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## **ENVIRONMENTAL GROUPS SETTLE LAWSUIT WITH HOT LINE CONSTRUCTION INC. TO PROTECT THE GOLETA SLOUGH FROM TOXIC POLLUTION**

*Santa Barbara, CA*—Santa Barbara Channelkeeper and the Ecological Rights Foundation announced on November 14, 2023, that they have entered into a consent decree with Hot Line Construction, Inc. resolving a citizen lawsuit concerning a contaminated utility pole storage facility site near the Santa Barbara Airport. Hot Line Construction, Inc. stored wooden utility poles treated with toxic chemical preservatives at the site between 2014 and 2019. Hot Line Construction, Inc. has committed to cleaning up the site in Goleta.

On June 8, 2020, the Ecological Rights Foundation and Santa Barbara Channelkeeper filed a lawsuit against Southern California Edison and Hot Line Construction, Inc. for violations of the federal Resource Conservation and Recovery Act. The lawsuit alleged that the companies were violating the law at 27 sites throughout southern and central California by storing and processing wooden utility poles treated with the chemical pentachlorophenol and not using appropriate protective measures to prevent or control toxic water pollution at the sites.

In 2021, Southern California Edison reached a settlement agreement with the groups. Hot Line Construction, Inc. did not engage in the earlier settlement discussions, and thus, the Goleta site was not part of the comprehensive remediation and monitoring plan established in the earlier settlement.

Pentachlorophenol is a wood preservative used since the 1930s that contains substantial quantities of chemicals known as dioxins and furans, which are toxic to wildlife. Many countries have banned its use because of its harmful effects on humans and the environment.

Monitoring at the Goleta site by the conservation groups showed elevated levels of dioxins and furans and significant contamination of the soil. Samples of stormwater runoff from the site also revealed high levels of these contaminants. The runoff from the site eventually drains into the Goleta Slough through the area's storm sewer system.

“Pentachlorophenol and its byproducts are highly toxic in aquatic environments,” said Ted Morton, Executive Director of Santa Barbara Channelkeeper. “The Goleta Slough provides vital habitat for fish, resident and migratory birds, and other wildlife, so it is critically important that the Hot Line site be cleaned up to protect public health and the environment.”

Hot Line Construction, Inc. leases the site from the City of Santa Barbara. This summer, City of Santa Barbara officials hired a firm to conduct soil sampling. The results confirmed that elevated levels of dioxin and furans were present in seven of the ten samples taken across the site. Although not a party to the lawsuit, the City asked Hot Line Construction, Inc. to submit a remediation plan to ensure it was sufficiently cleaned up to meet standards so that the City could lease the site again without undertaking additional actions.

“The City of Santa Barbara and Santa Barbara Airport take our role as environmental stewards to heart,” said Airport Director Christopher Hastert. “As funders of the Goleta Slough Management Committee, it is our goal to provide for a healthy slough ecosystem by implementing the most beneficial plans, mitigation protection or restoration projects possible. We are pleased that a settlement has been reached to remediate the land.”

The consent decree signed on October 11, 2023, obligates Hot Line Construction, Inc. to clean up the contaminated site. The company agreed to take steps by November 1, 2023, to prevent contaminated runoff from leaving the site during the upcoming rainy season.

Hot Line Construction, Inc. will also enter into the Central Coast Regional Water Board's Site Clean Up Program and work with the Regional Board, or alternatively the California Department of Toxic Substances Control, to clean up the site to a level that meets the Board's environmental and public health standards.

Christopher Sproul, of Environmental Advocates was the lead attorney for the conservation groups, with assistance from another public interest law firm, Aqua Terra Aeris Law Group. “The consent decree resolution of this case shows the power and continuing importance of the federal environmental laws that allow citizens a day in court to address otherwise neglected pollution problems.”

