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## Caltrans to cut off polluted runoff

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SAN DIEGO — Environmentalists hailed a settlement Wednesday of a lawsuit against Caltrans that will mean strong new efforts to prevent polluted storm-water runoff from reaching local streams, lagoons and the ocean.

The agreement in federal court ends more than a year of negotiations between Caltrans and a coalition of environmental groups, the second successful lawsuit by the groups in Southern California in the last four years.

But while the earlier suit in Los Angeles County led to a nasty court battle between Caltrans and the Natural Re-

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sources: Defense Council and Santa Monica Baykeeper groups, the San Diego case was handled at a conference table.

"What the court ordered in its consent decree is much more comprehensive than in (the Los Angeles) case," said Everett Delano, who represented the resources defense council and San Diego's Baykeeper chapter.

"We got a lot more by sitting down and negotiating than we did by litigating."

The settlement includes a \$380,000 restoration project at the Tijuana estuary in Imperial Beach and \$430,000 in fines, along with a \$2.5 million pilot program to test storm water pollution-control devices on local freeways and freeway projects.

Caltrans agreed to enact new monitoring program to find illegal polluters, including the high-

way agency's contractors, and enforce the law; new runoff control measures at the agency's 72 construction projects and 15 maintenance yards in San Diego; and new training programs for workers in preventing polluted runoff from reaching local watersheds.

The case, filed in April 1996, got a strong boost when the U.S. Environmental Protection Agency broke with precedent and joined a so-called "citizen suit" that was filed under a provision of the Clean Water Act.

The two cases were included in the order to be signed in the next few months by U.S. Magistrate Louisa S. Porter.

The case argued that Caltrans ignored requirements to get a storm water-discharge permit, and contended that if the nation's largest transportation agency followed federal guidelines in the Clean Water Act, its discharge of pollutants would be far lower.

Storm-water runoff is considered a leading source of water pollution, but Caltrans has long argued that the top priority for a freeway in a rainstorm is drainage.

The environmentalists' lawsuit argued that available methods of controlling runoff from freeways, along with landscaping

at job sites and maintenance yards, would not hinder drainage.

Caltrans attorney Jeff Joseph was unavailable for comment Wednesday, but agency spokesman Jim Larson, in a joint statement with the resources defense council, noted that Caltrans obtained its storm-water permit during the negotiations.

"We gained some valuable knowledge from NRDC, Baykeeper and EPA about the impact of our activities on water quality," Larson said.

"We think they gained a better understanding of the problems we face."

Both parties also gained an appreciation of avoiding combat. In the Los Angeles case, an appeal was filed by Caltrans and the ruling was later upheld when Delano and other attorneys sought a contempt citation against the agency's director.

In the agreement reached in San Diego, the consent decree will be enforced with inspections by both environmentalists and, in the case of private contractors, by Caltrans.

Violations of the pact could lead to fines of \$2,000 a day that could be quickly imposed.

"I think with the fines that now we have a better tool to en-

**'We got a lot more by sitting down and negotiating than we did by litigating.'**

— EVERETT DELANO  
Represented two groups

force this agreement, and to really get something done," Delano said.