



Enforcement News

Oceanside residential development owners face fines for alleged stormwater permit violations

Lack of controls, poor planning cited in unauthorized discharges

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SAN DIEGO – Quality Investors LLC and David G. Epstein, the owners of a three-acre residential construction project in Oceanside, face a \$411,475 penalty from the San Diego Regional Water Quality Control Board for allegedly violating multiple provisions of their stormwater discharge permit in December 2021.

Most notably, the owners' apparent failure to install critical storm drain infrastructure before the rainy season allowed runoff from elevated areas to commingle with disturbed soil at the site, resulting in sediment-laden stormwater discharges to Buena Vista Creek and Buena Vista Lagoon that threatened harm to marine and wildlife habitat.

Buena Vista Lagoon, the only freshwater lagoon in California, covers 223 acres of wetland habitat and is home to dozens of varieties of migrant and resident waterfowl. Since 2016, the lagoon has been on the Clean Water Act list of impaired waterbodies due to excessive sediment and soil buildup and an inability to absorb additional discharges.

"The dischargers should never have broken ground without adequate planning to control runoff from above the site," said Chiara Clemente, the San Diego Water Board's enforcement coordinator. "Additionally, they disregarded their own stormwater pollution prevention plan. We believe these egregious violations warrant a substantial penalty, and we hope this serves as a reminder to other builders that we will take aggressive action against permit non-compliance to help protect our precious waterbodies."

The Vista Pacific residential development features 16 units, many on steep, or sloping terrain, making pre-construction planning imperative prior to the rainy season.

Yet, instead of installing infrastructure or using other control strategies outlined in their own pollution prevention plan, the builders reportedly dug a dirt pit that failed during an intense storm, releasing approximately 425,670 gallons of sediment-laden stormwater. Following the storms, they also used multiple pumps to empty the pit and neglected to follow any of the industry-standard measures to minimize pollution from the discharges.



A hearing on the matter is tentatively scheduled for Feb. 8, 2023.

To ensure construction activities do not pollute local waterbodies, construction site developers whose projects disturb one or more acres and include activities such as clearing, grading, stockpiling or excavation are required to enroll in a Construction General Permit and implement a stormwater pollution prevention plan developed by a certified expert.

More information on California's [Construction Stormwater Program](#) is available on the State Water Board website.

The San Diego region stretches 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. The growing population enjoys a semi-arid climate and numerous water-related activities. However, about 90% of the region's water supply is imported from Northern California and the Colorado River.