



Enforcement News

San Diego Regional Water Quality Control Board

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San Diego Water Board Proposes \$875,166 Fine to KB Home For Damage to Creek, Non-Permitted Work

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SAN DIEGO – Today the San Diego Regional Water Quality Control Board (Regional Water Board) issued an Administrative Civil Liability Complaint against homebuilder KB Home for \$875,166, alleging the developer failed to get permits and follow environmental rules that resulted in damage to a creek near Lakeside.

The complaint alleges that KB Home filled in portions of a tributary to Los Coches Creek to build part of the Settler's Point/Jackson Ridge residential project in Lakeside. Evidence suggests the developer failed to seek and obtain the necessary permits prior to construction, and appears to have bypassed well known and long-standing requirements to avoid and minimize unnecessary destruction of creeks and conduct compensatory mitigation for any unavoidable effects.

"It's hard to grasp that a homebuilder as established as KB skipped basic environmental checks and permitting requirements when working in a creek," said Chiara Clemente, the Regional Water Board's enforcement coordinator. "There are a lot of mechanisms in place to make sure this sort of thing doesn't happen, and all of those failed in this case."

The KB Home site was brought to the Regional Water Board's attention in April 2015 during review of an adjacent development proposal. Aerial imagery revealed that grading conducted in the KB Home area had impacted the unnamed stream tributary to Los Coches Creek. After further investigation, Regional Water Board scientists determined that KB Home's construction of an off-site road extension resulted in the discharge of 350 cubic yards of sediment, rip rap, asphalt and storm water piping into the stream.

Small streams, like the one affected, play large roles in local ecosystems and regional water quality, Clemente said. In addition to creating and maintaining biological diversity and sustaining the biological productivity of downstream rivers, lakes and estuaries, small streams and wetlands also recharge groundwater and help protect downstream waters from urban pollution.

All California waters -- including wetlands and non-wetland waters such as ephemeral streams -- have value. In 1993 Governor Pete Wilson established a policy to improve the quality, quantity and permanence of California's wetlands. The Regional Water Board works to implement the governor's proclamation by not only preventing the loss of California waters, but also by promoting long-term gain in these resources. The Regional Water Board's [Practical Vision](#) makes clear its commitment to the protection of all streams and wetlands, and its resolve to take appropriate enforcement action to protect and restore the health of these resources.

A copy of the Regional Water Board's complaint is available for review on its [website](#). The Regional Water Board has scheduled a hearing to consider this complaint on June 22, 2016. KB Home can pay the penalty, propose a settlement or supplemental environmental project, or contest the penalty before the Regional Water Board.

The San Diego Regional Water Quality Control 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 Regional Water Board, stream and wetland protection requirements, and information about drought resources, visit the Regional Water Board [website](#).

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