

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
September 12, 2018**

ITEM 4

SUBJECT

Informational Item: Update by the City of San Diego on Construction Management Program. (*Laurie Walsh*)

STAFF RECOMMENDATION

This is an informational item and the Board will not take an action.

KEY ISSUE

This informational item provides an update by the City of San Diego (City) on efforts over the past year to implement significant improvements to its storm water construction management program as well as Supplemental Environmental Projects committed to under the terms of Order No. 2017-0056, referred to as the Settlement Agreement. (**See Supporting Document Nos. 1 and 2**). The San Diego Water Board adopted the Settlement Agreement, assessing \$3,220,664 in administrative penalties against the City in August 2017, for allegedly failing to conduct the necessary oversight of construction projects within its jurisdiction to ensure compliance with the requirements of the Municipal Storm Water Permit, Order No. 2007-0001. It is important for the Board to consider the outcome of this large penalty assessment in terms of its role in correcting and deterring water quality violations that undermine the integrity of the storm water management program and ensuring that discharges from construction sites are effectively controlled and receiving water beneficial uses are protected.

PRACTICAL VISION

This informational item is consistent with the Recovery of Stream, Wetlands, and Riparian Systems chapter of the Practical Vision¹. Controlling pollutant discharges through an effective construction storm water management program contributes to sustainable healthy streams, wetlands, and riparian habitats.

DISCUSSION

The San Diego Water Board entered into the Settlement Agreement with the City for allegedly violating multiple provisions of the Municipal Storm Water Permit. Significant administrative penalties were assessed because multiple departments within the City failed to adequately implement the construction storm water management program required by the Municipal Storm Water Permit for both private construction projects and City capital improvement projects (CIPs). The City's noncompliance resulted in multiple discharges of sediment and sediment-laden storm water from the municipal separate storm sewer system (MS4) that were not reduced to the maximum extent practicable (MEP). The violations indicated a chronic programmatic failure that resulted in reoccurring violations of established MS4 permit obligations. The violations resulted in long-term degradation of receiving waters throughout the City and a long-term threat to the integrity of the San Diego Water Board's MS4 program.

The Settlement Agreement included a commitment by the City to continuously improve its storm water procedures, including within the construction management program and to implement various corrective actions addressing program implementation, enforcement, communication and staffing issues. Under the Settlement Agreement, the City could use \$1,610,332 – fifty percent of the total penalty -- to fund four Supplemental Environmental Projects (SEPs) in the San Diego Region. The four SEPs are: Los Peñasquitos Lagoon inlet restoration, San Diego River restoration

¹ Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

and Arundo removal, a bioassessment tool development project, and a Chollas Creek restoration opportunities assessment.

It has been one year since the San Diego Water Board and the City entered into the Settlement Agreement. The Board's Storm Water Management Program staff appreciate the efforts the City has taken to improve implementation of pollutant control measures for private development and capital improvement construction sites. Assessment of the City's efforts to improve compliance with both the Municipal Storm Water Permit and the Statewide General Construction Storm Water Permit will continue through this year's inspection activities. Additionally, to facilitate a consistent understanding of the requirements and implementation expectations of the Regional MS4 Permit and the Statewide General Construction Storm Water Permit, the City and Board staff are now meeting on a quarterly basis to discuss construction site conditions observed in the field and permit compliance questions.

SUPPORTING DOCUMENTS

1. City of San Diego Construction Program Update 2018 Slide Presentation
2. Order No, R9-2017-0056, Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order