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BY: \_\_\_\_\_

GENERAL MANAGER/  
DISTRICT ENGINEER

KAMIL S. AZOURY, P.E.

GOVERNING BOARD

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September 4, 2013

The Honorable Judge Brian Hill  
Judge of the Superior Court  
Santa Barbara County  
1100 Anacapa Street  
Santa Barbara, CA 93101

Santa Barbara County Grand Jury  
1100 Anacapa Street  
Santa Barbara, CA 93101

**Re: Response to 2012-2013 Grand Jury Report  
Sheriff-Coroner's Bureau: The Manner of Death – a Final Diagnosis**

Dear Judge Hill and Members of the Grand Jury:

The purpose of this letter is to provide responses by the Goleta Sanitary District ("GSD") to Finding 6 and Recommendation 6 contained in the above-referenced report prepared by the Santa Barbara County Grand Jury.

**Finding 6**

*The Goleta Sanitary District failed to issue the correct Industrial Wastewater Permit under its Ordinance No. 77, to the Coroner Bureau.*

**GSD Response to Finding 6**

Finding 6 appears to be based on the following statement on page 5 of the Grand Jury report:

*"The Goleta Sanitary District (GSD) failed to re-issue an Industrial Wastewater Permit under its Ordinance No. 77, which also covers hospitals and mortuaries, although the Bureau submitted the correct paperwork. The Jury was informed that medical and infectious waste from the facility is being discharged into the sanitary sewer system during autopsies without the proper permit from GSD"*

GSD agrees that the Bureau did not hold an Industrial Wastewater Discharge Permit at the time of the Grand Jury report. For the reasons discussed below, GSD disagrees with the balance of Finding 6.

First, GSD's Ordinance No. 77 does not make any reference to hospitals or mortuaries, nor does it contain any specific requirement that such facilities be issued Industrial Wastewater Discharge Permits. Further, as stated in the USEPA Introduction to the



National Pretreatment Program document that GSD provided to the Grand Jury during its investigation, there are no national pretreatment standards requiring GSD to issue Industrial Wastewater Discharge Permits to hospitals or mortuaries. Although the sewer use fees for these types of facilities are usually higher due to the high organic strength of the wastewater they typically discharge, depending on the specific wastewater characteristics, such facilities may or may not be required to obtain an Industrial Wastewater Discharge Permit. In addition, as GSD advised the Grand Jury during its investigation, any user discharging into GSD's sewer collection system, whether permitted through a federally mandated pretreatment program or not, must abide by 40 CFR 403.5 (National Pretreatment Standards: Prohibited Discharges General and Specific Prohibitions). Failure to do so could result in civil and/or criminal charges.

Second, it is inaccurate for the Grand Jury report to state at page 5 that GSD "failed to re-issue an Industrial Wastewater Permit under its Ordinance No. 77" and that "the Bureau submitted the correct paperwork." It is also inaccurate for the Grand Jury report to state under Finding 6 that GSD "failed to issue the correct Industrial Wastewater Permit under its Ordinance No. 77, to the Coroner Bureau." GSD's Industrial Wastewater Discharge Permits are issued in three year cycles, with a new application from the industrial user being required every third year. GSD issued Industrial Wastewater Discharge Permit # II-228 to the Bureau for the period commencing November of 1991 and continuing through December of 2007. For the two year period prior to November of 1991, GSD issued Industrial Wastewater Discharge Permit # III-321 to the Bureau. The last time the Bureau applied for an Industrial Wastewater Discharge Permit was on November 9, 2004. The permit fees of \$150 were paid on January 17, 2005. GSD re-issued Permit # II-228 on April 4, 2005, which was effective through December 2007.

During the time that the Bureau held an Industrial Wastewater Discharge Permit, GSD conducted regular inspections of the Bureau's facilities. In the course of those inspections, GSD representatives were advised on a number of occasions by representatives of the Bureau that no more than 1 to 2 bodies were processed by the Bureau per year and that all other autopsies were conducted at Cottage Hospital. GSD also learned in the course of its inspections that the Bureau operated a toxicology lab and used chemicals to analyze blood, urine and bile for alcohol and/or drug content.

The annual inspection conducted by GSD on December 5, 2005 verified that all lab equipment had been removed. A GSD representative was told at that time that the Bureau was no longer processing bodies, but eventually would conduct autopsies again. As a result, permit # II-228 was not renewed when it expired at the end of 2007. Subsequent to the inspection in 2005, the Bureau never notified GSD of any changes to its operations and never submitted an application to discharge industrial wastewater to GSD's sewer collection system.

In 2011, as required by federal regulations and as done on a regular basis, GSD sent an Industrial User Survey to all businesses (including the Bureau) located within GSD's



boundaries. The response from the Bureau stated that, "we conduct death investigations, store deceased and conduct autopsies." The only chemical listed on the completed Survey was *Formolin*, which had historically been hauled from the site as hazardous waste and had never been discharged to the sewer. The Industrial User Survey is a 2 page form that is sent to all businesses which are connected to GSD's collection system. It differs significantly from GSD's 8 page industrial user wastewater discharge application. Therefore, the Industrial User Survey form would not be considered "correct paperwork" for an Industrial Wastewater Discharge Permit as stated at page 5 of the Grand Jury report.

Based on the foregoing, GSD believes that neither Ordinance No. 77 nor applicable law require that coroner facilities be issued an Industrial Wastewater Discharge Permit in all cases. GSD further believes that the Bureau did not file the "correct paperwork" for the re-issuance of an Industrial Wastewater Discharge Permit. Finally, GSD believes that the fact that the Bureau was not re-issued an Industrial Wastewater Discharge Permit was not attributable to any failure on GSD's part. Rather, GSD applied the requirements of its industrial waste control program based on the facts provided to it by the Bureau. GSD was never notified that the rate of autopsies performed by the Bureau had increased from 1 to 2 per year to 150 per year. Because the Bureau removed its lab in 2005, GSD put the Bureau's facilities in the same category as mortuaries, which have never been permitted for processing bodies and have never been issued Industrial Wastewater Discharge Permits by GSD.

#### **Recommendation 6**

*That the Goleta Sanitary District issue the appropriate permit consistent with the Bureau's application for discharge of medical waste from autopsies.*

#### **GSD Response to Recommendation 6**

This recommendation has been implemented. On June 27, 2013 the District communicated with the Coroner's office as noted in the attached letter requesting submittal of an application for an industrial waste control permit. On July 11, 2013 the Bureau submitted to the District an application for an Industrial Wastewater Discharge Permit. GSD has processed the application and issued an Industrial Wastewater Discharge Permit to the Bureau on September 3, 2013.

\*\*\*\*\*

We also wish to note that the Grand Jury report in question was delivered to GSD on June 19, 2013, together with a letter stating that the report would be released to the public not less than two working days following the date of delivery. Within that two day period, GSD delivered to Judge Brian Hill and to the Grand Jury Foreman a letter requesting that certain inaccurate statements in the report be corrected before the report was released to the public. A copy of that letter is attached and is incorporated into this response by reference. Because the inaccurate statements addressed in GSD's earlier letter were not corrected before the report was released to the public, GSD has addressed

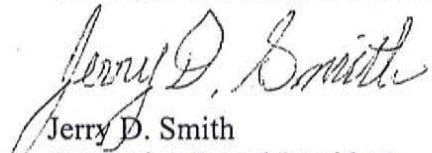
The Honorable Judge Brian Hill  
Santa Barbara County Grand Jury  
September 4, 2013  
Page 4

them in this letter. GSD asks that, as required by Penal Code Section 933(c), a copy of this letter, as well as its earlier letter, remain on file with the office of the County Clerk as a permanent record of the District's response.

GSD appreciates this opportunity to respond to the Grand Jury's report.

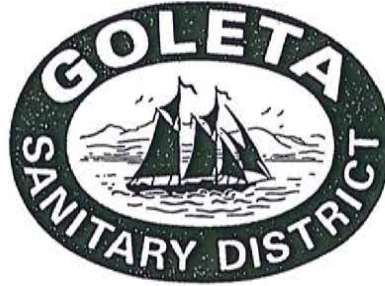
Sincerely,

GOLETA SANITARY DISTRICT



Jerry D. Smith  
Governing Board President





GOVERNING BOARD

JERRY D. SMITH, PRESIDENT  
JOHN R. FOX  
JOHN S. CARTER  
GEORGE W. EMERSON  
SHARON ROSE

June 20, 2013

GENERAL MANAGER/  
DISTRICT ENGINEER

KAMIL S. AZOURY, P.E.

A PUBLIC AGENCY  
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The Honorable Judge Brian Hill  
Judge of the Superior Court of Santa Barbara County  
1100 Anacapa Street  
Santa Barbara, CA 93101

Suzanne Schomer, Foreman 2012-13  
Grand Jury Santa Barbara County  
County Courthouse  
1100 Anacapa Street  
Santa Barbara, CA 93117

To All Concerned:

I am in receipt of the Grand Jury Santa Barbara County report entitled "**Sheriff-Coroner's Bureau The Manner of Death-A Final Diagnosis**" (the "Report"). I gave testimony to the Grand Jury regarding the Goleta Sanitary District's Industrial Waste Control Program affiliation with the Coroner's Office located at 66 South San Antonio Road. I appreciate the opportunity to respond because clarification and correction is necessary.

The Goleta Sanitary District, (the "District") issued the Coroner's Office Industrial Wastewater Discharge Permit # II-228 starting November 1991 through December 2005 (for the two years prior they were issued permit # III-321.) These permits are issued in three year cycles, every third year requiring a new application from the industrial user. During these years of conducting inspections, the various Sergeants advised District Inspectors on a number of occasions that there was minimal processing of bodies, at most 1-2 per year, and all other autopsies were conducted at Cottage Hospital. The Coroner's Office did have a toxicology lab with some chemicals used to analyze blood, urine, and bile for alcohol and/or drug content. The last time the Coroner's Office applied for an Industrial User Wastewater Discharge Permit was November 9, 2004. Their permit fees (\$150) were paid on January 17, 2005 and the District issued Permit # II-228 on April 4, 2005, which was effective through December 2007.

The annual inspection conducted at the Coroner's Office on December 5, 2005 verified that all lab equipment had been removed and I was told that they were not processing bodies, but eventually would conduct autopsies again. As a result, permit # II-228 was not renewed in 2008. Since 2005 the Coroner's Office has never notified the District of any changes nor submitted an application to discharge industrial wastewater to the District's sewer collection system.

The Honorable Brian Hill  
Suzanne Schomer, Foreman  
June 20, 2013  
Page 2

If you have any questions or need further comment or clarification, please do not hesitate to contact me at 967-4519 ext. 107 or at [tkistner@goletasanitary.org](mailto:tkistner@goletasanitary.org). I appreciate your time and consideration.

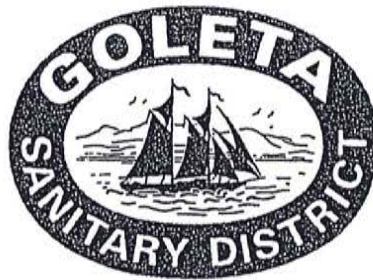
Please note that the District's Governing Board will be formally responding to the Report as required by Penal Code Section 993(c).

Best regards,

A handwritten signature in cursive script that reads "Teresa Kistner".

Teresa Kistner  
Goleta Sanitary District  
Industrial Waste Control Officer





**SCANNED**  
6/27/13

**GOVERNING BOARD**

JERRY D. SMITH, PRESIDENT  
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SHARON ROSE

**GENERAL MANAGER/  
DISTRICT ENGINEER**

KAMIL S. AZOURY, P.E.

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June 27, 2013

**CERTIFIED MAIL**  
**7004 2510 0002 5645 3989**

Sheriff-Coroner Bill Brown  
Santa Barbara County Sheriff/Coroner  
66 South San Antonio Road  
Santa Barbara, CA 93110

**Subject: Application for Industrial Wastewater Discharge Permit  
Required Within 10 Days**

Dear Sheriff Brown:

The Goleta Sanitary District is in receipt of the Santa Barbara County Grand Jury's Report, "Sheriff-Coroner's Bureau: The Manner of Death-A Final Diagnosis" which states that the District, "failed to re-issue an Industrial Wastewater Permit . . . although the Bureau submitted the correct paperwork." The report further states that, "The Jury was informed that medical and infectious waste is being discharged to the sanitary system during autopsies . . ." Please note that Ordinance # 77 Section 4.1 Prohibited Discharge Standards (16) specifically prohibits, "Medical/Infectious Wastes except as specifically authorized by the Manager in an individual wastewater discharge permit" in addition, Section 8.5 requires, "Each User must notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) days before the change."

As you may know, the Coroner's Office was previously issued industrial wastewater discharge permits from 1989 through 2005. The procedure to procure these permits, which remains unchanged, is that an application is submitted by the user *every three years* with a one-page renewal form utilized during the interim two years. The last application from the Sheriff-Coroner's Office for an industrial wastewater discharge permit was received on November 9, 2004. The three year permit # II-228 was issued on April 4, 2005 valid through December 31, 2007.

During an inspection on December 5, 2005, District staff verified that all toxicology laboratory equipment previously used to analyze blood and urine samples using chemical titration had been removed and that autopsies were not being performed at this site. District staff was advised that your office may resume autopsies in the future at which time we expected to be notified of such change in your operations. The District was never notified by your office of any changes and never received a request for an



~~Sheriff-Coroner Brown~~

Santa Barbara County Sheriff/Coroner

Page Two

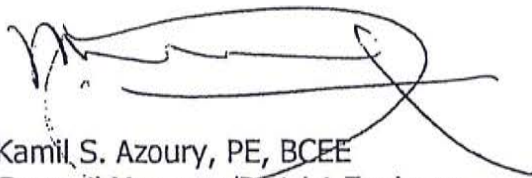
industrial wastewater discharge permit application to resume an industrial discharge. In 2011, the District initiated an industrial user survey of all businesses connected to the sanitary sewer at which time a response was received from Sergeant Sandra Brown of your office stating that, "we conduct death investigations, store deceased and conduct autopsies." The only chemical listed as being on site was "Formalin." This 2-page survey is not an application to discharge industrial wastewater nor is it the same document as the 8-page discharge application utilized by the Coroner's Office in previous years when applying for an industrial user permit. Please advise the District when the actual number of autopsies performed at this site increased from 1-2 per year (through 2005) to 150 per year, as stated by the Grand Jury's report. As described above, failure to notify the District of this change in discharge to the sanitary sewer is a violation of Ordinance # 77.

Enclosed please find an ***Industrial Wastewater Discharge Permit*** application which is the "correct" paperwork used to apply for a permit to discharge industrial wastewater. Also enclosed for your review is District Ordinance # 77. Upon receipt of the completed application, which is required **within 10 days**, the District will call your office to schedule an inspection of the site and operations to evaluate whether you are actually discharging medical/infectious waste from this facility that would require pretreatment equipment and/or an industrial user discharge permit.

Your cooperation in this matter is greatly appreciated. Should you have any questions, please do not hesitate to call Teresa Kistner, Industrial Waste Control Officer or myself at 967-4519.

Very truly yours,

GOLETA SANITARY DISTRICT



Kamil S. Azoury, PE, BCEE  
General Manager/District Engineer

Enclosures: 1) Application for Industrial User Wastewater Discharge Permit  
2) District Ordinance # 77

KSA:tkk

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