



**environmental**  
DEFENSE CENTER



Laurie Bailey Photography

## FALL 2015 NEWSLETTER

---

California's historic drought has everyone thinking about water. While we look at our dwindling reservoirs and aquifers, we listen intently for any mention of El Niño and how much rain that system could bring to our thirsty region. Of course El Niño has the potential to dump a tremendous amount of water in a very short time and so we need to be vigilant in preparing for potential floods and mudslides, but one other reality that gets far too little attention is storm water runoff.

As rain washes over industrial facilities, it carries oil, grease, chemicals and other harmful pollutants along with the water. This storm water runoff is one of the nation's most widespread forms of water pollution, leading to the contamination of many of our country's rivers, streams, and coastal waters. EDC has been hard at work attempting to clean up storm water and in 2015 we have had some significant victories. We reached a settlement with Paso Robles based A-1 Metals & Auto Salvage which is now working to ensure no runoff is discharged from its five-acre facility, and working with NRDC, we just settled a case with national implications for how EPA will regulate storm water all across the country. You can see more about both these cases inside.



EDC has had two major victories this summer helping to clean up storm water runoff, one of the nation's most widespread forms of water pollution. Photo by Maggie Hall

This is just the beginning. EDC along with another Santa Barbara based law firm, Keller Rohrback, has just notified the Ventura electroplating facility, General Magnaplate, of our intent to sue for violating the Clean Water Act. For years, this facility has been discharging zinc, iron, aluminum and other toxins into the Santa Clara River, the last free flowing major river in southern California, which flows directly into the ocean.

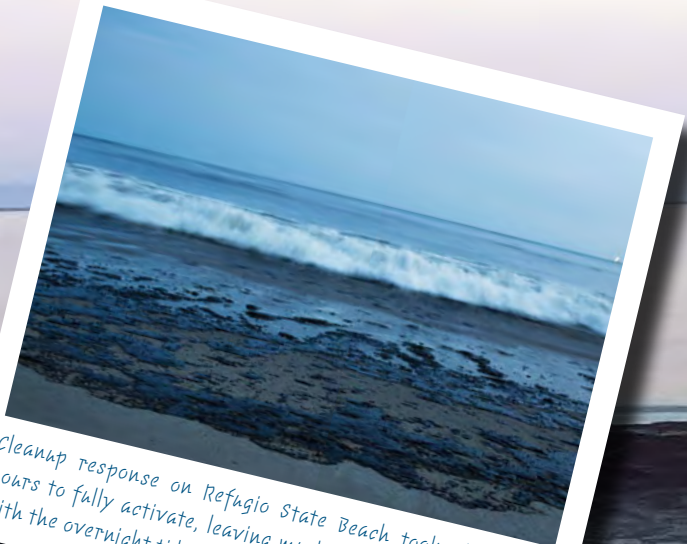
Safeguarding our region's clean water has always been among EDC's highest priorities. With the specter of El Niño putting everyone on high alert, the last thing people need is to be concerned with chemicals and other pollutants following the rain into our creeks, streams and into the ocean. EDC continues to investigate our region's dirtiest facilities to ensure we have clean water to surf and play in, for our region's wildlife, and for our future.



# PLAINS ALL AMERICAN OIL SPILL • REFUGIO BEACH

## BY THE NUMBERS

5.19.15  
The day the Plains All American Pipeline ruptured,  
devastating our coastline  
**140,000 (at least)**  
Gallons of crude oil poured onto our coast  
**138**  
Square-miles of fisheries closed  
**150**  
Miles of beaches affected  
**168 (at least)**  
Marine mammals affected (106 dead, 62 live)  
**252**  
Oiled birds collected (195 dead, 57 live)  
**60**  
Days that Refugio State Beach Park was closed  
**10-15**  
Percent of oil that is recovered from the ocean  
normally from such spills



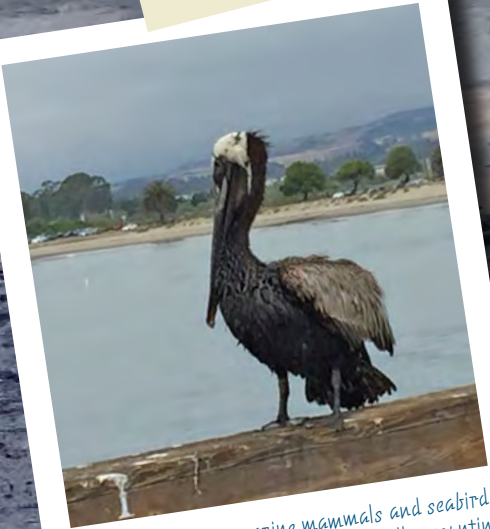
Cleanup response on Refugio State Beach took almost 24 hours to fully activate, leaving much of this oil to wash out with the overnight tides.



EDC was the only environmental organization invited to testify at the June 26th Joint Legislative Oversight Hearing in Santa Barbara, with Linda Krop speaking about the spill's impact on our environment.



EDC helped convince the County of Santa Barbara to deny ExxonMobil's "emergency" permit request to transport almost 200 oil trucks per day once the Plains pipeline was shut down.



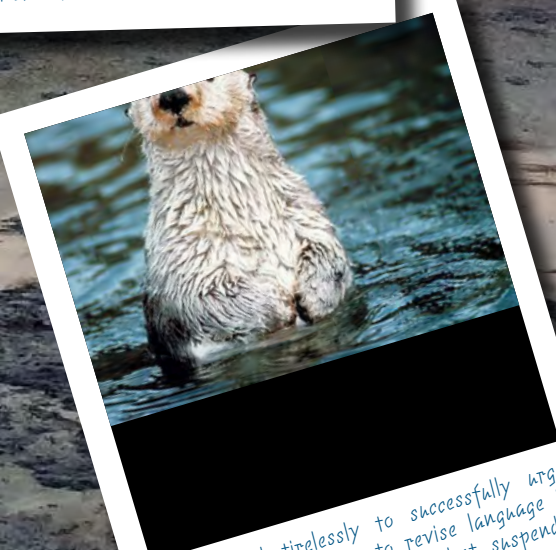
A minimum of 300 marine mammals and seabirds were killed, but we will never have a full accounting as many animals will never be recovered.



Three state bills were just passed to prevent pipeline oil spills and ensure more effective response.



In the days after the spill EDC staff worked around the clock with the media to help educate and inform the public, appearing on MSNBC, CNN, NPR, and speaking to dozens of other local, national and international outlets.



EDC worked tirelessly to successfully urge Governor Jerry Brown to revise language in his Emergency Proclamation that suspended the California Coastal Act - arguably the most effective environmental law in the United States.



In the days after the spill, oil washed up on beaches as far as 150 miles away in Ventura, Los Angeles, and Orange Counties.



The Unified Command reported 14k gallons of oily mix being collected from the ocean. This extremely small percentage of the total oil spilled demonstrates the fact that we are unlikely to ever collect more than 15% of oil once it hits the water.

The agencies overseeing the emergency response along with the "responsible party," Plains All American Pipeline, collectively known as the Unified Command, have now begun the third phase of their cleanup process. Phase I was the immediate response to the disaster, which led into the Phase II cleanup operations. Phase III consists of long-term monitoring for oil contamination from the spill, including oil sampling after the next big storm events and continuing until at least May 2016. The final step will include the assessment of damages and plans to restore the area. Looking ahead, EDC is pleased to see some good legislative steps being taken in Sacramento this year to increase pipeline safety and improve oil spill response, but the fact remains that with oil and accidents, it is never a question of if, but when. EDC will need your help in the coming months to stop the proposed expansion of coastal and offshore drilling along the southern central coast and to ensure full cleanup and restoration from this devastating oil spill.



## STOP THAT (OIL) TRAIN!



EDC strongly opposes Phillips 66's proposal to add a rail spur in San Luis Obispo County for trains to transport crude oil that would threaten our coastal environment and communities.

Phillips 66 proposes to construct a rail spur at its oil refinery in San Luis Obispo County that would facilitate transport of up to five 80-car trains, each more than a mile long, carrying oil through our coastal communities every week. Each train would carry between 44,000 and 52,000 barrels of crude oil. This project poses an enormous threat to our environment and the millions of Californians who live and work in the one-mile blast zone -- the evacuation area in the event of a train derailment or fire. EDC represents Sierra Club, Center for Biological Diversity and ForestEthics in efforts to stop this project and protect environmentally sensitive habitat, air and water quality, the health and safety of our communities, and the precious coastline of Ventura, Santa Barbara and San Luis Obispo Counties.

## KRISTEN HISLOP JOINS EDC

We are excited to announce the newest member of our team, Kristen Hislop, who joined us in July as our Marine Conservation Program Director. Kristen most recently served as a coastal program analyst for the California Coastal Commission, and also has experience as a California Sea Grant Fellow for the Channel Islands National Marine Sanctuary. A Bren School graduate with an emphasis in coastal and resource management, Kristen is leading EDC's work to protect endangered whales from fatal ship strikes while improving air quality, educate the public on marine protected areas, and stay on top of emerging ocean related issues. Keep your eyes out for her paddling on the coast or hiking our trails, and help us give her a warm welcome!



## PROTECTING GOLETA'S CHAPARRAL AND URBAN FARMS



EDC is working to protect the chaparral forest while also addressing important fire safety issues in mountain communities and wildland-urban interfaces. Photo by Brian Trautwein

EDC is very active in the effort to protect wild places and urban farming through the Eastern Goleta Valley Community Plan. We had great success with the Santa Barbara County Planning Commission supporting protection of wildlife habitats and several urban agricultural parcels, some of the few farms that remain and are threatened by development. In its 4-1 vote, the Commission recommended that the Board of Supervisors designate four types of chaparral covering over nine thousand acres in the Plan area as protected "Environmentally Sensitive Habitat." This fall, EDC and our clients at Urban Creeks Council will move ahead, supporting the Plan before the County Board of Supervisors.

## SETTLING FOR A CLEANER RIVER



Under a settlement with EDC, A-1 Metals will eliminate all storm water discharges from its facility, undertake significant cleanup efforts, and increase its monitoring for pollutants.

EDC and our partner, California Sportfishing Protection Alliance (CSPA), reached a settlement with A-1 Metals & Auto Salvage to protect water quality in the Salinas River, an environmentally important area that is critical to central coast communities' health and recreation, and is home to numerous endangered species. EDC and CSPA sued A-1 Metals late last year for violating both the Clean Water Act and California's Industrial Storm Water Permit, and polluting the River. Our agreement requires A-1 to undertake significant cleanup at the facility and eliminate all storm water discharges of harmful pollutants, such as copper and lead, which have been reported in magnitudes above lawful limits. In addition, the company is contributing \$25,000 to the Rose Foundation for Communities and the Environment to be used for future improvements of water quality in the Salinas River watershed.

## EDC VS. EPA – A-OK!

This fall, EDC celebrated a victory of national importance, after a federal court approved settlement of our lawsuit in which the Environmental Protection Agency has agreed to update its regulations for storm water runoff, one of the nation's largest sources of water pollution. EDC and NRDC, our partners in the case, filed a lawsuit last year to force the agency to update its regulations to be consistent with the Clean Water Act, more than a decade after the court had first ordered EPA to do so. In particular, the settlement requires EPA to address storm water pollution from small urban sources and evaluate forest road runoff, in light of water quality impacts from forest roads across the country, including access roads to oil operations in the Los Padres National Forest.



As a result of EDC's lawsuit, the EPA has agreed to update its national regulations for storm water runoff, specifically relating to forest roads and urban runoff. Photo by NRDC



POWER TO THE PEOPLE, NOT ANOTHER POWER PLANT

For decades, Oxnard has been burdened with pollution from three dirty power plants-- more coastal power plants than any other city in California-- a toxic waste Superfund site, and other industrial facilities. Unfortunately, in 2014, NRG proposed to further the burden with a fourth power plant on the environmentally sensitive habitat of Oxnard's coastline, vulnerable to sea level rise. Over the course of the year, EDC has been working alongside our clients at Sierra Club Los Padres Chapter, the Environmental Coalition, and the community to prevent this additional polluting power plant from being located on Oxnard's beaches. EDC has a long history of fighting to protect Oxnard's beaches, in particular the exceptional coastal and wetland habitat of Ormond Beach. The California Energy Commission is expected to make a final decision on where to locate the power plant by next fall.



NRG's proposed Puente Power Plant would be the fourth dirty power plant on the beaches of Oxnard. Photo by Linda Krop

SEA OTTERS RETURN TO WHERE THEY OUGHTER



In a major victory for the southern sea otter, a federal judge rejected a legal challenge by fishing organizations against the Fish and Wildlife Service's 2012 decision to terminate the 'no-otter zone,' allowing sea otters to re-inhabit their historic range in southern California, stretching from Point Conception to the Mexican border. The sea otters' return will help restore depleted kelp forests and improve the overall health of our marine ecosystems. FWS's 2012 decision was made following a 2010 legal agreement reached by EDC and The Otter Project with the FWS after the groups sued to end the agency's decades-long delay in making a required decision on whether or not to terminate the failed no-otter zone.

A federal judge upheld a 2012 decision to end the no-otter zone, making way for otters to reclaim their native habitat on the southern California coast. Photo by Jeff Foott, The Otter Project

A GOOD DAY FOR THE GAVIOTA COAST

EDC, our client (Surfrider Foundation) and the community celebrated a victory for Naples, one of the truly iconic coastal open spaces remaining in southern California, located on the Gaviota Coast. In July, the Board of Supervisors rejected a request by Standard Portfolios, the current property owner, to transfer the inland development agreement made with the prior owner and developer. Without this agreement, Standard Portfolios faces a much tougher road ahead, as they could then have to comply with any new policies and ordinances the County adopts. Standard's transfer request was denied due to their inability to prove necessary funding to see the project through, or a reputation that made success likely. The new owner has been told they can resubmit this request, but this was very good news for our threatened coast.

It was a small victory for Naples, our coastal gem, when the Board of Supervisors denied the transfer of development rights to the new owner, Standard Portfolio. Photo by Branden Aroyan



THANK YOU TO OUR GENEROUS GREEN&BLUE SPONSORS



Executive Director Owen Bailey, Jennifer Cushnie, Dennis Allen. Photo by Laurie Bailey



Nearly 500 people joined us for a lovely afternoon at Rancho La Patera & Stow House. Photo by Laurie Bailey

<b>Santa Cruz Sponsors</b> Deckers Brands Susan Harris & Paul Junger Witt Lee Heller B.L. Jones The Ojai Vineyard Mesa Lane Partners Urgensee Paula & Richard Whited	Lisa Stratton & Peter Schuyler SPARK Creative Events Judy & Jack Stapelmann The Tent Merchant Trust for Public Land Diane & Mike Wondolowski Gail & Eugene Zannon Jules Zimmer Seyburn Zorthian & Marc McGinnes	Joan Pascal & Ted Rhodes Debra & John Piot Rabobank Kalia Rork, Realtor Santa Ynez Vacation Rentals Signature Parking Kate Silsbury Toad&Co Shelley & Greg Van Wyk Sally Warner-Arnett & Dr. G. William Arnett Cean & Mike Weber Assemblymember Das Williams	Eileen Daley Dan Weber Architecture Jean & Dave Davis Diyana Dobberteen EJ Harrison & Sons Mickey & Dick Flacks Fluke Foundation/Whale Entanglement Team Ghita Ginberg City Councilmember Gregg Hart Tom Hoffman Nancy & Karl Hutterer Senator Hannah-Beth Jackson & George Eskin Bernice James & Glen Mowrer Vijaya Jammalamadaka Jean Kaplan Karen Kraus - Pollinate Law Office of Marc Chytilo Monique Limon & Michael Medel Los Padres Chapter, Sierra Club Lori Lewis & Ron Perry Ann Lippincott & Ned Emerson Caroline MacDougall & Jerry Isenberg MacFarlane, Faletti & Company LLP Sherry & Craig Madsen Gail & Rocky Marshall Ana Martinez McGowan Guntermann Pamme Mickelson & Steve Windhager	Anne & Robert Miller Melissa Moreno & Dr. Mark Kram Stephanie Moret & Derek Booth Dave Muffly Rain Perry & William Slaughtner Judy Pirkowitsch Beth Pitton-August & Kenneth Miller-August Heloise & Sandy Power Barbara & Russ Radom Gail Rappaport & Peter Eastman Julie Ringler & Richard Powell Alicia & John Roessler Katrina S. Rogers & William A. Cherry Mayor Helene Schneider The Schowe Family Kathy Snow & Bendy White Tomika & Robert Sollen Supervisor Janet Wolf & Harvey Wolf Gail & David Teton-Landis Lila Trachtenberg & George Handler Ventura Citizens for Hillside Preservation Venturelli Group and Give Back SB Meg & Andrew West World Business Academy
<b>Santa Rosa Sponsors</b> Amy & Glenn Bacheller Dowitcher Designs The Emmett Family Marborg Industries Patagonia Rancho La Patera & Stow House	<b>San Nicolas Sponsors</b> American Riviera Bank Boone Graphics Susan Bower Debra Brandon & Steve Schaefer Nancy Brown Gina & Salud Carbajal Celeste Chang & Hans Cole Hal Conklin Marni & Michael Cooney Ehlers & Fairbanks Fund for Santa Barbara Hot Yoga 1000, Newbury Park Impulse Advanced Communications Tania Israel & David Landecker Matthea Cremers & Friends Montecito Bank & Trust Anna & Gary Nett New Belgium Brewing Co. Lessie Sinclair Nixon Nancy Parker & Cindy Hawkins	<b>Anacapa Sponsors</b> Ignacio Alarcon Anonymous Angela Antenore Antioch University Arnold's Cafe Lisa & Cameron Benson Vicky Blum & David Lebell Tina Boradiansky Melissa Bower Kathy & John Broesamle Tara Brown & Paul Petrich Whitney & Scott Bull Nancy Butler Francis & Richard Francis Bruno Caputo Congresswoman Lois Capps Julia & Lee Carr Heidi Chesley Jan & Charles Clouse Margaret & Joe Connell Lesley E. Cunningham, Attorney at Law		



Communications Director Betsy Weber and her brother, Dan Weber. Photo by Laurie Bailey



Sajjan Chhetri. Photo by Laurie Bailey





environmental  
DEFENSE CENTER

906 Garden Street  
Santa Barbara, CA 93101

111 West Topa Topa Street  
Ojai, CA 93023

#### EDC STAFF

Owen Bailey, Executive Director  
Xenia Bradford, Accounting Manager  
Nicole Di Camillo, Staff Attorney  
Cameron Goodman, Law Fellow  
Maggie Hall, Staff Attorney  
Kristen Hislop, Marine Conservation Program Director  
Linda Krop, Chief Counsel  
Chloe McConnell, Administrative & Development Assistant  
Beth Pitton-August, Development Director  
Brian Segee, Senior Attorney  
Brian Trautwein, Environmental Analyst & Watershed Program Director  
Betsy Weber, Communications Director

#### EDC BOARD OF DIRECTORS

Lee Heller, President  
Alicia Roessler, Vice President  
Judy Pirkowitsch, Treasurer  
Angela Antenore, Secretary  
Kathryn Allen  
Hans Cole  
Daniel Emmett  
Richard Francis  
Mark Heintz  
Gary Hill  
Gail Osherenko  
Peter Schuyler  
Renner Wunderlich

#### EDC ADVISORY BOARD

Bruce Anticouni  
Susan Bower  
Yvon Chouinard  
Neil Dipaola  
Paul Franz  
Joyce Howerton  
Craig Madsen  
Marc McGinnes  
Lessie Sinclair Nixon  
Bob Ornstein  
Bill Palladini  
Pauline Abbe (In Memoriam)  
Harriet Miller (In Memoriam)  
Selma Rubin (In Memoriam)  
Herman Warsh (In Memoriam)

#### EDC LAW CLERKS, INTERNS & VOLUNTEERS

Matt Haden, *Intern*  
Tia Hannah, *Volunteer*  
Stephen Hunter, *Intern*  
Tara Messing, *Legal Volunteer*  
Billy Shepherd, *Intern*

**MISSION STATEMENT:** The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action.

**FOCUS:** Since 1977 we have empowered community-based organizations to advance environmental protection. Our program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health. We primarily work within Santa Barbara, Ventura and San Luis Obispo counties.



## YOUR PART IN THE SUCCESS

In the enclosed pages you have seen the recent victories EDC is celebrating, on issues impacting our local communities, California, and the nation. **We hope you take personal pride in each and every one of these victories because they would not be possible without you, our generous donors and members.** We promise, with your continued support, to keep up this unrelenting work to preserve our local environment, protect endangered species and public health, and ensure our region remains one of the most special places on earth to live, work, and play. **Thank you!**