



# Enforcement News

*San Diego Regional Water Quality Control Board*  
<http://www.waterboards.ca.gov/sandiego/>

## **Judge Denies Housing Developer's Bid to Overturn \$595,367 San Diego Water Board Fine**

**FOR IMMEDIATE RELEASE**  
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**SAN DIEGO** – A San Diego County Superior Court Judge rejected housing developer San Altos-Lemon Grove, LLC's lawsuit to overturn a [\\$595,367 San Diego Regional Water Quality Control Board](#) fine for water quality violations during the construction of Valencia Hills, a 73 single family home project in the City of Lemon Grove.

The [Court found](#) that the San Diego Water Board properly followed the law in adopting the penalty, and that the violations and penalty were supported by substantial evidence and a detailed enforcement order.

The violations focused on the site's persistent lack of effective erosion and sediment controls, and subpar housekeeping practices that resulted in six sediment discharges from the Valencia Hills construction site into Encanto Channel. The Encanto Channel flows into Chollas Creek, which flows into San Diego Bay.

"This ruling demonstrates that compliance with environmental regulations is the most cost-effective way for developers to build," said David Gibson, executive officer for the San Diego Regional Water Board. "The San Diego Water Board appreciates the efforts made by the City of Lemon Grove to try and bring this discharger into compliance. Working together with the municipalities sends a strong message that protecting water quality should be a top priority for developers in our region."

In August 2016, the San Diego Water Board ruled that the developer committed 81 violations of the [Statewide General Construction Storm Water Permit](#) between December 2014 and September 2015. The Court supported the Water Board's position that violations against the developer were appropriate for days between inspections, when the inspections were only a few days apart, and agreed with the Board's interpretation of the Permit's requirement to cover and berm stockpiles when they are not actively being used, "consistent with the intent and the purpose of the Permit to prevent sediment from leaving the site."

Sediment from construction activities poses a large threat to local waters because so much exposed dirt can wash off during a storm. That excess sediment can alter or obstruct flows, resulting in flooding, and it can damage local ecosystems. Abnormally high levels of sediment in the water can smother aquatic animals and habitats, and it can reduce the clarity of water, which harms the ability of organisms to breathe, find food and refuge, and reproduce. Sediment can also act as a binder, carrying toxic constituents, such as metals, pesticides, and other synthetic organic chemicals with it, to our rivers, bays and ocean.

The San Diego Water 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. Its vision is to have healthy waters realized through collaborative, outcome-focused efforts that support both human uses and sustainable ecosystems. For more information on the San Diego Water Board and the statewide construction storm water requirements, visit the Board's [website](#).

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