



Enforcement News

San Diego Regional Water Quality Control Board
<http://www.waterboards.ca.gov/sandiego>

City of San Diego Agrees to \$3.2 Million Settlement on Erosion Control Case

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Contact: Chiara Clemente
Phone: (619) 521-3371

SAN DIEGO – Today the San Diego Regional Water Quality Control Board adopted a \$3.2 million settlement agreement with the city of San Diego on allegations that the city failed to ensure that construction sites throughout the city protected local streams and coastal lagoons from loose sediment. The alleged violations occurred between 2010-15 and affected waterbodies from Los Peñasquitos Lagoon in the north to the Tijuana River Estuary in the south.

“Despite the fact that the San Diego Water Board has been working cooperatively with the city for years to address impairments in the Los Peñasquitos Lagoon and the Tijuana Estuary, San Diego is alleged to have failed to conduct adequate site inspections, prevent sediment erosion, and enforce its own water quality ordinances at private construction sites,” said David Gibson, San Diego Water Board executive officer. “The Water Board found the water quality ordinances the city council had adopted were not being implemented in the field because inspectors were poorly trained in erosion control and were unwilling, or unable, to take enforcement actions. It was also discovered that city departments did not coordinate basic activities to protect water quality.”

Under the agreement, the city is allowed to use \$1,610,332 -- 50 percent of the total penalty -- to fund four Supplemental Environmental Projects (SEPs) in the San Diego Region. The four SEPs are: Los Peñasquitos Lagoon inlet restoration, San Diego River restoration and *Arundo* removal, a bioassessment tool development project, and a Chollas Creek restoration opportunities assessment.

“The city has developed robust ordinances and stormwater standards and needs to improve upon its implementation and enforcement of them throughout the city,” Gibson said. “Together with changes in its implementation of its stormwater program, these restoration projects will go a long way toward addressing several water quality impairments within the city.”

The remaining Administrative Civil Liability of \$1,610,332 will be deposited into a Cleanup and Abatement Account to be used for remediation of pollution in state 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.

Throughout the settlement negotiations, the city undertook a number of important steps to correct internal deficiencies, including significantly increasing the number of city inspectors responsible for overseeing compliance with ordinances at construction sites, as well as augmenting ongoing training requirements for inspectors. The city also implemented a number of actions to improve communication and coordination among departments with construction oversight responsibility, which has included development of a unified interdepartmental construction site database.

The San Diego Water Board's municipal stormwater permit requires management of sediment during construction to avoid the type of discharges that occurred. The maximum potential penalty for the violations could have been \$22,680,000.

Abnormally high levels of sediment in runoff water can smother aquatic animals and habitats, alter or obstruct flows resulting in flooding, and reduce water clarity, which harms the ability of organisms to breathe, find food and refuge, and reproduce. Sediment can also act as a binder, carrying with it toxic constituents from urbanized areas, such as metals, pesticides, and other synthetic organic chemicals into natural waterways.

The San Diego Water Board's mission is to preserve, enhance and restore California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations. For more information on the San Diego Regional Water Quality Control Board, construction stormwater requirements, and this settlement agreement, visit its [website](#).

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