to a reduction, such as a wet weather sewage spill. In fact, the only explanation that is included in the proposed settlement for assigning the lowest per gallon amount option is "given that the reported volume exceeds 1,000,000 gallons, the Prosecution Team determined that an assessment of \$2.00 per gallon is appropriate." Channelkeeper believes that this is an inadequate explanation for arbitrarily applying an 80% discount to a sewage spill of such a high magnitude and consequence.

In the first step of the penalty calculation, a final score of harm or potential harm to beneficial uses is determined based on three factors. The Prosecution Team determined that the Degree of Toxicity of the Discharge to be a 3 (above moderate) on a scale of 0 (negligible) to 4 (significant) because the "physical, biological, and/or chemical characteristics of the discharge of untreated wastewater (sewage) exceed known risk factors and/or there is substantial concern regarding receptor protection". The second factor considered is the Actual Harm or Potential Harm to Beneficial Uses which is ranked on a scale of 0 (negligible) to 5 (major). The score assigned here is a 5 for several reasons including the fact that the Santa Barbara County Public Health Department closed a beach for more than five days – (Goleta Beach was closed for a total of twenty-three days). The third factor considered in the calculation is the Susceptibility to Cleanup or Abatement. This was assigned a one on a scale of zero to one because less than 50 percent of the discharge was cleaned up. Combined, the sum of these factors is nine on a scale of one to ten for the "Potential to Harm." Given that this number calculated is nearly as high as can be calculated, it is at odds with automatically assigning the lowest dollar value of \$2 per gallon for the spill volume, particularly without a detailed explanation and analysis supporting the rationale used for not imposing the maximum per gallon penalty of \$10 per gallon.

Prosecution Team Response to Comment Channelkeeper – 2.2

The Enforcement Policy provides *examples* of high-volume discharges that could be subject to a reduced maximum per gallon liability but does not limit its application to the listed examples, which “include but are *not* limited to, wet weather sewage spills, partially-treated sewage spills, . . . and construction or municipal stormwater discharges.” (2024 Enforcement Policy, page 20 (*emphasis added*)). The Prosecution Team appropriately exercised its discretion to recommend use of a \$2 per gallon maximum liability in this case. While the Enforcement Policy does indicate that a determination of whether to use a high-volume reduction should *consider* the severity of impacts to beneficial uses, and a discharger’s degree of culpability, it does not bar a high-volume reduction in cases of severe impacts or high culpability. The ultimate determination is whether the final liability amount, after applying a high-volume reduction, results in an inappropriately small penalty. Here, the Prosecution Team determined that the final liability was not inappropriately small.

In this case, the recommended penalty calculated is approximately \$1.45 per gallon discharged. Several other recent Administrative Civil Liability Orders where a reduced maximum per gallon penalty was used for high-volume sewage discharges—ranging from 260,000 gallons to 3,000,000 gallons—have resulted in the Central Coast Water Board’s imposition of civil liability in amounts ranging from \$0.06 to \$0.90 per gallon. (See, e.g., R3-2019-0039 (using \$2/gallon maximum), R3-2021-0051 (using \$1/gallon maximum), and R3-2021-0104 (using \$1/gallon maximum).) The recommended penalty of approximately \$1.45 per gallon in this case is substantially higher. While that’s not a required comparison because every case can be unique, it is a general indicator that the recommended liability is not inappropriately small.

Moreover, the Prosecution Team’s recommendation to reduce the maximum dollar per gallon penalty here is consistent with how the reduction has been used statewide for cases involving high-volume discharges of untreated sewage with a potential for harm score of 9 (See, e.g., R4-2023-0088 (using \$1/gallon maximum for a discharge exceeding 8.5 million gallons to impose a civil liability of \$0.83 per gallon); R9-2025-0010 (using \$1/gallon maximum for a discharge exceeding 9.7 million gallons to impose a civil liability of \$1.17 per gallon).) Like those cases, a reduced maximum dollar per gallon was applied because the reduction did not result in an inappropriately small liability. The recommended dollar per gallon penalty in this matter is also substantially higher than the examples cited from other regions.

Following the per gallon assessment for discharge violations, there are three additional adjustment factors that are considered that can modify the amount of liability that has been determined in the previous steps. The first adjustment factor is the violator’s culpability. Channelkeeper disagrees with the Prosecution’s Team assignment of a 1.0, or a neutral multiplier on a scale of 0.75 (accidental, non-negligent) to 1.5 (intentional or negligent). As outlined in our June 14, 2024, letter, there were many avoidable issues in

the facility shortcomings, such as the lack of basic flow monitoring equipment and alarms systems, to human error that contributed to the over one-million-gallon sewage spill into the Tecolotito Creek, the Goleta Slough, and the Pacific Ocean. None of these factors were evaluated and addressed in the Culpability Factor Consideration.

Prosecution Team Response to Comment Channelkeeper – 2.3

The Discharger reported it monitors line pressure at its facility and flow at the Goleta Sanitary District's (GSD) Regional Wastewater Treatment Facility (Treatment Facility). The Discharger had a duty phone for on-call staff reachable directly or through the Discharger's main telephone answering system at all hours. When GSD Treatment Facility personnel detected low flow from the Discharger's sewage collection system at 6:26 AM on February 17, 2024, they only left a voicemail at the personal phone number of an off-duty Discharger staff person, not the duty phone number, and therefore did not follow protocol. While an unfortunate human error, it is not an indication of negligence on the part of the Discharger. The Discharger reported that it immediately followed up with GSD to make sure all staff at both agencies have appropriate notification phone numbers.

Channelkeeper also disagrees with the assignment of 0.9 for the Cleanup and Cooperation Factor Consideration. As stated in this section "no cleanup or spill recovery was conducted for the discharge to the receiving waters because the spill occurred mostly overnight prior to discovery." This was due to the fact that no spill alarm and monitoring system was in place. Providing the Discharger with an adjustment factor that is closer to the "exceptional cleanup" number of 0.75 as compared to a response that falls below what would be considered a reasonable response does not seem appropriate here when having an effective spill alarm and monitoring system would have allowed the spill to be discovered in the first place.

Prosecution Team Response to Comment Channelkeeper – 2.4

The Cleanup and Cooperation factor considers a discharger's voluntary efforts to both cleanup the spill *and* cooperate with regulatory authorities in returning to compliance *after* the violation. As stated above, the Discharger reported that pressure and flow monitoring systems were in place. Pressure within the line was within specifications when Discharger staff arrived on the morning of February 17, 2024. Flow monitoring did indicate a potential problem earlier that same morning, but the notification from the GSD Treatment Facility was sent to the wrong number, counter to protocol. It is rarely, if ever, possible to recover a sewage spill from actively flowing surface waters or the ocean. However, as soon as the Discharger became aware of the spill, the Discharger immediately mobilized response with mutual aid, including from GSD, to recover a portion of the spill from the spill site. The Discharger also took timely and comprehensive actions to cleanup and mitigate the impacts of the spill in advance of a large rain event and in the months after the spill, including protecting existing native vegetation and proactively reseeding the spill site with native vegetation. The Discharger's cleanup

response was reasonable and prudent for what was practical under the circumstances, which itself warrants a neutral factor of 1.0. However, the Discharger's voluntary cooperation in returning to compliance, correcting environmental damage as practical, cleanup efforts after the violation, technical assistance in responding to the spill, and extensive sampling as reflected in the Discharger's technical reports did exceed baseline expectations and warranted consideration of a factor less than 1.0. For example, the Discharger complied with the baseline requirement of submitting a comprehensive technical report and voluntarily continued its monitoring and investigation efforts leading to an additional technical report providing updates and new investigative conclusions.

The Discharger also made the following additional voluntary commitments to prevent future spills:

- Declared an emergency and immediately assembled an ad hoc spill committee to help the Discharger quickly respond to the spill and investigation;
- Implemented a recommissioning hydraulic pressure test after the failed section of the force main was repaired with multiple agencies and experts providing engineering input to ensure the force main could successfully return to standard operations;
- Completed additional proactive improvements to the existing force main infrastructure to reduce risk of another failure;
- Completed an expanded pipe condition assessment (inside and outside) of the 24-in force main's integrity with best available technology (BAT). This expanded pipe condition assessment has become a force main action plan and included the following: (1) a summary and recommendation by MNS Engineers, Inc.; (2) a Smartball Inspection Report by Xylem; (3) a Pipediver electromagnetic Inspection Report by Xylem; (4) a Soil Corrosivity Report by HDR; and (5) an Environmental Constraints Memorandum by Rincon;
- Approved a proposal for Engineering Planning Services by MNS Engineers, Inc. for a Force Main Management Recommendation and possible options for rehabilitation, replacement, and realignment of the Discharger's force mains (more information on next steps for the force main should be available in early 2026);
- Updated its Sewer System Management Plan (SSMP) and Spill Emergency Response Plan (SERP) with updates from the spill investigation and coordination with partner agencies;
- Completed a Compliance Evaluation Inspection (CEI) with a credential United States Environmental Protection Agency (USEPA) contractor with collection system subject matter expertise, to identify additional, above-industry standard compliance initiatives;

- Increased frequency of proactive routine inspections using BAT to inspect the force main's integrity (inside and outside) on a recurring basis and fix any problems or vulnerabilities identified through those more frequent inspections and installed deployment and retrieval infrastructure to increase efficiency of more frequent inspections;
- Identified capital improvement funds for the recurring BAT inspections and repairs; and
- Installed an improved spill alarm and monitoring system to enable a quicker response to spills from the force main. The improved spill alarm and monitoring system reduces the chance of human error and is calibrated to a sensitive delta trigger that will detect change in flow.

The Discharger has already implemented the commitments discussed above and as identified in the Cleanup and Cooperation Factor Consideration in Attachment A of the Settlement Agreement. The Prosecution Team proposes a score of 0.9 for this factor in recognition of the Discharger's above and beyond voluntary efforts to prevent future spills.

Regarding History of Violations Factor Background, on October 30, 2024, GWSD experienced another sewage spill of ~8,400 gallons due to a mechanical failure. This spill was also identified by visual inspection and did not trigger the newly installed flowmeter. Channelkeeper is concerned that this second spill, while smaller, illuminates that GWSD still has some monitoring issues to work out to effectively identify spills when they occur. Additionally, we question if the multiplier factor of 1.1 should be used here, to account for this second (although smaller) spill.

Prosecution Team Response to Comment Channelkeeper – 2.5

The History of Violations factors considers any *prior* history of violations. "Violation" as used in this factor means "a stipulated or adjudicated violation of the Water Code, Health and Safety Code, or other environmental protection statute for which the Water Boards have enforcement authority." (Enforcement Policy, page 24.)

The October 30, 2024, sewage spill mentioned by the commenter is neither a stipulated nor adjudicated violation and it occurred *after* the earlier February 17, 2024 spill addressed in the proposed Settlement Agreement. The October 30, 2024, spill cannot be considered a prior history of violation. The Discharger also promptly sent notice and reported the October 2024 spill. The Discharger reported that it was able to remove and recover approximately all of the discharged wastewater from an isolated stormwater outfall, and that it was coordinating with other interested agencies and consulting experts to provide site visits and evaluate and implement additional site mitigation, as needed.

Santa Barbara Channelkeeper – 3

Spill Investigation

Attachment A of the Stipulated Administrative Order states that The Prosecution Team spent only fourteen hours of staff time investigating this case and preparing the analysis and supporting information. We expect that a significant portion of these hours were used in preparing the analysis released last month. Channelkeeper is disappointed in the lack of time that has been spent investigating an over one-million-gallon sewage spill that occurred a year and a half ago. The sewage spill discharged over one-million-gallons of untreated wastewater into four sensitive coastal waterways including a State Marine Conservation Area, that all combined, have 15 beneficial uses that were impacted by the spill. Additionally, the beach closure that resulted from the sewage spill lasted for twenty-three days.

Prosecution Team Response to Comment Channelkeeper – 3.1

The Prosecution Team’s recommendation to increase the civil liability in consideration of enforcement staff time is discretionary, limited in scope to just the initial drafting hours, and does not reflect the total time of over 100 hours dedicated to responding to the alleged violations, investigation, and finalizing the proposed recommendation by multiple staff persons and across seven months of case development. Please refer to Prosecution Team Response to Comment Channelkeeper – 1 above.

From Channelkeeper’s review the Proposed Order, and it appears that many details and issues that contributed to the magnitude and duration of the spill and the insufficient spill response were not considered in the penalty calculation methodology. On June 14, 2024, Channelkeeper sent a letter to the Central Coast Water Board staff, outlining many concerns regarding the spill caused by Goleta West Sanitary District. The concerns that we highlighted in our letter have not yet been addressed and thus remain.

Prosecution Team Response to Comment Channelkeeper – 3.2

The June 14, 2024 letter is provided below as Santa Barbara Channelkeeper Comments – 5, 6, and 7.

One of our biggest concerns is that the spill occurred over the course of fourteen hours without detection because of a lack of flow meters and alarm systems to detect changes in flow rates and then send alarms to monitoring personnel. This spill demonstrates that while Goleta West Sanitary District provides critical wastewater collection services for over 40,000 people, it was unequipped to effectively monitor their operations and detect significant issues when they arose, which results in significant consequences. This deficiency in facility operations directly resulted in the magnitude of the spill and should

be considered in the Proposed Order. Additionally, another critical question is regarding the decision that was made to reinstate the 24" force main late in the evening when it was not possible to conduct visual inspections until the following day. The sum of these facility and decision issues raise serious questions about the operations of the facility.

Prosecution Team Response to Comment Channelkeeper – 3.3

Please refer to Prosecution Team Response to Comment Channelkeeper – 2.3 above. Pressure and flow monitoring systems were in place, so the Discharger did not lack flow metering or notification capabilities.

The Discharger reported that it reinstated the 24-inch force main beginning at 4:45 PM on the evening of February 16, 2024, but did so in consideration of the monitored line pressure being in the expected operational range indicating normal operations as monitored up to 7:30 PM. The Discharger also made its decision to return the 24-inch to service in advance of the predicted major storm event beginning on February 18, 2024, so that the larger force main would be operational during a period of anticipated increased flows due to inflow and infiltration (I&I). Prior to the February 16, 2024 spill, there is no evidence suggesting that the Discharger either knew or should have known about the corrosion along the exterior surface of the 24-inch force main that caused the failure. The corrosion was undetected during condition assessments of the force main in 2002, 2003, and November 2022. Those condition assessments found the pipe to be in good operating condition and the pipe was within its normal service life.

It is true that had the Discharger delayed reinstating the 24-inch force main until the morning of February 17, 2024, and the failure still occurred, that the volume of the spill may have been reduced. However, the specific circumstances surrounding the cause of the violation do not indicate that the Discharger acted negligently.

Finally, the Discharger maintains a redundant force main, parallel to the 24-inch force main, in the event that standard operations on the 24-inch force main cannot be maintained. Because of the redundant force main, the Discharger was able to immediately divert flows from the failed 24-inch force main on February 17, 2024, as soon as it became aware of the spill, stopping the spill without interrupting its service or increasing the risk to the Discharger's operations with the upcoming large storm event and expected increased flows due to I&I. The Discharger reports that its maintenance of a redundant force main allows it to stop spills faster while maintaining its operations, than if a standard bypass system had to be installed in response to a spill.

The Prosecution Team continues to view the circumstances discussed above as warranting a neutral factor of 1 for Culpability.

In addition to the operations, there were many communication mishaps and the inability to quickly and accurately provide a spill volume estimate, which combined, resulted in a six-day delay before the receiving beach was posted and closed due to the sewage

spill. For a spill of this magnitude, it is unacceptable that it took five days to actually notify the Santa Barbara County Public Health and six days for the public to be alerted to health risks from recreational contact with beach waters and nearby shellfish production. As described in the GWSD's Spill Technical Report, these issues highlight a lack of standard protocol for communication among GWSD staff as well as between GWSD and Goleta Sanitary District, and the other agencies that need to be notified when a spill occurs. These details should all be fully considered and analyzed in the investigation of this incident. Additionally, the receiving waters of this sewage spill includes the Goleta Slough, which is one of the few remaining saltmarsh habitats in California and is designated as a State Marine Conservation Area (SMCA). In addition to the aforementioned communication issues, the many conservation organizations who manage and oversee the Goleta Slough area were also delayed in receiving notice about the spill. This led to no immediate observation or collection of data to document the spill impact on local wildlife.

Prosecution Team Response to Comment Channelkeeper – 3.4

On February 17, 2024, the first day the Discharger was aware of the spill, the Discharger reported to the Governor's Office of Emergency Services (OES) that a spill greater than 1,000 gallons of untreated sewage had been spilled to a grassy area near the airport before entering Goleta Slough, with potential further dispersion into the ocean. On February 21, 2024, and February 23, 2024, the Discharger provided OES with additional updates of the estimated spill volume and other information. The Discharger's most recent update estimated a total spill volume of 1,140,657 gallons, 68,961 gallons of which were recovered before reaching waters of the United States.

Additionally, on February 17, 2024, the Discharger notified Santa Barbara County Public Health Department (SBCPHD) that there was a sewage spill. The Discharger reported that the SBCPHD had no 24-hour telephone number so the Discharger left a detailed voice message to the posted telephone number for reporting (805-681-4900).⁴ The Discharger reported that two days of intensive response work in the field and heavy rain followed the spill. The Discharger reported that on February 20, 2024, the Discharger again called the SBCPHD to update the County on the spill. On the evening of February 21, 2024, SBCPHD visited the spill site reportedly on the way to post beach closure signs. The Discharger reports also confirming and updating its SERP since the spill to ensure it has updated communications protocol.

The Discharger complied with initiating receiving water quality sampling by 3:15 PM on the day that the spill was discovered, February 17, 2024. Regular periodic sampling continued into April 2024, beyond what is required in the Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems, Order WQ-2022-0103 (Statewide General Order) in response to a Category 1 spill event.

⁴ During the investigation the Prosecution Team visited the Santa Barbara County Public Health website and confirmed the telephone number posted for reporting or contacting SBCPHD staff.

The Discharger reported that on February 22, 2024, the Discharger toured the spill site with the Director of Ecosystem Management at the University of California, Santa Barbara's Center for Biodiversity and Ecological Restoration. On February 23, 2024, the Discharger conducted a spill site visit with Santa Barbara County Supervisor Laura Capps and City of Goleta Council members. The Discharger also was in frequent communications with the Santa Barbara Airport/City of Santa Barbara, for safe spill site access, coordinated response work, and safely recommissioning the force main after repair. The Discharger reports issuing press releases and creating a public website to update the general public on the spill response and investigation. The Discharger also voluntarily attended meetings with Heal the Ocean and the Goleta Slough Management Committee, comprised of various local, state and federal agencies, to provide updates on the spill response and investigation. These actions indicate proactive engagement with several local interested parties.

The Discharger has made significant efforts to improve its alarm and flow monitoring systems to improve detection response times for spills and spill estimations, and improvements to communication protocols and procedures in the event of future spills. See Prosecution Team Response to Comments for Channelkeeper – 2.4 and Channelkeeper – 7.1 for more details.

One additional issue we would like to raise is that of the Force Main Condition Assessment Report. In the April 2, 2024, Spill Technical Report, this assessment was reported to have been underway since 2022, prior to the 24" Force Main failure and spill. GWSD had shared that this report was going to be finished and released sometime early in 2025. However, it has not yet been completed or released. Has this Condition Assessment Report draft been reviewed as part of the investigation?

Prosecution Team Response to Comment Channelkeeper – 3.5

The Condition Assessment Report mentioned by the commenter was not part of the investigation. The Discharger provided the results of its 24-Inch Force Main Hydrostatic Test Report, dated April 23, 2024, documenting the successful testing of the entire 24-inch force main after its repair and prior to recommissioning. The Discharger also reported that the Discharger's force main contingency plan for reinstatement is above standard protocol and was reviewed and implemented in coordination with several local agencies and engineering experts.

As we stated in our letter last year, these issues shed light on the lack of systems in place to monitor and alert personnel when infrastructure failures occur and the inadequacies of the District's spill response plan. Channelkeeper believes that these issues should be addressed in the penalty calculation methodology for this proposed order.

Prosecution Team Response to Comment Channelkeeper – 3.6

As stated above, pressure and flow monitoring systems were in place, so the Discharger did not lack flow metering or notification capabilities. Immediately after the spill, and while the investigation was still proceeding, the Discharger voluntarily installed an additional, temporary flow meter at its pump station to confirm the existing meters at the receiving end were operating properly at the time of the spill and to refine the spill volume estimates. The Discharger kept this redundant temporary flow meter installed until it could install a new flow metering system, calibrated to a sensitive delta trigger, and integrated with an updated SCADA system that promptly alerts personnel of any change in flow.

Further, the Discharger implemented the current Statewide General Order spill notification and response requirements and voluntarily updated its SSMP and SERP, its primary communication and response protocols, to reflect updated communications strategies. Since the February 2024 spill, the Discharger timely submitted an updated SSMP Audit and SSMP that focuses on its spill response and corrective actions.

Additionally, the Discharger proposed a supplemental communication plan to the Goleta Slough Management Committee in an effort to foster more informal and proactive coordination with interested agencies and organizations, above and beyond what is required. The Discharger plans to circulate an updated proposal in early 2026. Additional proactive and voluntary improvements that have been and are being implemented are included in Prosecution Team Response to Comment Channelkeeper – 2.4 above.

Santa Barbara Channelkeeper – 4

Supplemental Environmental Project (SEP) Proposal

Channelkeeper reviewed the Supplemental Environmental Project (SEP) proposal described in Attachment B for the Santa Barbara County Point of Entry (POE)/Point of Use (POU) Pilot Project. While Channelkeeper is supportive of the human right to water, a Water Board top priority and core value, particularly in disadvantaged communities and has been involved in long-standing efforts to address drinking and surface water impacts of nitrate pollution from irrigated agricultural lands along the Central Coast, we wonder if other SEPs with a more immediate nexus to the Goleta Slough were evaluated.

Regarding the proposed SEP described in Attachment B, Channelkeeper has several questions regarding the durability or longevity of the project proposed. The POE/POU proposed pilot project may support up to 30 households for up to 2.5 years, once implemented. Following the 2.5 years of operation, the POE/POU would either need to be decommissioned or maintained independently by the households or state/local funding. How much does it cost to maintain POE/POU systems and is it likely that disadvantaged communities may be able to maintain POE/POU systems beyond the

available SEP funding? Additionally, we noticed that the SEP estimated budget has allocated approximately 6% or \$93,000 in “continued budget evaluation to include additional wells.” Could this funding be used to maintain the POE/POU systems until additional funding is found to continue operation and maintenance of the systems instead of decommissioning the systems?

Prosecution Team Response to Comment Channelkeeper – 4

During settlement negotiations, the Prosecution Team informed the Discharger that the State Water Board adopted a revised Policy on Supplemental Environmental Projects (SEP Policy) on December 5, 2017, which authorizes the Regional Water Boards to allow settling respondents to satisfy part of any monetary assessment imposed through administrative civil liability orders arising out of settlements by completing or funding a SEP. During these negotiations, the Prosecution Team explained that the Central Coast Water Board supports the inclusion of settlement projects so long as the project meets the criteria specified in the SEP Policy and aligns with the Central Coast Water Board’s Settlement Project Priorities. The Discharger considered various SEP ideas, including the possibility for local habitat restoration projects, regional projects related to climate change, Goleta Slough water quality improvement monitoring, and also the need for well testing and safe drinking water projects in the southern part of the Central Coast region. Ideas for local restoration projects were not developed further due to the difficulty for the restoration projects to meet the SEP Policy criteria, particularly the limits on implementation schedule and contingent budgets. The Discharger also briefly considered an Enhanced Compliance Action (ECA) to rehabilitate or realign its force mains, but opted to not pursue this option so it would not be restricted by limits on implementation schedule to complete expanded condition assessments of its force mains and more completely evaluate and implement recommended improvements with complex permitting requirements and multi-agency coordination. Ultimately, the Discharger chose a proposal to fund and implement a third party-performed SEP, the Santa Barbara County Point of Entry and Point of Use Pilot Project (the proposed SEP).

More than 90 percent of the Central Coast region’s population depends on groundwater as the only drinking water source. Substantial progress has been made to implement the human right to water in the Central Coast region by many governmental and non-governmental organizations, particularly in the northern part of the region (e.g. Monterey and Santa Cruz Counties). Compared to the north, there are significant safe drinking water data collection and project implementation gaps in the southern part of the region. The proposed SEP will leverage existing drinking water projects to fill this data and implementation gap in Santa Barbara County and provide important information to support safe drinking water for communities in the southern part of the region. The results of the proposed SEP will help answer the question of how much it will cost to operate and maintain POE/POU systems for residents in Underrepresented Communities. One of the main goals of the POE/POU Pilot Project is to determine whether POE/POU treatment is a viable, sustainable long-term solution to access safe

and reliable drinking water for communities that rely on contaminated groundwater as the only source of drinking water.

Phase 2 of the proposed SEP reserves \$93,000 because the exact costs for the construction of the location-specific POE/POU treatment systems are currently unknown. The proposed SEP implementer, Stantec Consulting Services, Inc. (Stantec), will conduct sampling until approximately 30 Participant Households served by impaired wells are identified. Stantec will then identify relevant solutions for each household's water quality issues, prioritizing where there is an NSF/ANSI certified point of entry and/or point of use system to remove the contaminant(s) of concern (or where a custom design for a well-established treatment technology is not cost prohibitive). If the total project costs are less than 90% of the SEP budget, Stantec will determine whether additional wells can be included in the proposed SEP assuming similar rates of water quality issues. Stantec will evaluate the projected budget quarterly to assess whether more wells can be included in the proposed SEP.

A SEP is an "environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake, in settlement of the action and to offset a portion of a civil penalty." (Pub. Res. Code section 71118(a)(3).) The SEP Amount (the amount of civil liability that may be expended on a SEP) is treated as a suspended liability. If the entire SEP Amount is not spent in accordance with the SEP Project Schedule and by the SEP Completion Date, the Discharger must pay the remaining balance as a civil liability to the State Water Pollution Cleanup and Abatement Account. (See Settlement Agreement, Section III.3.k.) If the reserved \$93,000 or portion thereof is not spent in accordance with Attachment B of the Settlement Agreement, it must be deposited in the account established by statute.

Santa Barbara Channelkeeper – 5

(June 14, 2024 Letter)

Santa Barbara Channelkeeper (Channelkeeper) is writing to you regarding the Goleta West Sanitary District's (District) 1,089,000-gallon sewage spill that occurred on February 16 and 17, 2024. Channelkeeper is a 501(c)3 organization based in Santa Barbara, CA. We are dedicated to protecting and restoring the Santa Barbara Channel and its watersheds through science-based advocacy, education, field work and enforcement.

According to the Technical Spill Report submitted by the District to the California Integrated Water Quality System (CIWQS), 1,022,500 gallons of untreated sewage were discharged to Tecolotito Creek, Goleta Slough State Marine Conservation Area, and the Pacific Ocean. On March 4, 2024, the Central Coast Regional Water Quality Control Board issued the District a Notice of Violation (NOV) pursuant to Water Quality Order No. 2022-0103-DWQ. The NOV provided details on the civil liabilities that can be administered for Clean Water Act section 301 violations as well as the requirement for

the submission of a spill technical report. Channelkeeper reviewed the Spill Technical Report dated April 2, 2024, and its four attachments and would like to highlight several issues of concern for your attention regarding this significant incident as you undergo your investigation. We also wish to share our support for the Regional Board's thorough investigation of this spill which is by a substantial magnitude (100 times) greater than the next largest sewage spill into Santa Barbara area waters since 2013 and are looking for penalties sufficient to ensure accountability and recovery efforts.

The District's Technical Spill Report confirms and provides more details around many of the issues that we are deeply concerned about which include the following: 1) the cause of the spill resulting from significant pipeline corrosion when the recent November 2022 condition assessment concluded that the "force mains were in good operating condition" 2) the massive volume of the spill and that it went unnoticed for fourteen hours before there was any response, 3) the many communication mishaps, 4) the inability to quickly and accurately provide a spill volume estimate, 5) the lack of action on the two days following the spill, and 6) the events that occurred before and after the spill which have been pointed to as minimizing the spill impact. These issues shed light on the lack of systems in place to monitor and alert personnel when infrastructure failures occur, the inadequacies of the District's spill response plan, and the minimization of the assessment of impacts from a one-million-gallon sewage spill.

Prosecution Team Response to Comment Channelkeeper – 5

Please refer to Prosecution Team Response to Comment Channelkeeper – 1 through 3.6 above.

Santa Barbara Channelkeeper – 6

(June 14, 2024 Letter)

Facility Issues

A major issue that the District's technical spill report sheds light on is the lack of monitoring equipment, which is crucial to alert personnel of system or infrastructure failures. The spill was discovered by personnel conducting a physical inspection of the pipeline some time up to fourteen hours after it started. Two outstanding questions that we have regarding monitoring equipment is why is the District not required to have a flow meters and alarm systems that can detect changes in flow rates and send alarms to designated personnel and why is the only flow meter at the Regional Sanitation District operated by the Goleta Sanitation District (GSD)? Additionally, according to Table 1 – Chronological Timeline of Relevant Actions, the GSD plant operator at the Regional Wastewater Treatment Plant, where the flow meters are located, did not observe the flow issue until 0626, which was only two hours before the spill was discovered in the field. Why was this flow issue not detected earlier by either the system or the operator? This suggests that there was no alarm system to alert the operator about the flow change or that the operator was not closely monitoring the flow meters.

Additionally, we question the District’s operators’ decision to reinstate the 24-inch force main into service late on February 16, when they would have to complete the routine visual inspections on the following day. Cumulatively, these facility and system deficiencies and the operator decision regarding the timing of reinstating the pipeline contributed to the largest sewage spill in Santa Barbara County in the past decade and as such, despite taking “immediate corrective action” as described by the District, over one million gallons of untreated sewage had already spilled into three local waterbodies.

According to the Technical Spill Report, the District is in the process of installing its own flow meters which will be able to accurately monitor the volume of the flow as well as a Supervisory Control and Data Acquisition (SCADA) system, which will detect variation in pumping volumes and be able to set off an alarm when a volume threshold is reached. Channelkeeper would like a status update on the installation of the flow meters and SCADA system. Have these systems been installed? If not, what is the timeline for when this equipment will be installed and brought online? Additionally, we would like to see the flow and monitoring systems at the GSD tested and checked and upgraded if necessary.

Prosecution Team Response to Comment Channelkeeper – 6

Please refer to Prosecution Team Response to Comment Channelkeeper – 2.3, 3.3, and 3.6 above.

Santa Barbara Channelkeeper – 7

(June 14, 2024 Letter)

Spill Response Issues

The reported estimates of the spill dramatically grew over a five day-period. On Saturday, February 17 the estimated spill was reported to be 1,000 gallons. This was updated to 30,000 gallons in the reports on Wednesday, February 21. On Thursday, February 22, the estimated spill was 500,000 gallons, only to be increased to more than 1 million gallons on Friday, February 23. A 1.5 mile stretch of Goleta Beach was closed to recreational contact on Thursday, February 22 – six days after the spill began. This is unacceptable. It betrays public confidence in a critical public health matter. A thorough understanding of why and how varying spill estimates were reported and the breakdown in interagency communications related to the spill is imperative.

Prosecution Team Response to Comment Channelkeeper – 7.1

The Discharger’s initial estimate was restricted by onsite observations and a limited understanding of the nature of the spill. The Discharger originally characterized the spill as a significant event *greater than* 1,000 gallons. It is reasonably expected of a discharger to refine its volume estimates after addressing the primary spill response objectives and conducting a more detailed analysis. The Discharger’s response and

investigation, including exchanging and analyzing additional data with support from GSD and temporary installation of an inflow meter, did result in updates to the estimated spill volume, and those increased estimates were substantial. Those updates, however, did not alter the reporting and spill response requirements required under the Statewide General Order because the Discharger treated the event as a significant spill from the start.

Since the February 2024 spill, the Discharger voluntarily installed an improved flow meter and increased the sensitivity of its spill alarm to be able to avoid human error in the future with detecting a spill and be able to more quickly assess the approximate volume of a spill.

Another takeaway from the Spill Technical Report that we remain concerned about is the numerous missteps and delays in the early timeline of the spill which illuminate inadequacies of the spill response.

Based upon the reporting in the timeline, the following are the issues and improvements that we would like to point out and see:

- In this case, a GSD operator texted an off-duty District staff member's personal cell phone to relay critical flow information and that message was not received until two hours after it was sent. Because the District currently relies on the GSD's flow meters, there should be a clear and standardized protocol for communication between the GSD and the District to report critical information.
- District staff left a voice message for Santa Barbara County Public Health Department (SBCPHD) and states that they did not have a 24-hour number to call. The Technical Spill Report also states that the District communicated with SBCPHD throughout the week of February 20 to confirm emergency hotline telephone numbers, which suggests that the District did not have these important numbers on hand.
- Several agencies were notified 8.5 hours after the spill was discovered. We would like to know the full list of agencies contacted and if they were the right ones. We remain concerned that not all the agencies with jurisdictions over the Goleta Slough were notified which has resulted in less information from the Slough impacts being collected. We are concerned that certain experts were not notified and available to conduct assessments, which could have been included in the impact analysis. While responding and stopping a sewage spill is critical, we think that communicating the spill to the necessary agencies and the public should occur much earlier in the process. A specific communication plan with all of the necessary agencies listed, including up-to-date contact information, and the designation of who implements the communication plan should be documented, reviewed, and updated on a specified timeline.

**Item 12 - Attachment 2
February 26-27, 2026
Response to Comments**

- As of April 4, 2024, the date of the report, the District’s evaluation of the spill duration and volume estimate was ongoing due to not having monitoring systems in place nor the data to be able to determine accurate calculations. Determining spill duration and volume is critical to the response and must be something that a sanitary district can perform efficiently and accurately. Precise methods for determining spill volumes and duration are needed.
- Quick field estimates were relied upon initially to quantify the spill volume, which turned out to be magnitudes of difference from the flow calculations that were determined later. We remain concerned that neither field estimations nor flow calculations were accurate for nearly a week following the spill, which had significant implications for when the spill was communicated to the public. We would like to see communication with the public and notification posting at the beach occur much earlier following a spill, potentially within a certain number of hours of spill discovery, particularly when the sewage spill has impacted surface waters that are used by the public, even if spill calculations are ongoing.
- According to the timeline of events, District staff left the site at 1045 on February 18 when the rain started and did not return to the site on February 19. We remain concerned that more could have been done in the early days following the spill such as taking additional samples, following up on agency communications, and refining spill calculations.

Prosecution Team Response to Comment Channelkeeper – 7.2

Please refer to Prosecution Team Response to Comment Channelkeeper – 1 through 3.6 and 7.1 above.

Santa Barbara Channelkeeper – 7

(June 14, 2024 Letter)

Spill Impact

Channelkeeper is also concerned with the conclusion made by the District’s consultants regarding the sewage spill impact assessment. The Goleta Slough is a critically important wetland habitat for many species of birds, fish, and other animals, including federally listed endangered species such as the Tidewater goby and Southern steelhead trout. Because of its important ecological habitat, the Goleta Slough is designated as both a State Marine Conservation Area and an Ecological Reserve. Additionally, the Santa Barbara Channel, the receiving body of water for the Goleta Slough, is recognized as one the most biologically productive ecosystems on Earth. Within the Channel there exists unparalleled species density and diversity, including many endangered, threatened, and sensitive marine species including blue, grey, and humpback whales, southern sea otter, southern steelhead, marbled murrelet, brown pelicans, as well as giant kelp beds and eelgrass meadows that provide habitat for

Item 12 - Attachment 2
February 26-27, 2026
Response to Comments

hundreds of marine species. Over the course of fourteen hours between February 16th to February 17th, over 1,022,500 gallons of untreated sewage spewed uninhibited into these ecologically significant waterways.

The conclusion in the Technical Memorandum, which is included as Attachment 4 to the Technical Report, is that there was a short-term impact on water quality near the spill site and no longer-term water quality impacts to the Goleta Slough. This conclusion was based on the limited available data collected by the District, which includes data for two parameters, fecal indicator bacteria (FIB) and ammonia, and thirteen data points. Only one set of samples were taken on the day the spill was discovered and twelve sampling events were conducted after the rain event, with a gap of five days between when the first samples were taken and the next samples taken. Additionally, ammonia samples were only taken at two out of six sites in the Goleta Slough on the day of the spill.

The impact assessment points to several large overlapping events during the timeline of the sewage spill including a significant rain event that spanned over several days as well as a large dredging and beach nourishment project conducted by the County's Flood Control Department. Independently, large rain events as well as dredging and beach nourishment have known water quality impacts to waterways and the beach. In this case, the report states that the rainfall event "resulted in significant dilution and flushing of Slough waters to the Pacific Ocean at Goleta Beach," suggesting that the occurrence of the rain event helped to improve the water quality in the Slough following the spill of over one million gallons of raw sewage. No sampling occurred of the Pacific Ocean to attempt to document the impacts to the ocean. The report seems to suggest that the dilution of over one million gallons of untreated sewage in the Pacific Ocean is acceptable.

In addition to the ecological importance and richness of the Pacific Ocean, Goleta Beach provides important access to the community for recreational activities in the Pacific Ocean including swimming and kayaking as well as fishing. The Impact Report asserts that "recreational activity at Goleta Beach near the mouth of the Slough was also minimal due to a rainfall advisory and beach closures starting on February 21 due to beach nourishment operations." We are concerned that absent these serendipitous events, there could have been a much greater human impact due to the delay in posting and beach closure specifically for the sewage spill. Additionally, it is unclear what the human use or activity level of the beach and ocean at Goleta Beach was on Saturday, February 17th, the day the spill was discovered but before the rain started or the beach was closed due to beach nourishment activities.

Ultimately, we disagree with the consultant's translation of the State's Water Quality Enforcement Policy of this over one-million-gallon sewage spill to a Factor 2, score of 1 (Minor). Over one million gallons of untreated sewage was released into several important ecological and recreational waterways. The results of the limited sampling conducted indicate that there were nearly three weeks where the ammonia levels and enterococci results were elevated and there was a five-day gap before the first press release occurred, which would have spurred the closure of the beach due to the sewage

spill. Absent beach warnings and closure due to the simultaneously occurring rain event and dredging and nourishment projects, there would have been a potentially very large human impact because this spill occurred in a very busy and popular county park.

Prosecution Team Response to Comment Channelkeeper – 7.3

The Prosecution Team’s Potential for Harm analysis under Step 1 of the 2017 Enforcement Policy’s penalty calculation methodology is provided in Attachment A of the Settlement Agreement (see Factor 2: Actual Harm or Potential Harm to Beneficial Uses, pages 4-7.) Under the Factor 2 consideration, the Prosecution Team assigned a score of 5 (Major) because the unpermitted discharge caused a beach closure for more than 5 days.

Santa Barbara Channelkeeper – 7

(June 14, 2024 Letter)

In conclusion, it is clear from the Technical Report submitted by Goleta West Sanitary District that many avoidable issues including facility shortcomings and human error contributed to the over one-million-gallon sewage spill into the Tecolotito Creek, the Goleta Slough, and the Pacific Ocean. Channelkeeper would like to see the many improvements included in this letter implemented in order to avoid a sewage spill of this magnitude from happening again in the future. We would also like to see any penalties assessed maximized and based on the volume of untreated sewage and do not believe that the District should “benefit” from any reduced impacts that resulted from the coinciding rain events and dredging and beach nourishment operations.

Thank you for your consideration of these concerns. Please feel free to reach out with any questions. We would like to remain informed of the progress in the Regional Board’s investigation and how concerned citizen groups such as ours can appropriately engage.

Prosecution Team Response to Comment Channelkeeper – 7.4

Please refer to Prosecution Team Response to Comment Channelkeeper – 1 through 3.6 above.

Heal the Ocean – 1

Heal the Ocean has a multi-decadal history of working with sanitary districts on the Central Coast, including working on major septic-to-sewer conversion projects, advocating for upgrades to wastewater treatment plants, and initiating plans and studies for recycled water in Santa Barbara County. In the week following the February 16, 2024 discharge of at least 1,071,696 gallons of untreated wastewater from Goleta West Sanitary District (GWSD), Heal the Ocean received numerous calls and emails from

community members who were severely concerned about the health of the Goleta Slough and ocean, and wanted to know what would be done in response to the discharge event. In the same week, we participated in a meeting with Brian McCarthy and other members of the Goleta West Sanitary District to receive confirmed information about the incident. We followed up with concerned community members to assure them that the Regional Board would investigate the incident. Heal the Ocean committed to tracking follow up actions to ensure that they adequately addressed the impacts to our wetlands and ocean that occurred.

At the time of the spill, Heal the Ocean's Executive Director, Karina Johnston, served as the Facilitator for the Goleta Slough Management Committee (GSMC) and was provided multiple updates by GWSD as part of recurring meetings. Karina was the GSMC Facilitator for three years, and her expertise gained from the role gave her a high level of familiarity with the discharge area and the resulting ecological impacts. The spill resulted in substantial impacts to the protected Goleta Slough Ecological Reserve and Goleta Slough State Marine Conservation Area, the ecological health of the wetlands and nearshore habitats, and the ocean.

Prosecution Team Response to Comment Heal the Ocean – 1
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Comment above is background information and does not require a response.
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Heal the Ocean – 2

Heal the Ocean is concerned that the administrative civil liability amount (\$1,551,145) proposed in this settlement agreement is too low to adequately match the level of damage done to our sensitive ecological areas, too low to serve as an effective preventative measure to ensure that a discharge of this magnitude does not reoccur, and too low to adequately be reflected as a sufficient Supplemental Environmental Project (SEP). We ask the Regional Board to reassess this civil liability amount, with particular focus on the Per Gallon and Culpability Factors. Specifically, we are concerned that the determination of \$2.00 per gallon (the lowest option for discharges between 100,000 and 2,000,000 gallons) for the High Volume Discharge Rate and a Culpability Factor of 1.0 are not sufficient.

Prosecution Team Response to Comment Heal the Ocean – 2
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Please refer to Prosecution Team Response to Comment Channelkeeper – 2.1 through 2.3 and 3.3.

Heal the Ocean – 3

Section 8.F of the State Water Resource Control Board's Policy on SEPs lists Public Resources Code section 71118 (b)(4), which requires consideration of the relationship

between the location of the violation(s) and the location of the proposed SEP, referred to in the Policy as a *nexus*.

For the Water Boards, there must be a relationship between the nature or the location of the violation and the nature or the location of the proposed SEP. A relationship between the nature of the violation and the proposed SEP exists if the project demonstrates that it is designed to reduce:

- 1) The likelihood that similar violations will occur in the future;
- 2) The adverse impact(s) to public health and/or the environment to which the violation at issue contributes; or
- 3) The overall risk to public health and/or the environment potentially affected by the violation at issue.

While the actions listed in the proposed SEP are high priority for the Central Coast, and we understand that providing access to safe drinking water for Underrepresented Communities may not require a strong nexus based on the Policy, we are concerned that the nexus listed in the proposed SEP does not match the impacts to coastal water quality and sensitive habitats. The specific adverse impacts to public health and the environment where the spill occurred are not addressed. We are surprised to see no inclusion of actions related to the restoration of wetland, slough, and other coastal areas, particularly in or near the Goleta Slough, Goleta Beach, and the nearby coastline. We suggest that the actions within the SEP, if not altered, at least be augmented to include additional actions directly related to improving the health of the impacted areas, such as wetland restoration within the Goleta Slough.

Prosecution Team Response to Comment Heal the Ocean – 3

Under the SEP Policy, “there must be a relationship between the nature **or** the location of the violation and the nature **or** location of the proposed SEP.” (SEP Policy, page 12.) A relationship between the location of the violation and the proposed SEP may exist if the primary benefits to be attained from the SEP are, among other things, “located at a different site in the same ecosystem or within the immediate geographic area (e.g., in the same community, the same watershed, or within a 50-mile radius), subject to approval by the appropriate Regional Board.” (Id.) The list of locational nexus examples is not exclusive.

The proposed SEP has a locational nexus because it is comprised of multiple POE/POU treatment systems and bottled water deliveries in Santa Barbara County; the county where the violation occurred.

Please refer to Prosecution Team Response to Comment Channelkeeper – 4.

County of Santa Barbara and City of Goleta – 1

We submit the following comments regarding the proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R3-2025-0074 between the Central Coast Water Board and the Goleta West Sanitary District (GWSD). In our view, the agreement does not go far enough to address the devastation caused by the massive spill and the clear shortcomings in management by the District.

The February 2024 sewage spill, which discharged more than one million gallons of untreated wastewater into Tecolotito Creek, the Goleta Slough, and adjacent coastal waters, had a profound impact on the beaches of Goleta and Santa Barbara – negatively affecting untold thousands of community members who rely on these areas daily. This incident closed a cherished public recreation area, disrupted coastal ecosystems, and caused understandable public concern about the adequacy of local wastewater infrastructure and emergency notification procedures. The fact that the notification system did not work only added insult to injury, causing justifiable community alarm and doubts about the management of the District.

Prosecution Team Response to Comment County of Santa Barbara and City of Goleta – 1
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Comment above is background information and does not require a response.
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County of Santa Barbara and City of Goleta – 2

In Attachment A to the proposed Settlement Agreement between the Board and the District, the State Water Board’s Enforcement Policy methodology is followed step-by-step and determines that this spill scores a 9 out of 10 in terms of severity and harm to the public and environment. But, in the 2nd step of the methodology, the Prosecution Team determines arbitrarily that the Water Board should only apply a \$2.00 per gallon fine, rather than the maximum \$10.00 per gallon fine (see page 9 of Attachment A).

However, the Board’s Enforcement Policy clearly states:

“In most cases, the Water Boards shall apply the above per gallon factor to the maximum per gallon amounts allowed under the Water Code for the violations involved. However, recognizing that the volume of certain discharges can be very high, the Water Boards may elect to use a value between \$2.00 per gallon and \$10.00 per gallon...” (emphasis added)

The Section goes on to provide examples of the types of spills that would allow the Board to consider a per gallon amount less than \$10.00:

“Examples of discharges that could be subject to a reduction include, but are not limited to, wet weather sewage spills, partially-treated sewage spills, discharges from irrigated

agricultural operations, potable water discharges, and construction or municipal stormwater discharges.”

This spill is not one of the examples cited above. This spill was over 1,000,000 gallons of raw sewage that did incalculable damage to the environment, public health, and a loss to coastal recreation for 23 days—hence the score of 9 out of 10.

Finally, from the same section of the Enforcement Policy, it states:

“The Water Boards should be thoughtful when reducing the per gallon liability in order to avoid rewarding or incentivizing the failure to mitigate the number of gallons discharged and to further consistency in enforcement.”

Using the appropriate \$10.00 per gallon fine, the correct assessment should be 5 times the amount in the Settlement, or **\$7,755,725**.

Prosecution Team Response to Comment County of Santa Barbara and City of Goleta – 2
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Please refer to Prosecution Team Response to Comment Channelkeeper – 2.1 and 2.2.

County of Santa Barbara and City of Goleta – 3

We recognize and appreciate that the proposed Supplemental Environmental Project (SEP) aims to expand access to safe drinking water for underrepresented communities in Santa Barbara County—a goal we strongly support and would hope happens without the force of settlement agreement. Given that the spill’s impacts were concentrated at Goleta Beach and the Goleta Slough, we respectfully urge the Regional Board to ensure that any settlement maintains a reasonable nexus between the violation and the resulting community harm.

Specifically, we recommend that the SEP addressing countywide drinking water access be in addition to other community benefit or financial mitigation actions directly tied to the spill area. The Goleta Beach corridor and adjacent environment remain vital ecological, economic, and recreational resources for our region. Restoration, monitoring, or public access improvements in that vicinity would more appropriately respond to the localized harm caused by this discharge event.

Prosecution Team Response to Comment County of Santa Barbara and City of Goleta – 3
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Please refer to Prosecution Team Response to Comment Channelkeeper – 4 and Heal the Ocean – 3.
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County of Santa Barbara and City of Goleta – 4

Additionally, we wish to emphasize the critical importance of upholding the public trust through transparent governance and rigorous accountability. Incidents such as the February 2024 spill—and the delays and discrepancies in public notification—underscore the need for the Goleta West Sanitary District to fully embrace its responsibility for open communication and responsive management, not just during emergencies but in all aspects of district operations. The entire incident has raised many questions about the management of the District, especially given the close proximity of a neighboring sanitary district.

Robust, transparent engagement with affected constituents and commitment to timely, accurate disclosure are essential to restoring trust and ensuring that future decisions protect both public health and the local environment. To that end, the Board should require the District to immediately develop and adopt a comprehensive Action Plan for public notification and response should another sewer spill occur. Additionally, to guarantee real accountability, the Action Plan must specify that meaningful financial penalties will be imposed if notification protocols and response measures are not strictly followed.

Thank you for considering these comments and for your ongoing efforts to protect our coastal and community health. We look forward to continued partnership to ensure strong accountability and meaningful recovery following this significant spill of more than a million gallons.

Prosecution Team Response to Comment County of Santa Barbara and City of Goleta – 4
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Please refer to Prosecution Team Response to Comment Channelkeeper – 3.4.

Bernard Friedman – 1

Thank you for following up and sending out this information on the proposed settlement. I was very disturbed and directly impacted by the sewage discharge created by GWSD on February 16, 2024. I am a shellfish farmer operating a 72-acre shellfish farm approximately 4.5 miles from the site of the illegal sewage discharge. It is illegal and harmful to my customers for my business to sell sewage contaminated shellfish. I spend a lot of time and money monitoring water quality and work closely with the California Department of Public Health to make sure my shellfish do not contain any fecal coliform potentially harming the public due to the consumption of my shellfish.

Neither I nor the CDPH was contacted while the event was occurring to warn of this risk. I lost sales due to the perceived media attention that the ocean was now contaminated and it was unhealthy to eat seafood coming from the ocean. I also had to increase my water quality monitoring duties as an after effect. I did talk to a lawyer about receiving

**Item 12 - Attachment 2
February 26-27, 2026
Response to Comments**

compensation for these losses but was discouraged from pursuing such lawsuit as the losses are hard to prove appropriate compensation.

I will say that I was closed for two harmful algal blooms. One in the Fall of 2024 for 2.5 months and another one for 2.5 months in the Spring of 2025. It is really hard to prove a scientific correlation between human impacts on water quality and harmful algal blooms that are occurring with more frequency off the coast of Santa Barbara, but harmful algal blooms are increasing in frequency and I do believe they are caused by human pollution sources such as one related by this event.

In order for my business to stay profitable and productive, these events cannot occur. We cannot contaminate our seafood with raw sewage. This is inexcusable and I feel like the impacts to my farm and my family whose sole source of income comes from this farm has not been recognized and elevated to a significant level of importance. In my eyes, justice has not been served. I hope that you have some power to correct this and mitigate these offensive and destructive impacts to my shellfish farm.

If you can direct any of the settlement penalties towards my business, I would be much appreciative. At the very least, please elevate the importance of my business in the state of California. Farming shellfish is a very sustainable form of seafood production. Having the necessary water quality to continue shellfish farm is imperative.

Prosecution Team Response to Comment Bernard Friedman – 1

The Prosecution Team is conducting this enforcement action and recommending the proposed Stipulated Order consistent with the State Water Board 2017 Enforcement Policy. The Prosecution Team contends that the proposed Stipulated Order is fair, reasonable, and fulfills all its enforcement objectives; that no further action is warranted concerning the alleged violation, except as provided in the proposed Stipulated Order; and that the proposed Stipulated Order is in the public's best interest.

Any liability imposed by the Central Coast Water Board must be expended and paid by the Discharger in accordance with the terms of the proposed Stipulated Order, the SEP Policy, and California Water Code. Please refer to Prosecution Team Response to Comment Channelkeeper – 4.