

HEAL THE OCEAN



SPECIAL ISSUE: THE RINCON PROJECT

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MESSAGE FROM HILLARY



This Heal the Ocean newsletter is a Special Edition Newsletter about the Rincon Septic to Sewer project, which is a 15-year, often amusing but hugely difficult, saga of a group of citizens coming together to take on a complicated environmental issue.

In 1998, HTO took up the challenge of getting septic systems removed from the Rincon, a world class surfing area. Working with the Carpinteria Sanitary District (CSD), this project became the massive South Coast Beach Communities Septic to Sewer Project – which included not only Rincon, but Padaro Lane, Sandyland, and Sand Point – 130 beach homes strung along a thin strand of

coastline, in areas of high groundwater and much of it bordered by a salt marsh preserve.

When the fight and lawsuits broke out in Rincon, CSD miraculously hung in there with us, and the homeowners rallied to help. So did surfers and HTO supporters. The costs of proceeding against The Opposition became enormous.

This Newsletter is a free-telling of an environmental battle that highlights and explains how we not only got past overwhelming funding issues, but also the Catch-22 situations we got into along the way. These were the No-Win situations that seemed impossible to overcome. At least six times (the six Catch-22s as described in this newsletter), we thought we were finished, out of luck, defeated.

But after each disappointment and a short period of regrouping, we rallied. We had the help of the homeowners in the project areas and the incredible CSD Board of Directors and Managers. We had the help of Santa Barbara County Environmental Health Services, the Board of Supervisors in both Santa Barbara and Ventura counties and other officials, the Regional Water Quality Control Board, the State Water Resources Control Board, our Assemblyperson(s), State Senator, U.S. Representative, and the great surfers who raised money for us with surf contests.

All of this help has led to the victory we celebrate today. Sandyland, Sand Point and Padaro are already built, those septic systems are gone from the beach. When Rincon is finished, septic systems will have been removed from seven miles of Santa Barbara County's south coast.

Special thanks to CSD General Manager Craig Murray, not only for leading the charge during the past nine years to get us over the obstacles, but also for proofreading this newsletter for factual accuracy. Everyone else who helped achieve this impossible dream can take pleasure in knowing they have had a hand in leaving an important environmental legacy to Santa Barbara.

Thank you for helping.

Hillary Hauser



ABOUT THE COVER

“Rincon” is a wonderful watercolor painting by Santa Barbara artist **Peggy Oki**.

A surfer for nearly 40 years, Peggy has a deep connection with coastal and marine wildlife, and surfing is a great physical expression that combines visual and soulful experiences for Peggy. We thank her for our beautiful cover!

Thank You, Poehler-Stremel Charitable Trust!

HTO once again extends its deep thanks to the Phyllis S. Poehler/Walter E. Stremel Charitable Trust, St. Paul, Minnesota, for the funds to publish this newsletter. We thank Bill, Pam & Lily Poehler of Santa Barbara (long-time HTO supporters) for their enthusiasm – it means much to us.



Photo © by Branden Aroyan

THE RINCON PROJECT

1998 - 2013

IT ALL STARTED WITH SURFERS...

Surfers are the canaries in the coal mine of the ocean...an old, super-trite saying, but it's true. They are in the water morning, noon and night, sunup, sundown and moonrise. While doing what they love, surfers dive, wallow and swallow, snort, gulp down, swig, inhale, ingest, drink and eat the ocean. If something is wrong with the ocean, they're the first to know because their bodies tell them.

Surfers around the world love Rincon. "The Queen of the Coast," as Rincon is called, is rated at 24 in the book "100 Best Surf Spots in the World." Rincon means "Corner," which aptly describes Rincon Point, where the waves wrap around and peel off to the right in a perfect, pleated ripple of little and big waves that never end. On a big (or significant-enough) swell, a surfer can take off at the top of the Point (Indicator), carve past Rivermouth, where Rincon Creek provides the line between Santa Barbara and Ventura counties, then zigzag past surfers, body-boarders, and other people in the tamer waves of the Cove and slide all the way to the rocks of the 101 Freeway.

In 1998, Rincon "Regulars" started yelling for help. They said they were getting sick after surfing at Rincon, and described rashes, eyes, ears, nose



Lakey Peterson at Rincon

Photo © by Branden Aroyan

and throat infections. They said they were sure it's because they were swimming in the septic system runoff from the houses on Rincon Point.

We learned there was a group called **CURE** (Clean Up Rincon Effluent) –

Wayne Babcock, "Smitty" (Joel Smith) and Doug DeFirmian – who had collected a slew of names on a petition to Santa Barbara County to do something about the septic pollution at Rincon. They were planning a protest, maybe a riot.

The first thing HTO did after forming in 1998 was to see what the surfers were talking about. We raised \$60,000 to pay for a joint Santa Barbara County Environmental Health Services/Heal the Ocean DNA study of the Rincon Lagoon, and it turned out that the bacterial pollution in the Lagoon, which is lined with houses and which feeds the "Rivermouth" point break, was 20% human/fecal.

HTO started to meet with homeowners in the Rincon community, as well as the neighboring communities up the coast. We found they were not villains, as some surfers were thinking, but were actually desperate to get out of their situation.

Septic systems that are bad for the environment are super-bad inside the house – you can't use plumbing, you don't do the dishes

THE CATCH-22s OF THE RINCON PROJECT

(With thanks to Wikipedia for help in describing a definition that defies definition.)

"**Catch-22**" is the name of a satirical World War II novel by American author Joseph Heller. The phrase "**Catch-22**" is described as "a problematic situation for which the only solution is denied by a circumstance inherent in the problem or by a rule." Resulting from its specific use in the book, the phrase "**Catch-22**" is common idiomatic usage meaning "a no-win situation" or "a double bind" of any type.

Catch-22 is a term that perfectly describes a number of significant dilemmas HTO ran into as we worked with the Carpinteria Sanitary District to get the Rincon Septic to Sewer Project through to completion. These double-bind processes need fixing, but how to fix them is anybody's guess.

CATCH-22 # 1

SEWERS CAUSE GROWTH

Septic to Sewer projects are contentious because bringing in public sewer may allow the building of bigger houses, subdivisions or other types of development. Limiting growth by the lack of availability of sewer service causes Septic to Sewer conversion projects to be scrutinized or challenged, despite clear benefits to water quality.

when it rains, you tell your guests not to shower, never mind the backups and odors.

A blind telephone call to the nearest wastewater facility – Carpinteria Sanitary District – got us to its then-manager, **John Miko**, who told us how sewer engineering studies are done and who did them. We called the engineering firm of Penfield & Smith, got prices and procedures, and then we organized homeowner meetings with not only Rincon, but the neighbors to the West – Sand Point, Sandyland, Padaro Lane and Beach Club Road.

Glenn Hening organized Rincon Clean Water Classic surf contests to help raise money for these sewer engineering studies, and Santa Barbara County Project Clean Water, Patagonia, and HTO Board Members and donors – and the homeowners – chipped in, too.

In the middle of all this excitement, someone said, *“What about development? When you put in sewer service, everyone builds bigger houses!”*

Everything had been moving so fast we hadn’t considered this. We were freaked! Immediately we convened a Land Use meeting with Santa Barbara City and County planning officials to discuss how best to control development with other means than wastewater methods.

At this Land Use Roundtable meeting we discussed how to control growth through zoning restrictions, perhaps changing the Local Coastal Plan (LCP) or restricting the size of pipes (water and sewer), so that development/growth could be controlled. After much discussion the answer emerged: zoning restrictions can be altered with the changes in local political representatives over the years, and once a property owner has water he is not going to be told how much to use or not use because this isn’t Russia.

As for the homes in the Rincon community, they are already built out, and in the Sandyland and Sand Point communities there could be a few possible expansions, but very little.

We breathed a sigh of relief and proceeded onward.

Oh, it all seemed so easy! We had our sewer engineering studies and were ready to roll. In August 2000, the estimate of cost for Rincon came in at \$2.9 million, and \$425,000 of that was to pay for an Environmental Impact Report (EIR). **Steve Halsted** had come forward as President of the Rincon Homeowner Association to rally the residents, and the Carpinteria Sanitary District (CSD) took a vote: 74% of the homeowners voted in favor of the project (51% needed to pass). Whee! This was fun!



Steve Halsted, leading the charge

The smiles were wiped off our faces almost immediately. Five Rincon homeowners sued to stop the project, claiming that the EIR had to be performed before the vote was taken.

Duh! Of course. Under the California Environmental Quality Act (CEQA), you have to do an Environmental Impact Report (EIR) to see if you have a viable project. You can’t collect all the money to build the project, when an EIR may prove that it shouldn’t be built.

CSD withdrew the project.

Hillary felt a little dim-witted, and way over her head in this new political world. She was also crestfallen. She sat on the beach and thought, this is impossible. Who has \$425,000 lying around to pay for the CEQA process, when it doesn’t necessarily guarantee a project?

As she was to discover during the many years of ups and downs over this issue, when things went wrong it was important to stop spinning and stressing, but to just stop and look at the clouds, play the piano, do something else. In a few days there would be energy, and new wisdom, to start again.

Before long, CSD General Manager **John Miko** called Hillary with good news. He had found a \$425,000 State grant to pay for the EIR! We were off and running again.

Except it took from March 2001 to October 2002 to get the State contract executed for the EIR funds. Hillary chased the paperwork all over the various desks it landed on at the Regional Board (San Luis Obispo) and Sacramento (State Water Resources Control Board) and finally called **Assemblywoman Hannah-Beth Jackson** for help. Hannah-Beth intervened and CSD got the contract and funds, and started up the EIR process.



Hannah-Beth Jackson, to the rescue

Then on November 18, 2002, John Miko suddenly passed away.



John Miko, gone from us 11/18/2002

This was a disaster! And so sad! Miko was a young man! Hillary looked at the clouds, played the piano (the sad Funeral March of Chopin’s B-flat minor Sonata to mourn the loss of this very cool man), and thought once again that HTO was never going to get this project off the ground.



Frederic Chopin for the tough moments

CATCH-22 # 2

CEQA INVITES HANG-UPS

The California Environmental Quality Act protects the environment with a program of strict review, and an Environmental Impact Report (EIR) is typically required for large-scale Septic to Sewer projects. Homeowners are understandably reluctant to pay for an EIR preparation up front (in the case of Rincon, \$425,000) without any assurance that the project will gain approval. Also, CEQA can be used by a single person, or a small minority, to initiate a lawsuit and stop a project altogether.

In January 2003, about two months after the death of **John Miko**, the Carpinteria Sanitary District appointed retired Montecito Sanitary District Manager **Jerry Smith** as CSD interim General Manager, and for over a year HTO and CSD chugged along on the project together with Jerry's help.

Basically, the EIR work moved forward. Under the \$435,000 State grant package, the title of the project had become the "South Coast Beach Communities Septic to Sewer Project," and ultimately, when finished, the EIR document would be comprised of many volumes encompassing everything from archaeology to vernal pools for all the areas involved.

Jerry also convened informational meetings for homeowners, and at one particular gathering at the Big Yellow House in Summerland, he was quite taken aback at some of the anger that was beginning to smolder within the Rincon group. The arguments boiled down to a couple of things, including, "What is so good about putting sewage into the ocean?"

HTO explained our position: while wastewater treatment plants treat wastewater, septic systems leaching into groundwater and out into the ocean is getting no treatment at all. Rincon is in an area of high groundwater (one Rincon owner said he could lift his septic tank lid and watch the tide rise inside). Studies were showing definitively that the tidal ocean and groundwater are connected, that when the tide goes out, groundwater is pulled with it (including septic waste if the groundwater is infiltrating the leachfield).



The Assessment District Vote: Counting...counting...are we having any fun yet?

(Surfers take note: waves are better at Rincon when the tide is coming in, for more reasons than one.)

Then in May 2004 **Craig Murray**, a surfer as well as a sanitary engineer, was hired as CSD's General Manager. His first focus was getting the EIR finalized and adopted. Four months later, in September 2004, the CSD Board of Directors held a hearing and approved the Final EIR.

In December 2004 three Rincon homeowners filed a suit, claiming the EIR was inadequate. The polarization had now become a five-alarm fire.

THE \$67,000 GAMBLE

About 2 hours before a Carpinteria Sanitary District Board meeting in February 2001, then-General Manager **John Miko** called **Hillary** to say the CSD Board was voting that evening to drop the Septic to Sewer project, because the District had spent \$67,000 in out-of-pocket expenses and Miko had been reprimanded that CSD could not legally spend ratepayer money to annex new customers.



Hillary frantically called HTO Board member **John Robinson** and asked what to do, and John told Hillary to go to the meeting and guarantee the \$67,000 payment. Hillary did just that, to the great surprise of the CSD Board. This quick action kept the project alive, but the rest of the HTO Board of Directors didn't know about HTO taking on a \$67,000 debt until they read it in the news the next morning.

Eventually the Santa Barbara County Board of Supervisors voted for the

County to take on this debt, to be paid out of the "Hannah-Beth Funds"* should the Septic to Sewer project fail to materialize. (If/when the project was voted on and funded, the \$67,000 would be paid as part of the cost of the project.)

Pshew!

* "Hannah-Beth Funds" = the \$2 million State grant for Septic to Sewer work, brought into Santa Barbara County by Hannah-Beth Jackson when she was our State Assemblywoman.

CATCH-22 # 3

RATEPAYER FUNDS CANNOT BE USED TO ANNEX NEW CUSTOMERS

A Sanitary District collects fees for wastewater collection and treatment from its existing customer base. State law requires that the rates cover the actual costs of providing service, and these funds are not to be used for other purposes, like annexing new (septic system) customers to the District. This means that if there is a CEQA challenge on a Septic to Sewer project, the Sanitary District hands are tied and cannot defend itself.

We got through the EIR lawsuit (“unintelligible,” “unripe,” said the judge). Then we needed a **\$48,000 Supplemental EIR** and since we were back at the problem of CSD not being able to spend ratepayer money to annex new customers, HTO’s lawyer, **Marco Gonzalez**, established the Conditional Loan Fund, wherein donors would pay this and all other upcoming costs CSD incurred.

Where was all this money coming from? *The homeowners!* They donated to the right of us, they donated to the left of us, they donated in front of us, with volley and thunder. They came to our Annual Galas and bought not one but two tables, and calling themselves the “Rincon Rooters,” they spent and gave to us generously, giving us our shot and shell.

Mainly, they kept their sense of humor. Insults were flying pretty high between the factions, and words like “*You liar!*” were common. Somebody who was under Federal investigation for wiretapping would come to CSD Board meetings with a tape recorder and aim it in the direction of anyone speaking – illustrating a lot of experience in capturing conversations. A picture of Hillary standing barefoot in Rincon Creek was published in the New York Times and the comments flew on an oppositionist website: “*If she thinks it’s so polluted, why is she standing in it?*”



Hillary Hauser, *New York Times* Sept. 25, 2007

While all this was going on, Sandyland and Sand Point were basically unable to do anything. With everyone bound under one project, all the votes couldn’t be taken until the mess in Rincon was cleared up.

Finally, in October 2007, everything was set for the Assessment District Vote for all the homeowners – Rincon, Sandyland and Sand Point. The Total For: 65.6%; Total Against, 34.4%. In Rincon, the margin was narrower, and instantly lawyers were hired. Newspapers began publishing surreal photos of ballot-counting, wherein multitudinous attorneys examined a ballot and each other at the same time, using everything but a Sherlock Holmes magnifying glass and sniffing dogs.

CATCH-22 # 4

HOMEOWNERS HELD HOSTAGE WHEN THERE’S A FIGHT

When a fight breaks out over a Septic to Sewer project, none of the homeowners can proceed with the project until the fight is settled – even if the majority of homeowners want the project. In a case where more than one homeowner association is involved in a project covered by one EIR (grouping saves money), all the associations are held hostage to one association in which an internal dispute is taking place.

THE CARTOON WARS



At various points in the heat of the Rincon battle, a number of cartoons showed up in everyone’s mailbox within the Rincon community, including these two classics: 1) “Heal Everything” Executive Director Hillary Hauser (note hair and glasses) passing a bag of money under the table to Carpinteria Sanitary District and, 2) another showing Hillary in bed with CSD and LAFCO. An outraged supporter sent these cartoons to us at the HTO office with the question, “Aren’t you offended?”

“I think they got the hair about right,” Hillary said, “but LAFCO? In bed with LAFCO? I want to strangle them!”



As if to prove a point about the state of Hillary’s hair (and other physical features), the *Santa Barbara Independent* published at about this same time an issue featuring various locals in caricature, and the caricature of Hillary made those Rincon cartoons look like Raphael paintings.



Rincon's Wild Ride

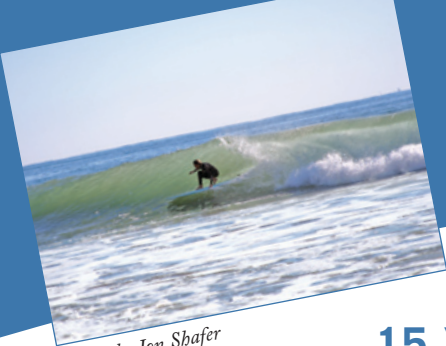


Photo by Jon Shafer

15 YEARS OF RIDING THE WILD POLITICAL SURF

PRE-AUGUST 1998: CURE (Clean Up Rincon Effluent) circulates petition among surfers complaining about getting sick after surfing at the Rincon, to present to SB County. Surfboard shaper Clyde Beatty asks Hillary Hauser to help by publicizing.



AUGUST 1998: Heal the Ocean forms. (Co-founders Hillary Hauser and Jeff Young make announcement on steps of County Administration Building, during a public protest over polluted beaches.)



OCTOBER 1998: HTO initiates DNA testing of Rincon Lagoon, gets Santa Barbara County Environmental Health Services (EHS) to collaborate (HTO funds \$23,500 lab work; EHS pays \$12,500 and performs in-field collection). Results show human fecal bacteria in the lagoon.

1998

1999

2000

2001

2002

2003

2004

2005



NOVEMBER 1998-FEBRUARY 1999: HTO coordinates homeowner association meetings to explain hookup process to Carpinteria Sanitary District (CSD), introduces Septic to Sewer concept to Sandyland, Sand Point Road, Rincon, Padaro Lane and Beach Club Road, a total of 175 homes.



MARCH 1999: HTO writes \$9,000 check for sewer engineering study for Rincon; paid for by surfers of the Rincon Clean Water Classic (organized by Glenn Hening), CURE, Surf rider, Santa Barbara County's Project Clean Water, the Rincon homeowner association, and HTO. Funding help comes from Patagonia.



AUGUST 1999: Assemblywoman Hannah-Beth Jackson tours Rincon, goes back to Sacramento and authors Assembly Bill 885 to regulate septic systems throughout California, and secures \$2 million grant for S.B. County to combat septic system pollution problems, to be administered by County EHS.



AUGUST 2000: Estimate of cost for sewer comes in at \$2.9 million, Rincon homeowners vote to levy their homes; 74% vote in favor of the project (51% needed to pass). Total price includes \$425,000 for the Environmental Impact Report (EIR) required for the project.

AUGUST 2000: Five Rincon homeowners sue to stop the project claiming EIR has to be performed before vote is taken. "Catch 22" emerges: such projects can't be done without EIR, yet there are no funds for an EIR until homes are levied.

SEPTEMBER 2000: CSD withdraws project. CSD manager John Miko locates state grant source for \$425,000 EIR. HTO agrees to help lobby for EIR funds, the project is off and running again.

FEBRUARY 2001: Miko informs HTO that CSD Board is meeting to drop project, because the District has spent \$67,000 in out-of-pocket expenses, and cannot legally spend rate payer money to annex new customers. HTO immediately appears before CSD Board to guarantee \$67,000 payment.

MARCH 2001: HTO begins lobbying for EIR \$425K grant application to the State Water Resources Control Board (SWRCB).

APRIL 2001: HTO (with help of attorney Phil Seymour) successfully lobbies County Board of Supervisors to pick up the \$67,000 guarantee to CSD, a debt that would have to be paid should sewer project fail to materialize in future.



SEPTEMBER 2001: "South Coast Beach Communities Septic to Sewer" EIR grant is awarded by State Water Board as "number one priority." CSD begins work on formal project proposal, which includes timeline for hiring of engineers and more exact cost estimates for each phase of the study.

FEBRUARY 2002: Formal project proposal is submitted to State Water Resources Control Board.

MAY 2002: HTO learns Rincon project is at the bottom of the list for processing into an actual contract; out of 60 grant applications, only 3 have been completed in 9 months. HTO contacts Assemblywoman Jackson for help; Jackson immediately writes SWRCB asking Rincon contract processing to be placed at top of list; SWRCB immediately begins paperwork.

JULY 2002: "Final Scope of Work and Budget" is completed in Sacramento, paperwork goes back to RWQCB. HTO lobbies RWQCB to get documents moving to the state Contracts Office.

OCTOBER 2002: Contract received by CSD, signed, returned to State; more delay in the midst of State budget deficit crisis. HTO again contacts Assemblywoman Jackson, who again intervenes.

NOVEMBER 18, 2002: John Miko passes away suddenly, leaving the Rincon project in limbo.

JANUARY 5, 2003: Jerry Smith, retired general manager of the Montecito Sanitary District, is appointed interim general manager of CSD.

JANUARY 21, 2003: EIR work begins for Rincon, Sandyland, Sand Point, Padaro Lane and Beach Club Road projects.



FEBRUARY 2005: Santa Barbara superior court throws out oppositions' complaint as "unintelligible." Complaint is revised and re-filed.

MAY 2005: Opposition's revised lawsuit is thrown out of court as "unripe," because no sewer project has been approved by CSD.

JUNE 2005: HTO establishes \$48K Supplemental EIR fund, to have additional planning work done on Rincon portion of project before CSD approves project.

OCTOBER 2005: Regional Water Quality Control Board (RWQCB) passes Resolution supporting sewer project. Updated engineering starts on all communities in project (paid for by Santa Barbara County, which also funds annexation and assessment engineering).





Photo by Branden Aroyan

JULY 2006: Supplemental EIR (SEIR) work completed on Rincon part of project; 30-day public circulation begins.

SEPTEMBER 19, 2006: CSD approval of the SEIR.

OCTOBER 2006: Assessment & Annexation engineering begins for all communities within project.

AUGUST 2, 2007: SB Local Agency Formation Commission (LAFCO) unanimously approves South Coast Annexation to CSD, opens Protest period.

AUGUST 24, 2007: 45-day Protest period begins for homeowners within project areas.

SEPTEMBER 4, 2007: Project awarded \$2.1 million Clean Beaches Initiative (CBI) grant. Opponents claim at State Board hearing, Sacramento, that Rincon is clean already. HTO flies to Sacramento to successfully defend the grant, which will reduce homeowner cost by 25%.

OCTOBER 9, 2007: LAFCO protest hearing held in Carpinteria City Hall.

OCTOBER 16, 2007: Assessment District vote announced: Total For: 65.6%; Total Against, 34.4% (Rincon, Total For, 56.9%; Total Against, 43.1%); 90% of all properties voted. Legal challenges to ballots are submitted. Protests by Opposition lawyers re: signatures, votes from Trusts, etc., follow on 10/19/2007.

APRIL 22, 2008: CSD runs Mail-In ballot confirmation election for Annexation. HTO hires Santa Monica elections lawyer Fred Woocher to help sort out possible illegal registration/voting. Final vote is 73-59 in favor of Annexation; this tally does not include 19 ballots (on Ventura side of Rincon) challenged by HTO.

MAY 9, 2008: Ventura County Superior Court Judge rules on 19 challenges (all against annexation), allows 7 votes to stand, discounts 12 votes, Final vote is 85-66 For.

JUNE 12, 2008: A group of Rincon residents on Ventura County side file lawsuit, entering challenges against a list of "For" votes.

JULY, 2008: Case goes to trial in Ventura Superior Court, the "for" side wins, both sides settle, the South Coast Beach Communities Septic to Sewer project is free to move forward again.

EARLY MARCH, 2009: Project funding complete through owner up-front assessment payment and successful municipal bond sale. CSD project team formed to carry out project.

MARCH 2010: Caltrans denies Rincon permit for best alignment.

FEBRUARY 2012: HTO learns from CSD that Caltrans is holding up Rincon permit. HTO contacts Hannah-Beth Jackson, who contacts Assemblyman Das Williams, who makes a site visit to the Rincon area with CSD Manager Craig Murray and HTO, and Assemblyman Williams convinces Caltrans to OK the permit.

APRIL 2012: Caltrans permit OK'd. Construction starts on Sandlyland and Sand Point communities, finished by May 11, 2012. Including Padaro Lane, over 80 septic systems are now removed from nearly 7 miles of SB county coastline.

MAY 2012: Update of archaeological report for Rincon.

MAY 2012: Rincon Engineering, a machining and sheet metal fabrication company just north of Rincon community of homes, goes off septic, hooks to sewer.

JUNE 19, 2012: AB 885 regulations covering septic systems in California are approved by the State Water Board.

OCTOBER 2012: HTO learns the Ventura County Zoning Dept. wants zoning violations corrected before further construction is allowed – including sewer. HTO contacts Ventura 1st District Supervisor Steve Bennett to ask him to move things along. Bennett agrees & Ventura Zoning Dept. agrees.

FALL – WINTER 2012: Continued collection of public easements from Rincon homeowners (only 1/2 had been collected as of October 16, 2012); CSD seeks final OK from Caltrans on a few permitting details.



2006

2007

2008

2009

2010

2011

2012

2013

NOVEMBER 1, 2007: LAFCO voids results of October 9, 2007 protest period due to improper noticing in the media and schedules another protest vote & hearing for December 3, 2007.

DECEMBER 7, 2007: RWQCB passes Resolution of Appreciation for the South Coast Beach Communities Septic to Sewer Project Proponents, including HTO, Surfers of the Rincon Clean Water Classic, CURE, Surfrider Foundation, SB County Project Clean Water, and the Rincon Homeowners Association.

JANUARY 11, 2008: Results of December 3, 2007 protest vote announced. Greater than 25% of registered voters within proposed annexation area voted No to annexation, (36%), requiring a confirmation election. 51% of registered voters within annexation area must now vote in favor of annexation for project, a voting process run by CSD.



MARCH 25, 2009: Fred Woocher invoice comes to HTO for \$215K. HTO directors travel to Santa Monica to negotiate the fee to \$149,800, payable over 2 years. HTO sets up a successful 2-year Restricted Gift Agreement program with all homeowners in project to make tax-deductible donations to HTO over the 2 years, to pay the legal invoice.

AUGUST 2009: CSD begins final design engineering of project.

DECEMBER 2009: CSD Encroachment Permit Application repackaged and resubmitted to Caltrans.



DECEMBER 12, 2012: After testimony from CSD's Craig Murray and HTO supporter (and now HTO director) Heather Hudson, County P&D approves Rincon project.

JANUARY 28, 2013: After delays in communication between SB County departments, HTO asks SB County 1st District Supervisor Salud Carbajal for a roundtable meeting of heads of County Parks, General Services and various P&D officials to sort out the last kinks holding up sewer construction bidding process. One holdup is funding for the hookup of public restrooms in the upper Rincon parking lot, a County park area. HTO suggests funding from the "Hannah-Beth Septic to Sewer funds" established at EHS in 1999 (see August 1999 entry, above).

FEBRUARY, 2013: County EHS agrees to provide funds for annexation of restrooms; Cal Trans approves final permitting details.

MAY 2013: Construction projects advertised for bids.

JULY/AUGUST 2013: CSD awards the building of the Rincon project to Tierra Contracting and Travis Agricultural Construction.

SEPTEMBER 2013:
15 YEARS AFTER
WE STARTED –
CONSTRUCTION BEGINS
ON THE RINCON
PORTION OF THE
SOUTH COAST BEACH
COMMUNITIES SEPTIC TO
SEWER PROJECT!

About a month before the Assessment District Vote went through in October 2007, wherein the homeowners in Rincon, Sandyland, and Sand Point voted to pay for public sewer, a terrible situation was evolving with a Santa Barbara County agency whose job it is to finalize formal Annexation of properties into new districts, Sanitary or Otherwise.

The Local Agency Formation Commission's (LAFCO) job is to oversee and approve governmental boundary changes – in this case annexation of over 100 residential parcels into the Carpinteria Sanitary District's service area boundary.

On October 9, 2007, we all piled into the LAFCO protest hearing in Carpinteria City Hall to hear the results. Hillary was accompanied by world-famed surfer **Shaun Tomson**, who came to support the project.

In Carpinteria City Hall, it was announced by LAFCO that there were not enough protests filed to void the Annexation action, which meant that the project was free to proceed.

A few days later, the LAFCO Executive Director called Hillary in her office to announce that he had forgotten about the Ventura side of the Rincon project, had therefore failed to publish public notices in the Ventura papers, and that due to "improper noticing" in the media he had singularly chosen to void the Protest Vote. He was rather complacent about it. "We just run another Protest Vote," he said. "No big deal."

Hillary nearly fell off her chair. "You do...not...know...what...you...have...done...to...us!" she said. "This is not a No big deal! AGGGGGH!"

With another Protest deadline of December 3, 2007, the opposition knew, as we knew, that if greater than 25% of registered voters within the proposed Annexation area protested the Annexation, a Confirmation election would be required. And that in a Confirmation election, a full 51% of registered voters within the Annexation area would have to vote in favor of Annexation for the boundary change to be finalized and recorded.

No big deal? Yah, sure.

In January 2008, the results of the December 3, 2007 Protest Vote were announced, and as we expected, more than 25% of registered voters within the annexation area protested the Annexation. A confirmation election was now required, with a full 51% of registered voters to say Yes.

No big deal!

CSD was then required to conduct a Mail-In ballot Confirmation election for Annexation. (This required some No Big Deal money for

them.) **Dan Emmett**, who was and is one of the Rincon Project's biggest supporters and activist as well as Rincon Rooter and HTO huge backer – said Whoa, we need an Elections Lawyer! Dan knew an excellent lawyer not far from his office in Santa Monica – **Fred Woocher** – and put HTO in touch with him.



Hillary & Shaun Tomson at LAFCO protest hearing

Knowing we were in for a ("no big deal!") fight that would be costly, HTO's lawyer **Marco Gonzalez** of Coast Law Group, who had put together the Conditional Loan Fund whereby HTO paid CSD's legal and SEIR bills (now over \$100,000 total), now put together a Restricted Gift Agreement program wherein HTO would pay Fred Woocher's legal bill for the Confirmation Vote fight.

The LAFCO Confirmation Vote challenge turned into the Sport of Kings.

Everyone who voted in the LAFCO Protest Vote had to show up in Ventura Superior Court (if they had been successfully hunted down and subpoenaed) and prove where he or she was registered. The hunt for witnesses – the subpoena process – was surreal. **Fred Woocher** himself went to one Los Angeles apartment unannounced and served a subpoena to a young man who had voted from a Rincon address and the young man told Fred, "My parents made me do it!" One Opposition address had put in 14 No votes and that needed challenging because we were certain 14 registered voters didn't live in one house.

The case in Ventura Superior Court was excruciating. "Where do you live?" "Please show us your driver's license." "What does your dog eat for dinner?" One ultra-refined couple was so grilled and drilled that Hillary left the courthouse in tears.

Ultimately, a terribly odd realization emerged from this whole exercise: Many homes in Rincon are second (vacation) homes, so legitimate homeowners wanting to upgrade plumbing on their properties could not legally vote on their properties because they weren't registered to vote there! Something seems wrong with this picture, but that's the way it is.

In any case, Fred Woocher won the case for us. Heal the Ocean did not even have to put up our side of the case when the obvious was revealed. We had won. The annexation was finalized and recorded.

It was over.

Or so we thought.



Fred Woocher

CATCH-22 # 5

LAFCO PROTEST VOTE NEEDS FIXING

Before an Annexation proceeding can be finalized through the Local Agency Formation Commission (LAFCO), a Protest Vote is held under certain circumstances. A voter can only cast his/her ballot in a Protest Vote if the property involved is his/her main residence, where he or she is registered to vote. Therefore, people with vacation homes can't generally vote on a project that directly affects their property.

This one was really scary.

In 2005 CSD received conceptual approval from Caltrans for a pipeline alignment within the US 101 corridor between Rincon Point and the Highway 150 onramp (Alignment #4). “Looks good,” Caltrans said. Although this type of longitudinal encroachment is not generally allowed, due to topographic and other serious constraints, this was considered the only feasible alignment not threatened by future bluff erosion or other geologic hazards or affecting wetland areas (Alignments 1-3).

On the basis of the tentative OK by Caltrans District 5 staff for Alignment #4, CSD proceeded with engineering design and additional environmental review – actual permit approval could not be granted without fully engineered plans – and in 2010, CSD submitted a formal application to Caltrans for an encroachment permit for Alignment #4.

Now that we needed to proceed, in February 2012, Caltrans gave a flat-out NO, with one of the Caltrans staffers saying he would “*mud wrestle (the issue) all the way to the Governor’s office*” before approving the encroachment.



*Thank you, Hannah-Beth!
Thank you, Das!*

HTO began to call the District 5 office once a week begging for mercy while CSD continued to push forward any way possible. Caltrans suggested an



alternative alignment up Rincon Hill Road and around onto Casitas Pass Road (Alignment #5), which HTO coined the “Mammoth Mountain Route.” CSD undertook an engineering feasibility study to prove the #5 alignment was illogical and infinitely more costly. (The project would have been dead because the cost would have pushed the construction budget far beyond what the Rincon homeowners had voted to fund in 2009.)

Getting nowhere, CSD engaged an advocacy firm in Sacramento, and HTO petitioned

Hannah-Beth Jackson for help. (At the time, Hannah-Beth was helping HTO as a private consultant following her term in the California State Assembly.) Hannah-Beth organized a project site visit by newly-elected State Assemblyman Das Williams, and after seeing the situation firsthand, Das Williams convinced the Director of Caltrans that the regional importance of this project warranted an exception to their hard and fast rule. In March 2011, CSD received a letter formally approving the Caltrans permit for the preferred Alignment #4 and the project was back on track again.

THE COUNTY CUISINART

Following Caltrans approval, the Rincon project then fell into the mish-mash of permitting issues from various County agencies (“What color is the pump station,” “Who’s paying for the hookup of the upper Rincon parking lot restrooms?” and so forth.) With communications between departments going along at less than a snail’s pace, HTO called 1st District Supervisor Salud Carbajal for help, i.e., “**HELP!**”

Supervisor Carbajal immediately called a roundtable meeting in which CSD Manager Craig Murray gave the group his laundry list of permitting needs, and all department heads agreed on who should do what, right away. Most notably, Environmental Health Services agreed to use “Hannah-Beth Funds” for the hookup of the upper parking lot restrooms. *Thank you EHS!* This swift action on Salud’s part pushed the Rincon project toward the CSD construction bidding process, and now the end of our troubles was really, truly in sight.



Thank you, Salud!

CATCH-22 # 6

BACKWARD PERMITTING TIMELINE

Caltrans cannot approve a permit before a project reaches final design, a final design cannot be done until there is a project for sure, and there is no project for sure until the homeowners have voted and funded it.

THE END OF THE STORY

Finally, we finally reached, finally, the day when finally the Carpinteria Sanitary District Board could finally and officially put out a call for construction bids, finally.

The day before the CSD Board hearing where the directors would consider a resolution to initiate the construction bidding process, a young woman came into the HTO office with handmade soaps, each wrapped with brown paper stamped with the name of different Santa Barbara beaches. She was starting a business, and thought we might be interested in them for party favors or something.

We pounced on the soap with a wrapper stamped "RINCON," and immediately ordered one for each CSD board member, a little parting thank you gift.

At the CSD Board hearing Hillary gave the CSD directors a brief comic history of what we'd been through together, then presented them with the soaps and announced their meaning: *"Finally, you can wash your hands of us!"*



Hillary gives soaps and thanks to the CSD Board, July 2013

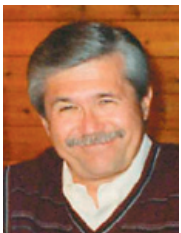
The CSD Board eventually awarded construction contracts for the Rincon Septic to Sewer project to two contractors:

- 1) Tierra Contracting, to build the system Outside Rincon Gates; and
- 2) Travis Agricultural Construction, to build the system Inside Rincon Gates (the community).

Finally! The End!



OUR GENERALISSIMOS – THE CSD MANAGERS



John Miko, CSD General Manager until his passing November 18, 2002



Jerry Smith, CSD Interim Manager January 2003 – May 2004



Craig Murray, May 2004 to present

There are many Sanitary Districts that would never put up with the massive tangle and wrangle of the Rincon Septic to Sewer project. For sticking with us through thick and thin, Heal the Ocean gives eternal thanks to CSD General Managers Craig Murray, John Miko and Jerry Smith. We also have infinite gratitude for the CSD Board of Directors Jeff Moorhouse, Lin Graf, Mike Modugno, Michael Damron, Gerald Velasco, as well as past directors Pat Horwitz and Doug Treloar. We also thank CSD lawyer Tony Trembley, who put up with his fair share of insults. Craig Murray? You are our hero to the end of time. Love, Heal the Ocean.

ACTION...A PROJECT OF THE PEOPLE

Since the beginnings of Heal the Ocean, we have always emphasized the fact that our organization is a Citizens' Action Group. The success of the Rincon Septic to Sewer project is the work of citizens – a Project of the People. This photo montage is our HTO quilt, so to speak, illustrating just a part of a huge, seamless team of citizens that made it all happen.



A SALUTE TO THE HOMEOWNERS OF THE SOUTH COAST BEACH COMMUNITIES SEPTIC TO SEWER PROJECT

(and HTO supporters who helped fund contractual parts of this epic campaign)

There are not words enough to thank all you homeowners in Rincon, Sandyland, Sand Point and Padaro Lane – and our wonderful HTO supporters who participated in Heal the Ocean's Conditional Gift/Loan Program, as well as HTO's \$48K Supplemental EIR Fund, and finally HTO's Restricted Gift Agreement program to pay legal fees and costs associated with getting the South Coast Beach Communities Septic to Sewer Project paid for and finished. You came to our Annual Galas and bought big tables. You cheered us on. You also paid for building the sewer project itself. Your generosity is breathtaking. Santa Barbara County will always thank you, the State of California will always thank you, and we will always thank you. We hope you will take satisfaction in knowing the gift you have given your children and your children's children is a gift forever.



Some of the fabulous "Rincon Rooters" at one of HTO's Annual Galas

A SALUTE TO THE HEAL THE OCEAN BOARD(S) OF DIRECTORS

A project that takes 15 years to accomplish means rough oceans and many people at the oars. Heal the Ocean has had stellar people on its Board of Directors, all of whom spent much time figuring out what to do at each step about the mammoth, thorny environmental project/problem of the septic systems at Rincon. There is no way we would be celebrating any victory without the help of the following Directors, past and present, some short-lived, some always with us, all of them forever invaluable – and all of them a very big part of the legacy that Heal the Ocean leaves to the ocean along the Santa Barbara South County coastline.

PRESENT: Francesca Cava, Jean-Michel Cousteau*, Hillary Hauser*,
Heather Hudson, Thomas Dabney, Françoise Park*, Sam Scranton.

**From the beginning, and still going...*

PAST (at various times): Sally Bromfield, Ned Doubleday, Graham Farrar, Steve Halsted,
Stan Harfenist, Dick Lamb, Laura Lodato, Mike Lodato, Richard Monk, Ron Pulice,
John Robinson, Kelly Smith, Charles Vinick, Jonathan Wygant, Jana Young, Jeff Young.



Thank you, one and all!

HTO'S LEGACY TO SANTA BARBARA COUNTY



After 15 years of work, Heal the Ocean is proud to leave to Santa Barbara County seven miles of septic-free coastline. The Google maps on this page illustrate our areas of work, where 130 homes are now without septic leachfields intercepting groundwater, the Carpinteria Salt Marsh or the beach.

It's been a long haul, this work, and all of us at HTO are proud to have accomplished it for the ocean we all love, and we thank everyone who helped us.



Heal the Ocean

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