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# **City of San Diego Implements Improvements to Construction-Related Storm Water Protection Programs**

## **CORRECTIVE MEASURES AND ENVIRONMENTAL PROJECTS HELP SAN DIEGO AVOID LITIGATION**

SAN DIEGO – The City of San Diego (City) reached an agreement in cooperation with the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) to implement corrective measures addressing alleged deficiencies in the City's inspection and enforcement of storm water pollution prevention practices required of contractors at construction sites.

On July 18, 2016, the San Diego Water Board issued an administrative civil liability complaint (San Diego Water Board Order No. R9-2016-0155) proposing to levy the City of San Diego \$4,614,868 for multiple violations of the construction component of the Municipal Separate Storm Sewer Systems (MS4) Permit (San Diego Water Board Order No. R9-2007-0001). The MS4 Permit requires the City to conduct storm water best management practice (BMP) inspections and to enforce implementation of these BMPs at construction projects within its jurisdiction. The complaint alleges that the City did not require implementation of minimum BMPs at construction sites, comply with discharge prohibitions requiring a reduction of pollutants from construction site discharges to the maximum extent practicable or implement an escalating enforcement process to require implementation of minimum BMPs at construction sites.

The City is continuing to address these alleged deficiencies through a set of corrective measures it began implementing in 2015. Each measure remedies a categorical complaint summarized by the San Diego Water Board as matters of implementation, enforcement, communication and staffing. The City has invested in these measures as well as educated and partnered with the construction industry to achieve compliance.

To address implementation, the City has increased the frequency and emphasis of storm water training and has added a briefing to pre-construction meetings so that contractors clearly understand the City's storm water requirements.

To address enforcement, the City has refined escalating enforcement procedures and added clear criteria as to what warrants each level of enforcement, which includes fines starting at \$100 that can escalate up to \$10,000 per day, per violation.

To address communication, the City is developing a unified storm water database to provide real-time information to staff in the field.

To address staffing, the City has hired and reallocated staff to serve in dedicated storm water positions to increase coverage, provide specialization, and strengthen the overall construction management program.

In addition to corrective measures, the San Diego Water Board has approved the City's \$1.6 million package of supplemental environmental projects intended to improve water bodies and watersheds within the city. A highlight among these investments is the Chollas Creek Restoration Opportunities Assessment. This assessment will explore stream restoration opportunities within the Chollas Creek Watershed with the goal of pollution prevention and improved water quality, community enhancement, and flood risk reduction.

After working with the San Diego Water Board, the City's actions regarding the education, implementation and enforcement of pollution prevention measures at construction sites, and the City's investment in environmental improvements within its various watersheds, led to a settlement agreement and a reduced liability of \$3,220,664.

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