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U.S. Army Corps Contractor Agrees to \$741,466 Settlement for Storm Water Pollution Violations

January 13, 2020

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SAN DIEGO – An international construction company agreed to pay a \$741,466 penalty for unauthorized sediment and stormwater discharges to Murrieta Creek for months during the building of a U.S. Army Corps of Engineers flood control project in Temecula.

The San Diego Regional Water Quality Control Board determined that Obrascón Huarte Lain, S.A. (OHL), the contractor hired by the federal agency to perform the work, violated the Board's Construction General Permit for 18 months, from October 2015 to June 2017, by failing to include best management practices in its stormwater pollution prevention plan to contain sediment; utilizing risk calculations that underestimated the sediment loss; and neglecting to inspect and address deficiencies that resulted in dozens of sediment-laden discharges.

Murrieta Creek is upstream of the Santa Margarita Ecological Reserve and the Santa Margarita River Estuary, areas that provide important refuge, foraging, and breeding grounds for several threatened and endangered species. During wet weather, sediment discharges can cloud the receiving water and reduce the amount of sunlight reaching aquatic plants, negatively impacting aquatic life and habit. These flows can also clog fish gills, smother habitat and spawning areas, and transport other materials such as nutrients, metals, and oil and grease.

Owners of construction sites larger than one acre must enroll in the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, which is designed to protect against weather-related environmental damage originating at construction sites. Among other things, the permit requires developers to hire a "stormwater professional" to design and install erosion and sediment controls, ensure slope stabilization, curtail activity when it rains and use basins and traps to contain highly erosive soils.

In addition to paying the fine, the contractor agreed to improve oversight for a minimum of five years by creating a position to guarantee permit compliance, assigning a senior manager to oversee operations, and discontinuing the use of current in-house stormwater personnel during future projects in California.

A copy of the [Settlement Agreement](#) can be obtained from the San Diego Water Board's Active administrative Civil Liability Complaints webpage.

The [San Diego Regional Water Quality Control Board](#) is a California agency responsible for protecting and enhancing the region's wetlands and waters. One of nine regional boards, its





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jurisdiction stretches along 85 miles of scenic coastline from Laguna Beach to the Mexican border and extends 50 miles inland to the crest of the coastal range.

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