



Press Release

September 11, 2008

FOR IMMEDIATE RELEASE:

CONTACT: Gabriel Solmer, 619-933-1134 (cell); 619-758-7743 ext. 109

Buena Vista Lagoon Benefits From Settlement

Regional Water Board Approves Environmental Projects as Part of \$1 Million Fine

SAN DIEGO, CA – The San Diego Regional Water Board, responding to community and environmental groups on Wednesday, approved a settlement that will provide direct on-the-ground benefit to Buena Vista Lagoon. The settlement agreement was a result of the Administrative Civil Liability imposed on the Cities of Carlsbad and Vista for a spill in March of 2007. The spill lasted three days and resulted in a discharge of 7.3 million gallons of untreated sewage into the Lagoon.

A corroded force sewer main that runs under the Lagoon was the cause of the spill, which killed 1,700 fish, some birds, bullfrogs, and crayfish. These wildlife impacts don't include the long-term or negative effects of the cleanup on many Lagoon species, including state and federal endangered species. Representatives of Preserve Calavera held up 1,700 paper fish during public comment to symbolize the fish killed during the spill.

"This was a massive spill that impacted an already impaired waterbody," stated Gabriel Solmer, Legal Director of San Diego Coastkeeper. "That's why it was so important that any settlement agreement resulted in direct benefits for the lagoon, rather than a general contribution to the state fund."

The maximum fine for the spill would have been \$10 per gallon, for a total of \$73 million. However, the Regional Water Board has the discretion to lower the fine amount after considering certain factors such as the cities' degree of culpability and response to the discharge. Dischargers can



propose that some of the total fine be used for environmental projects rather than sending the entire amount to a state fund. After San Diego Coastkeeper raised objections to the initial settlement in March, the Regional Water Board directed staff to develop a settlement that provided more benefits to the Lagoon.

Regional Water Board staff, environmental groups, federal and state agencies, and the cities of Vista and Carlsbad worked together to create a settlement that included two supplemental environmental projects to enhance the Lagoon. One project will provide restoration of Buena Vista Creek, while another will study options for restoring and opening the Lagoon to tidal flows.

The final amount of the settlement was a little over \$1 million. The two projects comprise \$895,000 of the total fine, with \$200,000 going to the state fund. The original settlement rejected by the Regional Water Board would only have provided \$500,000 in supplemental environmental projects.

“Of course the best scenario is one without a spill in the first place,” noted Gabriel Solmer. “But a settlement that achieves the twin goals of deterrence and long-term restoration in the watershed makes the best of the administrative civil liability process.”

#

Founded in 1995, San Diego Coastkeeper protects the region’s bays, beaches, watersheds and ocean for the people and wildlife that depend on them. We balance community outreach, education, and advocacy to promote stewardship of clean water and a healthy coastal ecosystem.