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'Egregious' sediment runoff led to fines

By: DAVID FRIED - Staff Writer

ESCONDIDO ---- Longstanding failure to prevent runoff during heavy rains at the Escondido Research and Technology Center construction site resulted in the hefty \$1.26 million fine a regional water board levied against the center's developer this week, said officials familiar with the complaint.

The Regional Water Quality Control board assessed the fine against JRMC Real Estate because the developer had consistently failed to implement erosion protection measures, according to Bob Morris, senior engineer for the board's northern region watershed protection division.

"Although there was a large rainfall this season, the amount of erosion that came off this site was egregious," Morris said Friday.

The control board fined JRMC, the developer of the expansive business park, for allegedly violating the state's water code by allowing sediment to wash off the site and into storm drains and Escondido Creek over a one-year period that ended last month.

JRMC President James McCann did not return requests for comment.

The water board also fined the city of Escondido \$129,000 for what it alleges was the city's failure to properly require JRMC to meet erosion control standards at the site, which is located southwest of the Interstate 15-Highway 78 interchange.

Thursday evening, the water board sent notices of the fines and a public hearing scheduled for June 8 to the developer and city officials.

The developer and city have until April 8 to waive their right to a public hearing and pay the fine. If they choose to go ahead with the public hearing, they can submit evidence justifying their case to the board until April 27.

Escondido City Manager Clay Phillips said Friday that, while he was aware of the fine, he had not had a chance to review a copy of it. He said the city staff would review the complaint and decide the city's response next week.

Last year, the water quality board levied \$1.2 million in fines against the city of Escondido for separate violations that occurred at the city's Hale Avenue sewage treatment plant last summer.

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The city is in the process of contesting those charges.

In the instance of the research and technology center, the board alleges that, since JRMC began grading the 186-acre site in February 2004, it has consistently failed to implement a storm-water pollution prevention plan, monitor sediment runoff, and submit runoff status reports to the board after recent rainfalls, according to the notice.

Fines for each category of violations range from \$820,000 for the sediment runoff to \$8,000 for failing to file the reports.

"I would classify \$1.26 million as a large fine," said Brian Kelley, another senior engineer for the board, adding that it was one of the largest this season.

While the erosion does not present any public health risks, it does create potential ecological consequences, because the dirt flushed into storm drains and Escondido Creek will eventually pile up in San Elijo Lagoon. Those deposits can potentially bury insect communities living along the floor of the lagoon and otherwise disrupt the pool's ecosystem, Morris said.

While many of the alleged violations occurred during this winter's persistent storms, Morris said that JRMC had failed to properly implement erosion control measures even before the rainy season started. In contrast, he noted, many other local developments increased preventative measures as a result of the stormy winter season.

"We have numerous examples of construction sites in the region that had implemented (necessary measures) and had minimal erosion," Morris said. "So it's not like all construction sites had erosion."

Morris said the board advised JRMC several times that it needed to implement better erosion control measures, such as placing tarps over the grading and expanding storm basins to catch runoff, but that the warnings went unheeded.

"When it was done, a little effort goes into it, but it was too little, too late," Morris said, adding that it was the city's responsibility to require JRMC to implement sufficient erosion control measures.

The city manager said that he believed the city had done just that.

"I think we did what we could to try and enforce the rules," Phillips said, adding that the city had taken recent steps to ensure that certain prevention measures were in place.

According to Escondido Public Works Director Patrick Thomas, JRMC had applied a bonding spray over the graded slopes of the site that did not withstand the recent heavy rains.

Last month, the city and the water board met with JRMC to discuss a new erosion control plan.

Thomas said that, as a result, JRMC had agreed to tamp down the loose sediment and cover it with tarps once the recent stormy weather had passed. No formal deadline was set for the work to be done, Thomas said.

Contact staff writer David Fried at (760) 740-5416 or dfried@nctimes.com.

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webmaster@nctimes.com

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editor@nctimes.com