

COMMENTARY 97.15

City of Sebastopol Responds to Laguna allegations

by Paul Berlant

There have been a number of recent reports of, and commentary about, alleged "illegal spills" of wastewater by The Barlow Company and about the manner in which the city of Sebastopol dealt with these situations. The following information is submitted in order to correct some errors in these reports. The information provided below is taken from daily work diaries and records of the Public Works Department and was summarized by department staff. While this response is written to correct the record, it is in no way intended to be critical of an individual or question the rights of a citizen to complain about or to our local government.

In the summer of 1995 a lock and chain were cut and apple waste was allegedly released into the Laguna. The facts of the matter are that the chain in question had been placed by the city on an old valve which formerly was used to release treated wastewater from the city's old sewer pond into the Laguna. The valve was shut, chained and secured with a city lock. An incident was reported to the Regional Water Quality Control Board sometime in late June of 1995. The city was not notified until July 7. Upon investigation, Public Works staff found that the locked chain had been removed and the valve opened, allowing water in Pond 4 to flow into the Laguna.

The water in the pond at the time was not apple waste, but rainwater left over from the flooding earlier in the year. The cut, rusted chain was later recovered from the bottom of the pond. The Water Board performed water quality testing of the remaining water in Pond 4, and of the wastewater which was stored in Pond 3 at the time, and concluded that they were not the same. In his letter of July 27, 1995, Nathan Quarles of the Regional Water Quality Control Board staff stated "I do not believe the water that was discharged out of Pond 4 was Barlow's wastewater."

The city's response was to secure the valve with a new lock and chain. At a later date, Public Works staff permanently blocked the pipe by pouring a concrete plug into it.

A "Commentary" carried in the Times & News on October 22, 1997, states that, "What we do know about the 1995 incident is that ... the DO (dissolved oxygen) in the Laguna water dropped to 0.31 mg/l. This would certainly seem related to the Barlow spill and shows that this event had a significant negative impact along a long stretch of the Laguna."

This conclusion about the impact of the alleged "spill" is based on one dissolved oxygen reading derived from a water quality sample taken by the Water Board at the Occidental Bridge on June 1,

1995, before the alleged "spill" was reported. It is unclear how this is related to the subsequent release of rainwater (not apple waste) from Pond 4. Dissolved oxygen readings such as the one referred to vary with the time of day, depth of sampling, rate of flow, air and water temperature and weather, among other things. We have never received any information from the Water Board that they thought this was an unusual reading, or that they thought it might be related to any problems originating upstream.

With regard to an alleged "spill" in January of 1996, on January 25, 1996 Nathan Quarles reported a complaint of a "spill" into the Laguna from the city ponds. Mr. Quarles and Mr. Baranzini, city Public Works staff, inspected Ponds 4 and 5, but did not observe any leakage or violations.

On February 1, 1996, Mr. Baranzini and Mr. Quarles again met in the field and observed water from gopher holes seeping from Pond 4 into Pond 5 and from Pond 4 into the Laguna. Public Works crews repaired these leaks immediately. Although Mr. Quarles stated in the Cleanup and Abatement Order 96-14 that there were leaks from Pond 5 to the Laguna, Public Works staff was unable to confirm this because the bank separating Pond 5 and the Laguna was inaccessible because it was virtually under water. Public Works staff continued to inspect the dikes surrounding the ponds daily and to repair all leaks immediately as they were discovered.

On February 5, 1996, The Barlow Company began pumping stored wastewater and rainwater out of Ponds 3 and 4 to the Santa Rosa Sub-regional Sewer System treatment plant (where Sebastopol's sewage is sent for treatment). At no time was Public Works staff able to verify leaking from Pond 5 into the Laguna. All the other leaks were repaired prior to February 7, 1996.

On February 7, 1996, pumping of wastewater from the ponds to the sewer system was halted. A total of approximately 1,000,000 gallons was ultimately discharged to the sanitary sewer. The ponds remained less than 1/4 full of apple wastewater which was greatly diluted by rainwater.

The City and Barlow responded promptly to this situation: within 7 days of the original complaint (which was not verified by either the Board or the City); within 5 days of Water Board and City observation of the problem; and within 2 days of the Cleanup and Abatement Order. In fact, the final report detailing Barlow's and the City's response to the Order is dated February 8 and likely crossed with the original copy of the order in the mail.

A claim quoted in the Oct. 22 commentary states that, "Barlow's own estimate of the leakage was 2.1 million gallons (as presented to the WQCB in Barlow's Report of Waste Discharge)." We can find no documentation of this estimate in city files. Nor can we find it in the in the entire Report of Waste Discharge, as has been alleged. To the best of the city staff's knowledge, nobody, including the Regional Board, has ever made an estimate of the amount of this "spill."

With regard to the discharge which took place in September of this year, the commentary of October 22 also states that, "Mr. Crump ... states early reports indicate this (the cleanup) is going well." What reports?"

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