



City of Santa Barbara
Public Works Department

Interoffice Memorandum

DATE: March 14, 2011
TO: Water Commissioners
VIA: Rebecca Bjork, Water Resources Manager
FROM: Chris Toth, Wastewater System Manager 
SUBJECT: SANTA BARBARA CHANNELKEEPER'S INTENT TO FILE SUIT

Santa Barbara Channelkeeper (Channelkeeper), a local non-governmental organization, filed a *Notice of Violations and Intent to File Suit under the Federal Water Pollution Control Act* against the City of Santa Barbara on February 24, 2011. Channelkeeper contends that the City has incurred at least 171 sanitary system overflows (SSOs) of untreated or partially treated sewage from its collection system in the last five (5) years – a spill rate of approximately 13 SSOs/ 100 miles/ year. Channelkeeper has stated that these unpermitted sewage discharges constitute permit violations under the Clean Water Act.

Channelkeeper also contends that Santa Barbara, on at least 57 separate occasions, incurred SSOs which entered the City's separate municipal storm sewer system (MS4) since November 2008, when the City first enrolled as a MS4 Permit Program permittee. Channelkeeper has included these 57 events in the overall 171 SSO event number listed above.

Channelkeeper believes that additional information will be discovered that indicates Santa Barbara has not reported each SSO from the collection system occurring within the past five years. They also believe that Santa Barbara lacks an adequate monitoring program to detect, report, and address SSOs and their impacts.

Channelkeeper intends to seek injunctive and declaratory relief and such other relief permitted by law to remedy the Clean Water Act violations they have outlined above. Channelkeeper also will seek civil penalties and recovery of litigation costs including attorneys' and experts' fees. Channelkeeper has notified the City that upon expiration of the 60-day notice, they plan to file a citizen suit enforcement action. However, Channelkeeper also noted that they are willing to discuss effective remedies for the violations noted in this letter through its legal counsel.

At this time the City is obtaining external legal representation to assist with the legal management of this matter in the immediate future.

CJT/avb