PRESS RELEASE

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CONTACT:
Jason Weiner, 805-823-3301
Mati Waiya, 805-794-1248
Christopher Sproul, Environmental Advocates, 415-533-3376

The Wishtoyo Foundation's Ventura Coastkeeper Program Files A Notice of Intent to Sue the City of Ventura To Abate its Illegal Discharges of Toxic Sewage Into the Santa Clara River Estuary and Ventura's Coastal Waters

Move Aims to Protect Public Health; the Southern California Steelhead; and the Ecological Integrity, Water Quality, and Cultural Resources of the Santa Clara River Estuary, Santa Clara River Ecosystem, and Ventura's Coastal Marine Waters

Ventura, CA – The Wishtoyo Foundation's Ventura Coastkeeper Program ("Ventura Coastkeeper") has filed a 60-Day Notice of Intent to sue ("NOI") the City of San Buenaventura ("Ventura") for routinely violating the federal Clean Water Act ("CWA") by: 1.) Discharging up to 9 million gallons per day of inadequately treated toxic sewage from its sewage treatment plant ("WRF") into the Santa Clara River Estuary and Pacific Ocean and 2.) Continuously spilling raw sewage from its sewer pipes into coastal and inland waterbodies. Ventura Coastkeeper's move, coming after more than ten years of Ventura's egregious illegal toxic discharges of treated and raw sewage, is a needed course of action to adequately protect: the health of Ventura's beachgoers, surfers, and residents; the endangered Southern California Steelhead; and the ecological integrity, water quality, and cultural resources of the Santa Clara River Estuary, the Santa Clara River watershed ecosystem, and Ventura's coastal marine waters.

The Executive Director of Wishtoyo and its Ventura Coastkeeper Program, Mati Waiya, a Chumash Ceremonial Elder, says the lawsuit is necessary: "The WRF's effluent discharge and Ventura's raw sewage spills demonstrate the unfortunate reality in Ventura that we need public interest organizations to safeguard public health, natural resources we depend upon, and our birthright to maintain our culture, experience well being, and enjoy a healthy environment with all its treasures,"

"Decades of paying the minimum penalty to pollute as a cost of conducting business, instead of implementing feasible solutions to safeguard public health, resident wellbeing, the steelhead, and the Santa Clara River ecosystem, must stop now in favor of government actions that protect the public interest and our commons for current and future generations," says Jason Weiner, Ventura Coastkeeper's Associate Director and Staff Attorney. "Ventura's toxic sewage discharges pose frightening public health and environmental threats. At stake, are potentially devastating and irreversible personal, public, ecological, and cultural damages."

Ventura WRF's Illegal and Toxic Effluent Discharges: The NOI asserts that Ventura has repeatedly discharged and continues to discharge sewage from its WRF with excessive levels of copper, nickel, selenium, coliform, pH, turbidity, ammonia nitrogen, nitrite + nitrate as nitrogen, and nitrate as nitrogen that exceed Ventura's CWA National Pollutant Discharge Elimination System ("NPDES")

Permit limits and/or Time Scheduled Order ("TSO") limits. Since February 2008, the Ventura WRF has had 88 effluent discharge violations for nutrients, heavy metals, and coliform.

The elevated coliform levels indicate that Ventura's WRF discharges contain pathogens that risk causing disease to beachgoers, surfers, and those who might come into contact with the WRF's sewage effluent plume. Furthermore, these pathogens' exposure to pharmaceuticals commonly found in sewage pose elevated County and State wide public health threats because bacteria exposure to antibiotics, in and discharged from the WRF, poses a risk of creating "superbugs" - strains of antibiotic resistant bacteria. Ammonia, copper, nickel, and selenium in concentrations exceeding NPDES permit limitations, are toxic to aquatic wildlife, including the Southern California Steelhead, and/or human populations. High levels of nutrients, including nitrite + nitrate as nitrogen, and nitrate can cause excess algal and detrimental plant growth, that can lead to toxic algae emissions and oxygen depletion (eutrophic conditions) that suffocates fish. Toxic emissions from algae and oxygen depletion can negatively impact aquatic life and lead to massive kills of endangered species such as the Southern California Steelhead. Alarmingly, the WRF routinely discharges treated effluent with nutrient concentrations over 20 times greater than the concentration of nutrients that can cause eutrophication of waterbodies. Furthermore, the improper level of pH in WRF effluent discharges indicates that the WRF is generally not providing adequate treatment and that it may be discharging additional harmful pollutants into the environment that Ventura is not monitoring for, such as pharmaceuticals that can cause birth defects and reproductive deformities in wildlife.

Ventura's Sewage Spills: Ventura has repeatedly spilled, and continues to spill, raw sewage from its collection system that carries sewage to the WRF due to a variety of inadequate system maintenance, operation, repair, replacement and rehabilitation practices. Since the State Water Resources Control Board instituted an on-line sewage spill reporting system in 2007, Ventura has reported 8 raw sewage spills reaching inland or coastal waterbodies. The most recent of these was on October 4, 2009. Additionally, Ventura has reported an additional 27 sewage spills to ground locations (public streets, etc.) during this timeframe. These spills have repeatedly posed serious public health threats and created severe nuisance in exposing substantial numbers of people to raw sewage. Three of the spills reached local beaches. Raw sewage contains a variety of human bacteriological, viral, and parasitic pathogens, and exposure to raw sewage is well-known to cause various human illnesses. In addition to human waste, sanitary sewage contains various toxic chemicals from the solvents, detergents, cleansers, inks, pesticides, paints, pharmaceuticals and other chemicals discarded by households and businesses. Ventura's sewage spills pose serious public health risks in exposing members of the public and Wishtoyo's members to sewage-borne pathogens and various toxic pollutants. These persistent repeated sewage spills also threaten harm to the sensitive aquatic environments of Ventura's inland and coastal waters, as the pathogens and toxic pollutants in sewage can adversely affect aquatic life.

Public Health: Pathogens in sewage-contaminated water can cause a wide range of diseases, including ear, nose and throat problems, hepatitis, staph infections, respiratory illness, dysentery, and gastroenteritis. Alarmingly, the U.S. Environmental Protection Agency estimates that annually, between 1.8 and 3.5 million beachgoers become ill from swimming in sewage-contaminated waters. Children, the elderly, and people with weakened immune systems are the most vulnerable to the adverse health impacts of sewage contamination. In addition, pathogens' exposure to pharmaceuticals commonly found in sewage pose elevated County and State wide public health threats because bacteria exposure to antibiotics, in and discharged from the WRF, poses a risk of creating strains of antibiotic resistant bacteria.

Southern California Steelhead: The Santa Clara River, the largest river system in Southern California, flowing approximately 100 miles within a 1,600 square mile watershed, is home to Southern California's best steelhead habitat. Its estuary is a nursery for juvenile steelhead rearing and

is holding habitat for migrating steelhead attempting to reproduce in the Santa Clara River's upstream tributaries. The Santa Clara River's tributaries have seen their steelhead populations drop drastically from over 8,000 returning adult spawning steelhead per year in the decades preceding the construction of the Vern Freeman Diversion Dam, which combined the obstruction of steelhead passage to their spawning grounds and the WRF's toxic discharge of sewage effluent into the Santa Clara River Estuary. The survival and revitalization of the Southern California Steelhead, a species of significance to the ecological health of Ventura county ecosystems and Chumash culture, is dependent upon a healthy and unimpaired estuary without acute and chronic toxicity threats.

Chumash and Resident Cultural Resources: The endangered and severely threatened "Isha'kowoch" (Chumash name for Southern California Steelhead), is a vital resource to Chumash Native American Culture, the well being of Southern California's diverse communities, and the ecological integrity of the Santa Clara River. The Chumash People, have a long history of interaction with the Santa Clara River Estuary and with the Santa Clara River's population of steelhead, for a variety of cultural purposes including religious and ceremonial ones. The Chumash People also share a sacred and cultural relationship with the "Isha'kowoch", that is depicted in Chumash Peoples' ancient cave paintings, modern day art, celebrated in Chumash songs and ceremonies, and told about in Chumash stories which have been passed down from generation to generation for thousands of years. Additionally, members of the public use the Santa Clara River Estuary, and the hydrologically connected McGrath State Beach, Ventura County coastline, and local streams, for body contact water sports such as surfing and other forms of recreation, wildlife observation, aesthetic enjoyment, educational study, spiritual contemplation, and cultural and religious practices, all of which are impaired by Ventura's sewage spills and discharge of treated sewage effluent.

"If we respect and treat the Santa Clara River Estuary, the nursery of our marine waters and Santa Clara River ecosystem, with the honor and respect that we should, we will have a chance to continue benefiting from vital cultural and natural resources that our ancestors depended upon, and that we depend on for a healthy future," Waiya said. "Like our ancestors who stewarded and sustainably co-existed with their land and wildlife, we too have the same obligation and must continue this commitment to each other, our cultures, our species, and our environment."

About The Wishtoyo Foundation and its Ventura Coastkeeper Program: Founded in 1997, Wishtoyo is a 501(c)(3) non-profit grassroots organization with over 700 members consisting of Ventura County's diverse residents and Chumash Native Americans. Wishtoyo's mission is to preserve and protect Chumash culture, the culture of all of Ventura County's diverse communities, and the environment that our current and future generations depend upon. Wishtoyo shares traditional Chumash Native American beliefs, cultural practices, songs, dances, stories, and values with the public in its Chumash Discovery Village and through educational programs in schools to promote environmental awareness and natural resources stewardship. In 2000, Wishtoyo founded its Ventura Coastkeeper Program ("VCK"). VCK's mission is to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland and coastal waterbodies for all beings in the County's diverse community through outreach and education, restoration projects, advocacy, litigation, and community organizing and empowerment. Wishtoyo and its Ventura Coastkeeper program believe that our land, waterbodies, and oceans are interconnected, co-dependent communities to which we as individuals, are one of many living entities that belong. As such, it is our responsibility to protect the land, water, and oceans we exist upon for the common good and to sustain our well being, co-existence, and harmony with the world and the many diverse surrounding communities that we depend on.

For Ventura Coastkeeper's NOI and Exhibits detailing Ventura's WRF sewage effluent violations and Ventura's sewage spills visit: http://www.wishtoyo.org/vck-sewage.html