

Lawsuit: Navy is polluting San Diego Bay

by Mike Lee - CNS

SAN DIEGO - The Navy is polluting San Diego Bay by discharging storm water that's loaded with toxins, according to an environmental group's lawsuit filed Tuesday in federal court. San Diego-based Coastkeeper said the Navy and the Department of Defense have allowed contaminants such as copper and zinc to enter the bay at up to nearly 400 times the legal limit. Its lawsuit also alleges that these agencies haven't secured regulators' permission to discharge more than a dozen other pollutants into the bay.

Coastkeeper is asking the court to stop any ongoing pollution and force the Navy to clean up whatever mess it has made. The restoration work could cost tens of millions of dollars.

The litigation punctuates several recent efforts to clean up the region's storm-water pollution, also called urban runoff pollution. The mix is created when rain picks up contaminants on various land surfaces as it heads toward storm drains, rivers and the ocean.

Coastkeeper's lawsuit is based on about four years of water-monitoring data that Navy officials submitted to pollution regulators.

LAWSUITE - At least 59 storm-water outfalls drain into the bay from the San Diego Naval Base at 32nd Street (foreground) and the Navy's Broadway Complex, the lawsuit says. CNS Photo by K.C. Alfred. "By the Navy's own admission, they are violating their ... discharge limits pretty severely," said Bruce Reznik, executive director of Coastkeeper. "They really haven't poured in the kind of resources that they need to."

Coastkeeper is a prominent player in local battles concerning water quality, including its lawsuit several years ago that forced the city of San Diego to upgrade its sewage collection system.

Walter Ham, a spokesman for Navy Region Southwest, said he could not comment on the lawsuit. But he repeated a common theme among local Navy officials: "We work very hard to safeguard the natural resources that the taxpayers have entrusted to us," Ham said.

At least 59 storm-water outfalls drain into the bay from the San Diego Naval Base at 32nd Street and the Navy's Broadway Complex, according to the lawsuit. The sprawling naval operations include numerous industrial activities, such as ship repair and painting.

John Robertus, executive officer for the San Diego Regional Water Quality Control Board, agreed that Navy

officials have struggled to meet the terms of their storm-water pollution permit. But he said their violations are not egregious enough to warrant sanctions.

"Their record has been improving. They are implementing best management practices," Robertus said.

The water board has limited enforcement options against federal agencies, which generally have immunity from fines involving the Clean Water Act. That leaves state regulators to write stern notices to federal violators or, in rare cases, to sue in hopes of winning a court-ordered remedy.

Cory Briggs, an attorney for Coastkeeper, said lack of aggressiveness by the regional water board forced his client to intervene.

"We wanted to give the Navy and the regional board an opportunity to come into compliance on their own. But enough time has elapsed, and they have proven that they are unable to do that," Briggs said. "It's not fair to industries that have to comply with the Clean Water Act when their federal neighbor gets off scot-free."

Coastkeeper's lawsuit comes amid unprecedented attention to regional storm-water pollution.

Two weeks ago, for instance, the water board ordered the city of San Diego and several other entities to drastically reduce the amount of three common metals flushed into Chollas Creek by storm water. In January, the water board toughened a mandate requiring local governments to curb urban runoff pollution.

In addition, the agency is trying to force the cleanup of tainted sediment in San Diego Bay. That case mainly involves commercial shipyards accused of polluting the bay over several decades. The cleanup bill has been pegged at nearly \$100 million.

Staff writer Terry Rodgers contributed to this report.

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