



# Enforcement News

## **San Diego Regional Water Board Reaches \$949,634 Storm Water Settlement Agreement with the City of San Diego**

**For Release:**  
August 13, 2014

**Contact:** Christopher Means  
(619) 521-3365

The San Diego Regional Water Quality Control Board (San Diego Water Board) took two actions today to ensure that priority development projects are designed and constructed with effective storm water treatment control in the City of San Diego.

In the first action, the Board adopted an Order approving a settlement agreement, where the San Diego Water Board found that the City violated the San Diego Water Board's [Municipal Storm Water Permit](#) by failing to adequately oversee the implementation of storm water treatment plans at 306 new construction sites from April 2004 to November 2013.

Treatment controls at those private and public development sites were either missing or designed and installed incorrectly resulting in storm water runoff that received little or no treatment before being discharged to local creeks, bays, and the Ocean. These permit requirements have been in place for 14 years.

The settlement agreement assesses an administrative civil liability penalty of \$949,634 to the City. The State Water Resources Control Board [Cleanup and Abatement Account](#) will receive \$492,734 of the penalty. The remaining portion of the penalty, \$456,900, will be suspended if the City completes a mitigation project by August 2016, to enhance existing storm water controls at five City facilities and builds a new storm water hydromodification basin at a sixth City facility. The project is estimated to cost \$1,710,892.

In the second action, the San Diego Water Board adopted a Time Schedule Order that requires the City to bring the public and private priority development projects into compliance with the Municipal Storm Water Permit by August 2016. Failure to comply with the Time Schedule Order may result in an assessment of up to \$10,000 per day in penalties for each violation.

"This settlement agreement recognizes the City's leadership has finally made a point to improve its interdepartmental coordination," said James Smith, Assistant Executive



Officer of the San Diego Water Board. “We expect that will prevent such broad program failures from reoccurring and will allow for timely and creative water quality solutions.”

Since 1990, the San Diego Water Board’s [Municipal Storm Water Permit](#), has required the City of San Diego to implement measures to minimize and eliminate the discharge of pollutants from its storm drains to local creeks, San Diego and Mission Bays and the Ocean.

Runoff from the urban environment is a leading threat to local water quality. Pollutants in runoff discharged from the storm drains threaten and adversely affect human health, recreational opportunities, and animals that live in or rely upon clean water. The most common pollutants in storm drain runoff include trash, sediment, pathogens (like bacteria and viruses), heavy metals (like cadmium, copper, lead, and zinc), petroleum products and poly-nuclear aromatic hydrocarbons, pesticides, herbicides, and fertilizers, animal waste, and detergents.

### **Additional Resources:**

The Cleanup and Abatement Account was created to provide public agencies with grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. Eligible entities that could apply for this funding include public agencies as well as certain not-for-profit organizations and tribal governments that serve a disadvantaged community and that have the authority to clean up or abate the effects of a waste. More information is available [here](#).

Settlement Agreement No. R9-2014-0017 and Time Schedule Order No. R9-2014-0034 are posted on the Water Board’s [agenda web page](#).

For more information on the San Diego Water Board please visit its [homepage](#).