



Enforcement News

San Diego Regional Water Quality Control Board

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San Diego Water Board Approves \$430,851 Settlement Agreement with Encinitas for Storm Water Violations

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SAN DIEGO – The San Diego Regional Water Quality Control Board’s executive officer has approved a \$430,851 [settlement agreement](#) with the city of Encinitas for violations of storm water requirements that led to sediment pollution in Rossini Creek, a tributary of the San Elijo Lagoon. The San Elijo Lagoon is a designated natural preserve by the State Park and Recreation Commission and is a federally listed impaired water body for damage to the salt marshes caused by excess sedimentation and silt.

Encinitas and its contractor, USS Cal Builders, Inc. failed to prevent pollutants at the Encinitas Community Park from entering storm water runoff during storm events in December 2012 and March 2013.

The polluted runoff resulted in part because of a failure to implement adequate management practices during construction and the city’s failure to properly oversee the construction project. The statewide construction storm water permit and the San Diego Water Board’s municipal storm water permit require management of sediment during construction to avoid the type of discharges that occurred from the project. The maximum penalty for the violations could have been \$2.7 million.

The settlement agreement allows Encinitas to use up to \$206,393 of the liability for a supplemental environmental project to fund native habitat restoration in San Elijo Lagoon Ecological Reserve, which will be conducted by the San Elijo Lagoon Conservancy.

The remaining Administrative Civil Liability of \$224,458 will be deposited into the State Water Pollution Cleanup and Abatement Account to be used for the remediation of pollution in the state’s waters. The Cleanup and Abatement Account was created by the legislature to provide public agencies with funds for the cleanup or abatement of pollution when there are no responsible parties available to undertake the work. Eligible entities that can apply for this funding include public agencies, as well as certain nonprofit organizations and tribal governments that serve a disadvantaged community and have the authority to clean up or abate the effects of waste.

“The mismanagement at this construction site was really unexpected given the level of experience of both the contractor and the city of Encinitas,” said Chiara Clemente, the Water Board’s enforcement coordinator. “The wetland restoration project, however, reflects the keen interest in the health of San Elijo Lagoon and coastal waters of the community.”

Sediment from construction activities poses a large threat to local waters because so much exposed dirt can wash off during a storm. That excess sediment can alter or obstruct flows, resulting in flooding, and it can damage local ecosystems. Abnormally high levels of sediment in the water can smother aquatic animals and habitats, and it can reduce the clarity of water, which harms the ability of organisms to breath, find food and refuge, and reproduce. Sediment can also act as a binder, carrying toxic constituents, such as metals, pesticides, and other synthetic organic chemicals with it.

The San Diego Water Board protects and restores water quality in the southwest portion of the state, including parts of San Diego, Riverside and Orange counties. Its vision is to have healthy waters realized through collaborative, outcome-focused efforts that support both human uses and sustainable ecosystems.

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