

CITY OF VENTURA  
**NEWS RELEASE**

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**Ventura Water and Public Interest Groups Protect  
Santa Clara River Estuary with Settlement**

Heal the Bay, Wishtoyo Foundation's Ventura Coastkeeper Program and Ventura Water today announced a Memorandum of Settlement that outlines the terms of a proposed agreement to resolve legal actions associated with the City's wastewater facility discharges of tertiary treated water into the Santa Clara River Estuary. The Ventura City Council is expected to vote on a final settlement and consent decree following a 120-day extensive public outreach effort that will conclude in December 2011.

"We as a community will have to have a discussion about the terms of the settlement and the long-term environmental benefits of the proposed plan as well as the cost impacts to rates," said Mayor Bill Fulton. "We feel that this agreement, in the end, aligns with Ventura's deeply-held commitment to preserve and protect our natural heritage."

"We applaud Ventura for its commitment to protect the Santa Clara River's natural cultural resources that the Chumash People and all of the County's current and future residents depend upon," said Mati Waiya, Chumash Ceremonial Elder and Executive Director of the Wishtoyo Foundation and its Ventura Coastkeeper Program. "Our Foundation is excited about what this will provide for the endangered "Isha'kwoch" (Chumash name for Southern California Steelhead), and the revitalization of all native wildlife in the Estuary and the watershed."

This historic agreement leads the region in promoting the use of reclaimed water, while establishing a process to alter the current discharge practice to create optimal

conditions for the sensitive species and environmental resources of the Santa Clara River Estuary. The major deal points of the three-party settlement include:

- A commitment to attempt to divert a minimum of 50% and up to 100% of tertiary treated water from direct discharge to the Estuary to reclaimed water uses, and to send all tertiary treated water not reclaimed through a treatment wetland designed to further treat the effluent;
- Creation of a process and schedule to determine how much tertiary treated water can be diverted to reclaimed uses and how much can be discharged through the treatment wetland to the Santa Clara River Estuary to protect its ecology;
- Creation of a technical process and schedule to select a preferred infrastructure alternative(s) to divert more water to reclaimed uses and treatment wetlands.
- Commitment to design, environmentally review, permit and construct the diversion infrastructure by 2025;
- Commitments to establish a budget and obtain funding sources to implement the diversion infrastructure by 2025; and
- Creation of a more solid and integrated working relationship amongst the environmental community and Ventura Water.

Settlement negotiations began in response to an administrative challenge filed by Heal the Bay and a lawsuit filed by Wishtoyo Foundation and its Ventura Coastkeeper Program against the City of Ventura for, among other things, releasing tertiary treated water to the Santa Clara River Estuary, which those groups assert is harmful to its sensitive aquatic species. The City of Ventura has had a permit authorizing release of treated water to the Estuary since the 1970's, but for at least 10 years, regulators, environmental groups and the City have disagreed about the volume of discharge that should be released to the Estuary to protect its ecological resources, including the endangered, threatened and sensitive species that occupy the Estuary, and about the volume of discharge that should be reclaimed.

All three parties see this settlement as a first step in a long and close relationship to protect water resources in Ventura. "This agreement is critical to the health of the Estuary's species and the River's ecosystem, Santa Clara River steelhead restoration efforts, and the provision of water supply and security for a plethora of beneficial uses in the City and in the watershed," said Jason Weiner, Staff Attorney for Wishtoyo Foundation and its Ventura Coastkeeper Program. "It's a win for the City, the County, the watershed's residents, businesses, and visitors."

"The solution will result in a healthier estuary, the creation of new wetland habitat, and increased water recycling", said Heal the Bay President, Mark Gold. "All parties worked together to develop innovative beneficial solutions to a chronic environmental problem."

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Ventura Water, a City of Ventura organization, provides integrated water, wastewater and stormwater services to 109,000+ customers with 32,000 service connections.

Ventura's drinking water sources are all local and its reclamation facility treats more than nine million gallons from homes and businesses daily.

Heal the Bay is a nonprofit environmental organization dedicated to making Southern California coastal waters and watersheds, including Santa Monica Bay, safe, healthy and clean. The volunteer-driven organization uses research, education, community action and advocacy to pursue its mission.

The Wishtoyo Foundation is a 501(c)(3) non-profit public interest 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 Ventura County's diverse communities, and the environment that our current and future generations depend upon. Ventura Coastkeeper, a program of the Wishtoyo Foundation is dedicated to protecting the ecological integrity and water quality of Ventura County's inland and coastal waterbodies.

This press release is available on the City of Ventura's website at [www.cityofventura.net](http://www.cityofventura.net). ###



## **Santa Clara River Estuary Settlement Commonly Asked Questions and Answers**

- 1. Why is this settlement only tentative?** Although Ventura Water, Heal the Bay and Wishtoyo Foundation's Ventura Coastkeeper Program have agreed on the terms of the settlement, the Ventura Council must approve the final agreement after a public process.
- 2. How does this settlement protect water resources?** In several ways, for example, it will increase the amount of reclaimed water available for use at a time when water supplies are constrained and growing more limited. It moves the City to the forefront of statewide policy initiatives to improve and increase recycled water uses. And, at the same time, it protects and optimizes Ventura Water's discharge schedule to better support the sensitive environmental resources of the Santa Clara River Estuary.
- 3. How much will this settlement cost Ventura Water customers?** The total costs of these projects are estimated at \$55 million, which could possibly result in a cost \$3.52 per month per average household until 2055. The exact cost is not certain because Ventura Water just began its cost of service and rate design study that will evaluate how to pay for this settlement. A nine-member citizen committee is being formed to be part of the cost of service and rate design study. In addition, staff will continue to look for grants and other funding sources over the term of this settlement. Of note, increased water reclamation should eventually bring revenue to the City, which may help offset the capital costs.
- 4. Should tertiary treated wastewater continue to be released into the Santa Clara River Estuary?**

**What impacts will continuing to release tertiary treated wastewater to the Estuary have on its aquatic resources?**

**What impacts will reducing the volume of tertiary treated wastewater to the Estuary have on its aquatic resources?**

At this time, all these questions are being studied and examined by Stillwater Sciences; scientists from UCLA, California State University Channel Islands, and southern California; and scientists from State and Federal Resources Agencies, including National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the California Department of Fish and Game and the Regional Water Quality Control Board. Science is still providing answers and the parties, Resources Agencies and other stakeholders must continue to evaluate those scientific answers to determine the volume of treated wastewater that should be released into the Estuary and the way it should be released. At this point, while Ventura Water, Heal the Bay, and



Wishtoyo Foundation's Ventura Coastkeeper Program have differing opinions as to these answers based on the available science, these three parties have been able to agree that, at a minimum, the science indicates that a significant portion of the effluent may need to be removed from the Estuary, which makes it prudent to identify, evaluate, and ultimately implement a preferred diversion infrastructure alternative.

- 5. If the science and Resources Agencies determine that a specified volume of tertiary treated wastewater should still be released into the Estuary, what additional assurances are there that the releases will protect the Estuary and its species?** At the most basic level, the settlement agreement establishes a process that should maximize the likelihood that all stakeholders have confidence in the scientific conclusions reached regarding the volume and method of continuing releases of tertiary treated water to, or diverting releases away from the Estuary.

In addition, the agreement provides that the City will attempt to divert all treated wastewater that is not removed from the Estuary and reclaimed to a treatment wetland that, in combination with treatment unit processes, will be designed to further ensure that the wastewater discharge will not cause or contribute to a violation of any applicable receiving waterbody water quality objectives, impair any receiving waterbody beneficial uses, or contain nitrate in concentrations greater than 4.0 mg/L as a monthly average. Finally, regardless of the settlement agreement, the Resources Agencies charged with protecting the environmental resources of the Estuary retain all their jurisdiction and authority to oversee, review, permit and/or disallow releases of tertiary treated flows to the Estuary as they determine, based on the best available scientific evidence, to be appropriate for protection of its ecology.

- 6. How much tertiary treated wastewater is currently released to the Estuary daily?** On a sunny day, 7 to 8 million gallons per day; and on a rainy day, 9 to 10 million gallons per day.
- 7. How was the City harming the estuary with the releases?** State and federal laws recognize and protect estuary environments, which are extremely sensitive. The science is still not entirely clear in the case of the Santa Clara River Estuary, but, for example, tertiary treated discharges to the Estuary may be resulting in changes in estuary salinity, introduction of a new and emerging contaminants that are not yet well understood but may be dangerous to aquatic species, higher nutrient concentrations, and lower levels of dissolved oxygen and unwanted algae blooms, which, over time, might adversely affect the ecology of the Estuary. What remains to be scientifically determined is the degree to which water quality in the Estuary can be improved by adjusting the discharge regime without any unintended significant adverse impacts on the sensitive resources of the Estuary.



- 8. Why should customers want to pay for this environmental improvement?** Not only does the City need to comply with State and Federal laws regulating releases of tertiary treated flows to the Estuary and protecting its complex ecosystem and sensitive environmental resources, including endangered and threatened species, but it is also in the community's and county's best interest to:
- Protect its coastal resources like the Estuary, and the substantial number of sensitive shoreline and wetland invertebrate, fish, avian, and terrestrial species it supports, including the federally protected tidewater goby, Southern California Steelhead, and western snowy plover, and the state and federally protected California least Tern; and
  - Begin making use of a water supply that is readily available instead of using drinking water for irrigation and other non-potable uses. Replacing reclaimed water for irrigation and other non-human digestion uses allows Ventura Water and other water providers to better manage the groundwater basins to insure a sustainable future for farmers, businesses, families and visitors.
- 9. How soon will the environmental fee go into effect to pay for these changes?** The actual fee will be part of the cost of service and rate design study. The study will include a citizen advisory group that will evaluate where the revenue should come from to cover these costs. Once the study is complete it will be presented to City Council in February 2012 and then if the recommendations are accepted, any rate adjustments would be noticed to the community prior to City Council considering the rates for adoption. The earliest possible date for any rate to go into effect would be July 1, 2012.
- 10. Why were environmental groups taking administrative and legal action regarding the City's wastewater discharge?** Heal the Bay, Wishtoyo Foundation, and Wishtoyo's Ventura Coastkeeper Program are concerned that the continued discharge of over 9 million gallons per day of treated wastewater to the Estuary is impacting water quality and aquatic habitat. They pursued administrative and legal recourse in order to improve aquatic habitat and move the City to increased water reclamation.