

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

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Re: *People v. Santa Barbara County Department of Public Works, Water Resources Division, Santa Barbara Superior Court Case Nos. 23CR08147 and 23CV05236*

District Attorney John T. Savrnock announced today that the Santa Barbara District Attorney’s Office Consumer and Environmental Protection Unit reached a global settlement with the County of Santa Barbara Department of Public Works, Water Resources Division (“Public Works WRD”) to resolve civil and criminal charges stemming from the agency’s operation of an oil water separator system in Toro Canyon (“OWS”). As part of the settlement, Public Works WRD pled guilty to two misdemeanors and will pay \$750,000 to resolve civil violations. Nearly half of the \$750,000 will fund Supplemental Environmental Projects (“SEPs”) benefitting the Santa Barbara community. The settlement also resolves Public Records Act litigation regarding the production of public documents related to the matter.

Background

The OWS is located at the top of Toro Canyon Creek, which begins in Toro Canyon and reaches the Pacific Ocean between Summerland and Carpinteria. The OWS consists of an underground unit that collects and separates crude oil and water from a seep, allowing the separated water to flow into Toro Canyon Creek and directing the oil through a pipeline down Toro Canyon to an underground storage tank (“UST”).

The United States Environmental Protection Agency operated the system from 1998 to 2008. In 2008, the County of Santa Barbara assumed full responsibility for the OWS, and Public Works WRD became responsible for its daily operations. The California State Water Resources Control Board (“SWRCB”) provided Public Works WRD with funding, but was never responsible for operating or maintaining the OWS.

From the beginning, Public Works WRD failed to properly maintain the OWS or to obtain any of the required permits to operate it, even though email communications show agency employees were aware of the legal requirements.

As of 2017, Public Works WRD had performed minimal maintenance on the OWS for nearly ten years. Then, the Thomas Fire burned through the area and melted portions of the underground pipeline. Documents obtained from a Public Records Act request show that by January 17, 2018, oil was leaking from the pipeline in multiple locations and was “visibly contaminating the creek.” Public Works WRD only repaired some portions of the pipeline in response.

By August 3, 2020, oil was still leaking in the lower section of the pipeline. On that day, a Public Works WRD employee noticed oil-saturated soil and reported it to the Department of Public Works management. No one reported the spill to the Certified Unified Program Agency (“CUPA”)—the agency responsible for overseeing hazardous material handlers and USTs—or to California’s Office of Emergency Services until seventeen days later. The law requires that oil spills of this nature be reported to both agencies *immediately*.

Since Public Works WRD had operated the site without any of the required permits, when CUPA received the spill report, officials were not even aware the System was still operational. CUPA immediately inspected the OWS and found a significant number of violations, including the failure to have a Hazardous Materials Business Plan outlining how to handle spills, and serious deficiencies with the UST's integrity. Public Works WRD was given three months to correct the violations.

After three months, Public Works WRD had neither fixed the violations nor taken meaningful steps to address the oil actively leaking from the pipeline. Instead, it embarked on a months-long process of applying for grant funding from the SWRCB. Meanwhile, oil continued leaking and began migrating toward Toro Canyon Creek. On December 3, 2020, a Public Works WRD employee wrote in an email: "Each day, more and more oil is leaking out of that pipe and soaking into the ground and it worries me."

By January 21, 2021, Public Works WRD employees noticed oil spilling into Toro Canyon Creek at an alarming rate. Ten days later, on February 1, 2021, the SWRCB approved funding. However, because the SWRCB attached a condition that the County continue to operate and maintain the OWS, the County did not initially accept the funding.

Oil continued to accumulate in Toro Canyon Creek as California Department of Fish and Wildlife ("CDFW"), Santa Barbara County Fire, and CUPA personnel pushed for Public Works WRD to act. Area homeowners also expressed concern to Public Works WRD, writing on April 17, 2021: "substantial amounts of oil are flowing into the creek."

In July of 2021 the County had accepted SWRCB funding and the agency approved a contractor to begin fixing the pipeline and remediating the oil in Toro Canyon Creek. By then, the creek was completely saturated with oil for the entire length of its surface flow—more than 250 feet downstream of the leak.

When Public Works WRD began cleanup, however, they failed to notify any regulatory agencies. Although documents show employees were aware they needed a CDFW permit to perform work in the creek, they instructed contractors to begin vacuuming the creek without notifying CDFW or conducting any environmental impact assessments. When CDFW learned about the work, it ordered Public Works WRD to conduct remediation under CDFW supervision. Cleanup lasted several months and ultimately cost the County approximately \$700,000.

The County's lack of timely response and required notifications also had a significant environmental impact. Toro Canyon Creek is a major wildlife corridor that supports numerous species of birds, mammals, and aquatic animals—including many species of special concern. Larger animals such as bears and mountain lions rely on the creek for its year-round water supply. Because of the oil, residents resorted to leaving water in their yards for these animals.

Due to the extensiveness of the oil saturation, CDFW required assistance from multiple animal rescue organizations. In all, 14 mammals and 18 birds were found dead; 93 reptiles and amphibians were covered in oil and had to be cleaned and released; and one amphibian died before it could be released.

Despite these impacts, by September 30, 2022, Public Works WRD had not corrected a majority of the violations CUPA cited during its inspections in 2020 and 2021—one of which was the system's failure to have a functioning leak-detection alarm. Because of these deficiencies, in the early morning hours of January 1, 2023, during a rainstorm, the UST overflowed. Since the leak-detection alarm was not working, no one learned of the spill until nine hours later when a homeowner saw oil flowing in Toro Canyon Creek.

Santa Barbara County Fire officials attempted to notify Public Works WRD's emergency contact, but the phone number provided in the agency's Hazardous Materials Business Plan was disconnected. By law, the agency was required to update its Hazardous Materials Business Plan with changes to its emergency contact information. By the time CUPA and County Fire officials were able to reach Public Works WRD employees, hundreds of gallons of oil had spilled from the UST and oil was flowing downstream for at least half a mile.

Criminal Resolution

As a result of the oil spills in 2020–2021 and January 2023, Public Works WRD has pleaded guilty to two misdemeanor charges. The first charge is a violation of Government Code section 8670.64(a)(3) for knowingly engaging in or causing the discharge of oil into Waters of the State of California between January 22, 2021 and July 6, 2021. The second charge is a violation of Water Code section 13387(b) for negligently discharging oil into Waters of the United States on January 1, 2023. The sentence includes a \$15,000 criminal fine along with one year of probation requiring that Public Works WRD obey all laws and not discharge oil into Waters of the State or Waters of the United States.

Civil Resolution

Public Works WRD has also stipulated to a Civil Judgment to resolve multiple causes of action, including violations of the Government Code, Fish and Game Code, Health and Safety Code, and Santa Barbara County Ordinance. The Civil Judgment includes a permanent injunction that prohibits Public Works WRD from violating any of the statutes, ordinances, and regulations alleged as a basis for a cause of action in the People's Complaint. It also requires Public Works WRD to spend \$75,000 for a consultant to advise the agency on regulatory compliance with regard to the OWS replacement project Public Works WRD is planning for the Toro Canyon location.

Finally, the Civil Judgment requires the County to pay \$675,000 in civil penalties. Nearly half of that amount—\$300,000—will be devoted to SEPs that benefit the Santa Barbara County community. Those recipients are:

- The **Well Done Foundation** (\$125,000) works with government, community, and private sector organizations to locate, screen, and plug orphaned oil and gas wells. The funding will be used to survey/identify orphaned oil and gas wells appropriate for closure in Santa Barbara County and to properly plug and abandon them. It will also provide educational opportunities for County residents.
- The **Channel Islands Marine Wildlife Institute** (\$100,000) will use funding to assist with field response in Santa Barbara County for animals impacted by hazardous materials events or oil spills; emergency transport in situations such as wildfires, earthquakes, oil spills, and other natural disasters; and necropsy.
- The **Santa Barbara County Museum of Natural History Sea Center** (\$75,000) will use the funds for a new educational exhibit called *Dive In!* and to support the Sea Center's educational programming for Santa Barbara-area school children.

District Attorney Savrnoch thanked Deputy District Attorney Morgan Lucas, who was the lead attorney on the case, as well as Deputy District Attorney Christopher Dalbey, Assistant District Attorney Kelly Duncan, and Supervising Deputy District Attorney Brian Cota for their efforts. He said: “This case highlights the commitment my office has to holding everyone accountable when they violate environmental laws—regardless of whether they are an individual, corporation, or government entity. Santa Barbara County has a long legacy of environmental consciousness and I am committed to honoring that legacy and to protecting the beautiful community in which we all live.”

Links to Criminal Complaint, Civil Complaint and Civil Judgment are below:

Criminal Complaint:

<https://da.countyofsb.org/documents/FILED%20Toro%20Canyon%20Criminal%20Complaint.pdf>

Civil Complaint:

<https://da.countyofsb.org/documents/FILED%20Toro%20Canyon%20Civil%20Complaint.pdf>

Civil Judgment:

<https://da.countyofsb.org/documents/FILED%20Toro%20Canyon%20Civil%20Judgment.pdf>

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