



Enforcement News

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

City of San Diego Faces Proposed Penalty of \$4.6 Million for Lax Construction Site Erosion Control

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SAN DIEGO – Today the San Diego Regional Water Quality Control Board proposed a \$4.6 million penalty against the city of San Diego for failing to ensure construction sites within the city did not pollute local streams and lagoons from 2010 to 2015. The alleged violations affected waterbodies from Los Peñasquitos Lagoon in the north to the Tijuana River Estuary in the south.

“The San Diego Water Board put a lot of resources into collaborative, outcome-focused efforts to protect and restore areas like Los Peñasquitos Lagoon and Tijuana River Estuary,” said James Smith, San Diego Water Board assistant executive officer and prosecution team lead. “Enforcement like this is the result of a major deviation from the expectations we had for those partnerships.”

San Diego is alleged to have failed to take steps to conduct adequate site inspections, prevent sediment erosion and enforce its own water quality ordinances at private construction sites. The Water Board found the water quality ordinances the city council had adopted were not being applied in the field because inspectors were poorly trained in erosion control and unwilling, or unable, to take enforcement actions. It was also discovered that city departments could not coordinate basic activities to protect water quality.

The city’s ordinances outline requirements for erosion control at construction sites and specify enforcement actions for violations.

“The Water Board expects the city’s commitment to water quality ordinances to be embraced more broadly by all city staff -- not just the planners who wrote them,” Smith said.

Erosion from construction sites sends sediment downstream to local creeks and lagoons, where it can smother habitat, create excessive turbidity, transport toxic pollutants and clog natural drainage systems. Noting that state regulations have been in place for more than 20 years, Smith said the city’s failures are surprising given the essentially unchanged nature of the requirements, and the city’s leadership in many other areas.

During the alleged violation period, a San Diego team was crafting plans with the Water Board and other community partners for addressing sediment problems affecting salt marsh habitat in the environmentally-sensitive Los Peñasquitos Lagoon. Because of that collaboration, the Water Board adopted a unique, flexible regulatory approach for the lagoon that relied on commitments made by city negotiators.

However, the Water Board's investigation found that at the same time and afterward, other city departments were allowing construction sites within the lagoon's watershed to skirt erosion control requirements, leading to multiple instances of sediment pollution that could have easily been prevented.

A copy of the San Diego Water Board's complaint is available for review on its [website](#). The Water Board has scheduled a hearing to consider this complaint on Oct. 12, 2016. The city of San Diego can pay the penalty, propose a settlement or supplemental environmental project, or contest the penalty before the San Diego Water Board.

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 storm water requirements, and information about drought resources, visit its [website](#).

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