



Enforcement News

San Diego Regional Water Quality Control Board
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Developer San Altos-Lemon Grove issued \$595,367 Penalty for Water Quality Violations

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SAN DIEGO – The San Diego Regional Water Quality Control Board imposed a \$595,367 penalty against developer San Altos-Lemon Grove, LLC for water quality violations related to construction activities at its 18-acre Valencia Hills residential development in the city of Lemon Grove.

The San Diego Water Board found that San Altos-Lemon Grove, LLC committed 81 violations of the Statewide [General Construction Storm Water Permit](#) between December 2014 and September 2015. 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.

“Compliance with the Statewide General Construction Storm Water Permit by construction site operators and their subcontractors is a high priority for the San Diego Water Board,” said San Diego Water Board Executive Officer David Gibson. “This penalty of nearly \$600,000 reflects the San Diego Water Board’s concern for the appalling lack of compliance and cooperation with city and Water Board staff by San Altos-Lemon Grove, LLC despite many months of inspections and warnings. Most construction site operators heed the kind of repeated warnings and Notices of Violation San Altos received and thereby avoid the large penalties noncompliance can bring.”

Sediment, resulting from the accelerated erosion of graded land exposed and inadequately protected, is the pollutant of greatest concern at construction sites because the sediment itself can damage aquatic life and ecosystems. In addition, sediment can pose an even greater threat because it often transports other harmful pollutants such as metals, fertilizers, pesticides, oil and grease and bacteria into creeks, bays and ocean.

Violations at the Valencia Hills site were brought to the San Diego Water Board’s attention by Lemon Grove after its multiple warnings and enforcement efforts directed at the developer were met with minimal response.

“The San Diego Water Board is deeply appreciative of the efforts by the city of Lemon Grove in this case,” Gibson said. “To properly oversee this site and call in the Water Board Storm Water and Enforcement staff when its warnings, notices, and Stop Work Orders failed to achieve results in how the site was managed to protect water quality and public streets from illegal construction storm water discharges.

“Besides impacts to our storm channels, streams and estuaries, construction site discharges can also threaten public safety, private property and public right of ways. It is imperative that everyone involved with a site - city manager to corporate officer to subcontractor - take every measure to stay in compliance and carefully heed the advice and recommendations of Water Board and municipal inspectors. The Water Board anticipates that most sites will be compliant and make every effort to promptly correct noncompliance.”

The San Diego Water Board conducted the public hearing on the enforcement complaint on March 9, 2016, and adopted the final Administrative Civil Liability Order on August 10, 2016. The adopted Order and related documents are available for review on its [website](#).

“The San Altos decision was a very time consuming and deliberate decision for our Board. It’s always our hope that environmental laws and regulations be complied with so the need to even consider penalties is avoided,” San Diego Water Board member and presiding officer Tomas Morales said. “But when it’s clear that laws or regulations have been violated, we are required to do our part to ensure that companies that do take their responsibilities seriously, aren’t put at a competitive disadvantage and that the environment is protected on behalf of the public.”

The \$595,367 penalty will be deposited into the State Water Pollution [Cleanup and Abatement Account](#) created by the legislature to provide funds to public agencies to remediate pollution when responsible parties are not available. Eligible entities that can apply for this funding include public agencies, as well as certain nonprofit organizations and tribal governments that serve a disadvantaged community and have the authority to clean up or abate the effects of waste.

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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