



Monday, April 29, 2019

Local Agency Formation Commission
County of Santa Barbara
1054 East Anapamu Street, Rm 407
Santa Barbara, CA 93101

Re: LAFCO May 2, 2019 Agenda: Information Item 1 - Los Olivos Community Services District Update Letter

Dear Chair Lavagnino and Members of the LAFCO Commission

In your agenda today you have an "**Informational Report - No Action is Necessary.**"

Considering what is in this report, Heal the Ocean asks the Commission to reject it, and that it be put on a future publicly noticed agenda where it can be commented on by both residents and water quality experts alike. To accept this report, without comment, is to imply agreement.

Agreement is not what LAFCO wants to do. This "Informational Report" contains alarming information, such as allowing Advanced Treatment Systems, such as working with the business/downtown district first, the residents at a future time, possible connection to the Solvang Wastewater Treatment Plant - which would be years down the road - and an extension of Formation activities anywhere from 3 to 5 years.

Please, NO!

In its approval by LAFCO of the Formation of the Los Olivos Community Services District (LOCS D) a condition of this approval was that in one year (by April 2019), the LOCS D would have implemented a Proposition 218 Assessment to **Fund Wastewater Treatment Facilities** for the area, including CEQA and other Planning Analysis, Assessment Study and Necessary Election.

LAFCO stipulated: *"The District, if formed, shall cease to exist if an assessment to fund a wastewater collection, treatment, and disposal system or systems to serve the community is not approved within one year of the effective date, or Santa Barbara LAFCO otherwise extends such deadline, or other LAFCO approved arrangements are made for funding the District."*

In November 14, 2018, LOCS D asked for an extension of an additional year to meet this requirement, and Heal the Ocean agreed to this extension - to April 2020 - *if interim progress reports were filed with the Commission*, so that the Commission - and also the citizens of Los Olivos - will not be left at the last minute with no solution to the wastewater problem, the groundwater pollution problem, and punitive action by both State and Regional water quality control boards.

Now before the Commission is an "**Informational Report - No Action is Necessary.**"

No action implies consent, which you cannot give.

Right now, during all this delay there are citizens forced to buy expensive Advanced Treatment Systems at a cost of \$40K+ each when their systems fail. This removes them from the ability to pay for a centralized wastewater system, *to serve everybody* - which is the condition of LOCSD Formation.

In addition, this "Informational Report" contains old news about rising nitrates in groundwater. Together with the Regional Water Quality Control Board, Heal the Ocean is soon (by June 2019), to release its *Santa Barbara County Groundwater Characterization Project: Santa Ynez River Valley Groundwater Basin*" report, which is being fine-tuned by hydrologists now. But for LAFCO, here's a preview:

The highest OWTS densities and highest risk of OWTS groundwater pollution occur in a north-south transect between the town of Los Olivos and the Janin Acres subdivision (Figures 2 and 3). The OWTS density map shows that the highest densities occur near the towns of Los Olivos, Santa Ynez, and Janin Acres subdivision. Although much of the town of Santa Ynez has been connected to sewers, high OWTS densities still exist outside of the sewer areas. The map of OWTS groundwater pollution risk highlights the Janin acres subdivision as the highest risk area in the entire SYRV basin. ****

Rick Merrifield, former Santa Barbara County Environmental Health Services Director now consulting (and on the Advisory Board) for Heal the Ocean, has made input to the above-mentioned report. The Regional Board is now incorporating his edits and comments. Mr. Merrifield's memo (attached to this letter), contains the following remarks:

As noted in the report, the geology, OWTS density, and nitrate levels reveal a pretty clear pattern of OWTS impacts from Los Olivos south to Ballard and Santa Ynez and the Santa Ynez River. These findings and data are consistent with and essentially confirm previous studies, experience and common knowledge of the conditions in the Santa Ynez Valley related to the use of OWTS. **Something not noted in the report is that development of Los Olivos on lots as small as 4,500 square feet (that's one-tenth of an acre or, to use the report's EPA categories, more than 6,000 OWTS per square mile) using onsite sewage disposal dates back to the 1880's.** Human activity has increased drastically since that time and some of these systems are up to 140 years old! Does anyone truly think they are still functioning as effective treatment systems? A short walk around Los Olivos reveals that room for leach field expansions on these small lots is almost nonexistent. It has been clear for some time that septic systems impact groundwater, particularly when they are used on small lots in areas with shallow groundwater.

Please note Mr. Merrifield's comments about the small lots (residents outside the Downtown Area), and the "Informational update letter" from LOCSD suggesting these residential lots be considered at a "later date."

Rick Merrifield also makes the subjective comment, which needs to be considered by any governing body overseeing this entire Santa Ynez Valley problem:

I would argue that groundwater quality in the Santa Ynez Valley related to use of OWTS has been more than adequately studied. **What seems to be missing is not data but the political will** to actually do something to improve what most of us realize is a problem that can only get worse and more expensive to eventually resolve.

The political will, as it stands, is in the hands of LAFCO as we speak. Please say NO to this "Informational Report," and schedule it for a public hearing, for comment.

Thank you!

Sincerely,

A handwritten signature in black ink that reads "Hillary Hauser". The signature is written in a cursive, slightly slanted style.

Hillary Hauser, Executive Director

***A property owner in Janin Acres has asked to be connected to the Santa Ynez Community Services District sewer line that goes right by his property, but was turned down by the LAFCO Executive Director. He is now forced to buy an Advanced Septic Treatment System. Please see above preliminary finding of the HTO/RWQCB report about Janin Acres, and Mr. Merrifield's comment about political will. LAFCO should be helping this situation.

Richard M. Merrifield
11630 Side Hill Circle
Nevada City, CA 95959

TO: Hillary Hauser, Heal the Ocean

FROM: Rick Merrifield

DATE: February 25, 2019

SUBJECT: Draft Santa Barbara County Groundwater Characterization Project: Santa Ynez River Valley Groundwater Basin

I reviewed the subject document and inserted several comments into the draft document for your consideration. In addition, I offer the following:

The draft report is well written with considerable attention to scientific accuracy and statistical support for its findings. It provides a very detailed analysis of the current state of groundwater quality, its gradual decline, and some of the probable sources causing degradation of this valuable resource. One of these sources is the continued use of onsite wastewater treatment systems (OWTS) within the subject watershed.

The report contains a great deal of valuable data and much more specific observations than previously available concerning various pollutants impacting the groundwater resources of the Santa Ynez and Lompoc Valleys. It also correctly acknowledges that there are additional pollutants that are difficult, if not practically impossible, to accurately assess. These include detergents, pharmaceuticals, pesticides, solvents, and numerous other products associated with human activity. The report also notes the difficulty associated with assigning proportional responsibility for pollution to specific sources. As we know, the environment in which we live is complex and many factors interact in ways we do not fully understand and most likely never will.

In my review I have focused on the findings and discussion related to the use of OWTS in the study area. As noted in the report, the geology, OWTS density, and nitrate levels reveal a pretty clear pattern of OWTS impacts from Los Olivos south to Ballard and Santa Ynez and the Santa Ynez River. These findings and data are consistent with and essentially confirm previous studies, experience and common knowledge of the conditions in the Santa Ynez Valley related to the use of OWTS. Something not noted in the report is that development of Los Olivos on lots as small as 4,500 square feet (that's one-tenth of an acre or, to use the report's EPA categories, more than 6,000 OWTS per square mile) using onsite sewage disposal dates back to the 1880's. Human activity has increased drastically since that time and some of these systems are up to

140 years old! Does anyone truly think they are still functioning as effective treatment systems? A short walk around Los Olivos reveals that room for leach field expansions on these small lots is almost nonexistent. It has been clear for some time that septic systems impact groundwater, particularly when they are used on small lots in areas with shallow groundwater. Los Olivos, the town of Santa Ynez and Janin Acres were all categorized as "Special Problems Areas" back in the 1970's specifically because of wastewater impacts and multiple failures of private OWTS. The community of Ballard suffers similar problems but was categorized as a problem area primarily because of flooding issues. These impacts were summarized by the 2003 Cuesta survey (Hantzsche, et al), the Los Olivos sewer conversion studies and other sources noted in the report's References section.

I would argue that groundwater quality in the Santa Ynez Valley related to use of OWTS has been more than adequately studied. What seems to be missing is not data but the political will to actually do something to improve what most of us realize is a problem that can only get worse and more expensive to eventually resolve. Planning policies that prevent sewer extensions through agricultural lands because of growth inducement concerns should be reexamined to allow use of appropriate technology while still protecting agricultural uses. Package treatment plants offer another potential solution since they don't require long sewer extensions. Regulators need to acknowledge that more data is of limited use in improving what is essentially an infrastructure issue. Communities need to acknowledge that all of us who live and work in an area contribute to the incremental degradation of our resources. Hopefully, this report will provide a springboard to encourage cooperation among interested parties and a willingness to step up and actually take effective measures to improve the quality of life and the environment in the Santa Ynez Valley.