



# Enforcement News

## **San Diego Water Board Seeks \$9 Million Penalty Against Baldwin & Sons for Illegal Discharges and Permit Violations**

### ***Alleged Violations Occurred at Portola Luxury Home Subdivision***

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**SAN DIEGO** – Following a multi-year investigation into unauthorized sediment discharges at a luxury home construction site in southern Orange County, the San Diego Regional Water Quality Control Board today issued a \$9 million [administrative complaint](#) against Baldwin & Sons and associates.

The developer, on multiple occasions from September 2015 to March 2016, is alleged to have violated the Statewide Construction Storm Water Permit at its Portola subdivision, an ongoing project of 900 luxury homes built on steep, sloping terrain in the city of Lake Forest.

During wet weather events, sediment flows downstream and transports pollutants directly to Aliso Creek, its tributaries and offsite mitigation areas. These discharges cloud the receiving water, which reduces the amount of sunlight reaching aquatic plants, and can clog fish gills, smother spawning areas, and transport other materials such as nutrients, metals, and oil and grease that negatively impact aquatic life and habitat.

The stormwater permit, which is designed to protect against weather-related environmental damage originating at building sites, requires developers to implement precautionary measures such as slope stabilization, erosion and sediment control, curtailment of activity when it rains, and the use of sediment basins and traps to contain highly erosive soils.

When Baldwin & Sons continued to illegally discharge and ignore stop-work and cease-and-desist orders issued by city officials, the San Diego Water Board was asked to help bring the developers into compliance. Staff quickly began working with the Portola site operators to set up meetings and inspections, and ultimately requiring the operator to take significant corrective action to prevent further environmental harm.

The complaint details how the investigation was further complicated by a number of factors, including the company's refusal to provide information required by a subpoena; the complex relationship between Baldwin & Sons and numerous other entities with



similar corporate officers; and lawsuits Baldwin filed against some project subcontractors.

“This homebuilder’s conduct is particularly egregious and deserving of a substantial penalty,” said James Smith, Assistant Executive Officer of the San Diego Water Board.

The administrative complaint and supporting evidence, which includes more than 440 exhibits, is available for public review and comment prior to a regional board hearing, tentatively set for April. The board at that time will determine whether to uphold the violations and adopt a final order.

The [San Diego Water Board](#) is a state agency responsible for protecting and improving the quality of the region’s wetlands and waters. One of nine regional boards, its 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 mountain range.

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