



Enforcement News

Nursery Agrees to \$18,132 Settlement for Polluting Impaired Water Body In San Diego County

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SAN DIEGO – Hines Growers, Inc., a commercial nursery in Fallbrook, has been fined \$18,132 for violating the San Diego Regional Water Quality Control Board’s general waste discharge requirements for commercial agricultural operations.

During an inspection of the north San Diego County facility in February 2019, Water Board staff observed a waste discharge from a faulty irrigation recycling system into Rainbow Creek. Samples of the water revealed concentrations of nitrogen and phosphorus that were approximately 10 times higher than the water quality objectives for the stream.

“The high nutrient loads contributed to pollution that jeopardizes the downstream ecosystem by causing excessive algal growth and occasionally even fish kills,” said Chiara Clemente, Enforcement Coordinator for the San Diego Water Board. “As the largest agricultural operator in the area, with over 200 acres of irrigated land, Hines Growers has an opportunity to be a leader by satisfying the water quality requirements and maintaining effective management measures to reduce harmful discharges.”

A review of Hines’ Water Quality Protection Plan, a compliance document required of all commercial growers enrolled in the general permit, found additional violations that resulted in more fines against the company for (a) failing to fulfill site-specific requirements to address nutrient impairment in Rainbow Creek and (b) providing late and incomplete responses to the regional staff’s request for information following the inspection.

Rainbow Creek for several years has suffered the effects of elevated concentrations of nitrogen and phosphorus. Besides discharging excessive amounts of chemicals, nutrients increase the buildup of algae, which decreases oxygen levels in downstream waters and threatens aquatic life and harms habitats



and ecosystems. The Rainbow Valley water body is a major tributary to the Santa Margarita River estuary, which is home to some of the largest populations of endangered species in Southern California and is similarly impaired by an overabundance of algae. To address the problem, the San Diego Water Board adopted an initiative in 2005 that established a total maximum daily load (TMDL) that reduces the amount of pollution to the creek.

“The Water Board intends to strictly enforce agricultural regulations in the Rainbow Valley,” said Christina Arias, a Water Resource Control Engineer with the agency. “Inspectors will be reviewing growers’ Water Quality Protection Plans and onsite management measures to ensure that the measures being implemented adequately protect water quality.”

Agricultural operations that produce crops with the intent to make a profit must enroll in one of two permits issued by the San Diego Water Board. Hines is enrolled in [General Waste Discharge Requirements from Commercial Agricultural Operations for Dischargers that are a Member of a Third-Party Group](#). Among other items, the permits require commercial agricultural operations to create a Water Quality Protection Plan that describes the management measures and management practices that will be undertaken to reduce or eliminate nutrient discharges to receiving waters.

The San Diego Water Board is a California state agency responsible for the preservation and enhancement of water quality. A copy of the enforcement order is available on our [Adopted Orders webpage](#).