

FTM

Date: January 24, 2006

To: San Diego Regional Water Quality Control Board

From: Isabelle Kay
Manager, Dawson-Los Monos Canyon Reserve
Natural Reserve System, University of California

Re: Meeting of February 8, 2006
Draft Agenda Item # 7
Administrative Civil Liability, City of Carlsbad, Municipal Golf Course

It has been brought to my attention that the construction of the municipal golf course by the City of Carlsbad proceeded without the required permits from the Regional Water Quality Control Board, and that the Board has proposed a fine and a public hearing on February 8, 2006 to address this matter.

This violation of the Clean Water Act by the City of Carlsbad is very disturbing because of the enormous scale and controversy of the project to begin with, which meant that the potential for environmental harm under even the best of circumstances was evident. The fact that the project proceeded without a permit from the Regional Board, and that subsequently there were also many violations of requirements for preventative measures to protect surface waters (i.e. best management practices) suggests a systemic problem with the implementation of the NPDES permit at the City of Carlsbad. In that case, the City may not be able to carry out its responsibilities for ensuring that surface waters are not polluted by the development of not only public projects, but also the large number of residential and business projects under its purview. This is of particular concern due to the vast areas of the city that are being developed simultaneously, exposing the creeks, lagoons, and coastal ocean to potentially large amounts of unchecked pollutants.

In addressing this violation, I hope the Board will look beyond the surface of the matter to the intrinsic problems that led to this incident: a lack of leadership within the city to set high standards for surface water protection; a lack of oversight by city engineers in carrying out the construction project; and an administration that does not have a means to ensure that such projects have all the necessary paperwork in place before construction proceeds.

To rectify the situation the Board should consider taking the following steps:

- 1) levy a fine that is large enough to be taken seriously under the circumstances, at least \$0.5 Million;
- 2) require measures to better integrate the stormwater prevention program into the planning and engineering departments;
- 3) strongly recommend to the City that they implement an educational program regarding surface water protection that includes all relevant decision-makers, planners, engineers, and administrators;

- 4) strongly encourage the City to propose that the fine be met, at least in part, through SEPs to be carried out locally to benefit the watersheds of the creeks that will bear the brunt of the impacts from the golfcourse construction, i.e. the Agua Hedionda and Encinas Creeks; and
- 5) require the City of Carlsbad to develop and implement a public information system that clearly illustrates the immediate and cumulative effects of landuse changes and specific developments on each of the watersheds within its jurisdiction, i.e. a useful tool for the public to assess cumulative impacts on water quality of the development within their city.

Thank you for your attention to this matter. I hope that your actions will send a clear message that it does not pay to skirt the requirements the Clean Water Act and the NPDES permit.

Sincerely,

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