



# San Diego City Attorney Mara W. Elliott



**FOR IMMEDIATE RELEASE: October 5, 2018**

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## **Painters Guilty of Dumping Lead Paint into Storm Drain**

*Company CEO and employees fined for releasing toxic material into Del Cerro streets, gutters*

San Diego City Attorney Mara W. Elliott successfully prosecuted a Riverside County-based painting company that contaminated the city's storm water system by power washing painted curbs and allowing toxic lead paint chips to flow into storm drains.

The CEO and two employees of Ochoa Striping Services, Inc., were charged with illegally disposing of hazardous waste at a job site. The three defendants pled guilty and were ordered to pay more than \$12,000 in fines and restitution, complete community work service, and serve three years of probation.

Ochoa Striping Services, Inc. was contracted to sandblast paint from curbs in a Del Cerro residential community. This method of paint removal would have allowed the workers to safely clean up and dispose of the hazardous material.

Instead, the painters illegally hooked up their equipment to a city fire hydrant, using municipal water to power wash the curb and releasing a flow of toxic paint chips into the street, gutter, and storm drain.

A Transportation and Storm Water Division employee, investigating a citizen complaint, determined the painters had improperly disposed of potentially hazardous material and told them to take immediate corrective actions. Despite the warning, the painters returned the next day and continued their work in the same manner. Paint samples were taken and tested, confirming the presence of lead in the paint.

Lead paint, when swallowed even in small amounts, can cause permanent brain damage, learning disabilities, and behavioral problems in young children. Though banned for decades, it is present in many older homes and neighborhoods.

**"Businesses that recklessly engage in illegal dumping schemes endanger public health and our ocean ecology,"** said San Diego City Attorney Mara W. Elliott. **"In this case, the business released lead paint chips into our storm drain system, which flows into the ocean. This is an inexcusable assault on the health and safety of those who frequent our beautiful beaches, particularly children who are susceptible to lead poisoning. We will hold accountable anyone who breaks laws that protect our environment or who puts our children at risk."**

Under the plea agreement reached with the City Attorney's Office, defendant Luis Ochoa Ramirez, CEO of Ochoa Striping Services, will pay more than \$10,000 in fines and restitution and perform eighty hours of volunteer work service through a nonprofit organization involved in ocean and/or bay cleanup within the City of San Diego.

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Defendants Jose Ochoa and Auder Oliva Gudiel, the employees who did the power washing, will each pay more than \$1,000 in fines. In addition, all three defendants were placed on three years of probation and ordered to complete a San Diego County Department of Environmental Health-approved class addressing the proper disposal of hazardous waste.

This case was prosecuted by Deputy City Attorneys Cheryl Shitabata and Michael D. Neumeyer of the City Attorney's Nuisance Abatement Unit.

It was investigated by employees of the City of San Diego's Transportation and Storm Water Division, the San Diego Fire-Rescue Department's Hazardous Materials Division, and the County Department of Environmental Health's Hazardous Materials Division.

The Nuisance Abatement Unit, previously titled the Code Enforcement Unit, was established in 1984 to address nuisance properties and blight throughout the City of San Diego. The unit works with numerous City and County agencies, including the County Department of Environmental Health, in prosecuting the illegal transportation, storage, and disposal of hazardous waste; leaking underground storage tanks; oil spills; lead paint violations; the destruction of historical and archeological resources; illegal grading and dumping; and the destruction of environmentally-sensitive land. The unit also works with the California Department of Fish and Wildlife to protect the marine environment from fishing in protected areas and to protect endangered species from wildlife trafficking.

Community members can report health and safety and environmental violations to the City Attorney's Nuisance Abatement Unit at 619-533-5655.

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