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COMMENTARY TO SANTA MARIA TIMES

City Councilman Marty Mariscal recently wrote a commentary defending the Santa Maria City Council's decision to accept \$28 million from Chevron, in exchange for allowing the diluent-contaminated soil from Guadalupe to be transferred to the Santa Maria landfill, which sits over the water basin for the Santa Maria Valley.

We all know *what* the Santa Maria City Council wants to use the diluent-contaminated soil in Guadalupe for (to cap the landfill). The real issue is: there are two major reasons why neither the city nor Chevron have any actual *need* to be dumping Guadalupe's diluent-contaminated soil into our landfill.

Number One: There are Class A toxic dumps in both Kettleman City and Buttonwillow to accept Chevron's diluent-contaminated soil.

Number Two: The City of Santa Maria already owns the Santa Maria river bed, where *clean* fill dirt is available to cap our landfill.

Mariscal defends the city's actions by saying that it has been permitted to receive "non-hazardous hydrocarbon impacted soils (NHIS)" since 2001. Here's the real story: When oil is spilled, the resulting hydrocarbons are removed through a thermal, steam process. *Therefore*, the soil becomes "NHIS".

The soil in Guadalupe is different. Yes, it has had its hydrocarbons removed. *However, it is still impacted with a highly toxic diluent called 'kerosene distillate' (KD).*

The Silent Spill, a book written in 2002 by Thomas Beamish about the 38-year Guadalupe spill, and published through M. I. T., states that:

→ "Diluent contains carcinogenic chemical solvents, including benzene, toluene, xylene and ethylbenzene (often referred to as BTEXs). "
(1963 California Water Quality Control Board – Publication 3-A)

→ "Guadalupe oil field encompasses approximately 3,000 acres . . . 60 percent of which is now believed to be contaminated with diluent."
(1999 Coastal Commission Report)

Even in this year's Coastal Commission Report of 2006 (wherein the appeal of the Santa Maria residents to stop the transfer of Guadalupe soil to the landfill was denied), it is stated:

"Over the years, diluent was released from the pipelines . . .

and is now present in soils and ground water at the site.”

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What Mariscal doesn't tell us is that the City of Santa Maria applied to the Regional Water Quality Control Board in 2002, requesting *special permission* to accept the Guadalupe soil in its landfill.

Official paperwork from the RWQCB states that in 2002, when considering the city's request, they used acceptance criteria that were “relatively conservative, so that an adequate factor of safety against unknown waste . . . is provided for *groundwater protection*.”

With these high acceptance criteria in place, *the RWQCB denied the City of Santa Maria's request to accept the diluent-contaminated soil from Guadalupe into its landfill*.

The City of Santa Maria waited two years . . . and applied again in 2004. In August of 2004, the RWQCB decided that “. . . the current acceptance criteria . . . appear to be overly conservative and should be relaxed.”

Therefore, the RWQCB granted the city's request to accept the diluent-contaminated soil into its landfill.

However, the RWQCB stated:

“This revision is strictly for diluent-affected soils from the Unocal Guadalupe Restoration Project

“For clarification purposes, please note that *we hold the City of Santa Maria completely responsible and liable for any groundwater impacts associated with implementation of the . . . program*.”

So the citizens of Santa Maria can't go back to the RWQCB for clean-up help if the landfill leaks into the water basin in 20 years.

Again with regard to liability, the city council, in its meeting of April 4, 2006, approved an *Impacted Soils Reuse Agreement with Chevron*. That agreement states:

City agrees to . . . hold harmless Chevron . . . from . . . all liabilities. . . which the Chevron Group may hereafter suffer . . . as a result of . . . contamination of the environment which arise out of the . . . disposal of NHIS at the Landfill”

This *Reuse Agreement* also states that when the city accepts and takes possession of the contaminated soil from Guadalupe, all risk of loss shall be transferred to the city.

So the citizens of Santa Maria can't go to Chevron for clean-up help either – if the landfill leaks into the water basin in 20 years.

***SO* – if the landfill *does* leak into the water basin (as Mariscal so confidently assures us it *won't*) – we the taxpayers will be stuck with the bill to clean up the landfill in order to protect the water basin which supplies the entire Santa Maria Valley.**

This doesn't sound like a “win/win” situation to me. *Why* would we take such a risk?

(Citizens desiring a copy of any of the documents mentioned in this commentary may submit their requests by email to lynnmelville@comcast.net. Copies of a short synopsis of the book *The Silent Spill* are also available upon request. Those requesting documents should submit both email and physical mailing addresses.)