

STATE WATER RESOURCES CONTROL BOARD  
ORDER WQ 2018-0007-EXEC  
AMENDING

WATER QUALITY ORDER 2013-0001-DWQ

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT NO. CAS000004  
WASTE DISCHARGE REQUIREMENTS  
FOR  
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER  
SYSTEMS (MS4)

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. On December 8, 1999, the United States Environmental Protection Agency (U.S. EPA) promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). The Phase II storm water regulations require the State Water Board to issue National Pollutant Discharge Elimination System storm water permits to operators of Small MS4s.
2. An MS4 is a conveyance or system of conveyances that is: (1) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; (2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); (3) not a combined sewer; and (4) not part of a Publicly Owned Treatment Works or sewage treatment plant.
3. Title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.26(b)(16) defines Small MS4s as those not defined as "large" or "medium" MS4s under section 122.26(b)(4) or (b)(7) or designated under 40 Code of Federal Regulations section 122.26(a)(1)(v). The term Small MS4s includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares (40 C.F.R. §122.26(b)(16)(iii).) These latter subsets of Small MS4s are referred to herein as Non-traditional Small MS4s. Non-traditional Small MS4s discharge pollutants that are typically associated with urban runoff.
4. The State Water Board adopted its first Small MS4 General Permit in 2003. The State Water Board reissued the Small MS4 General Permit (Water Quality Order 2013-0001-DWQ) in 2013. The Small MS4 General Permit is a statewide permit that sets requirements for multiple permittees.
5. Of the Small MS4s defined by federal regulations, only "Regulated Small MS4s" (also referred to as "Permittees") must obtain coverage under the Small MS4 General Permit. Small MS4s are designated as Regulated Small MS4s in accordance with the criteria described in Findings 19-23 and Finding 25 of the General Permit.
6. The Small MS4 General Permit allows the Regional Water Quality Control Boards (Regional Water Boards) to designate additional Small MS4s as Regulated Small MS4s on a case by case basis. A Regional Water Board designation is based on the potential of a Small MS4 to discharge urban runoff that causes or contributes to exceedances of water quality standards, including impairment of designated uses, and other water quality impacts, including habitat and biological impacts. If a Regional Water Board designates a permittee after the adoption of the

Small MS4 General Permit, each designation must be approved by the Regional Water Board following public review and comment.

7. Non-traditional Permittees enrolled under the Small MS4 General Permit are listed in Attachment B. The State Water Board Executive Director may amend the list of Regulated Small MS4s in Attachment B, consistent with the designation criteria listed in the Small MS4 General Permit. Accordingly, where a Regional Water Board determines that a Non-traditional Permittees' designation under Attachment B is consistent with the designation criteria of the Small MS4 General Permit, the Executive Director may amend Attachment B to add that Permittee.

#### **San Diego Metropolitan Transit System**

8. The San Diego Metropolitan Transit System (MTS) was established as a special district in California in 1975 and is authorized to operate public mass transit within the San Diego Water Board region specifically within the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee, and within all unincorporated areas of the County of San Diego not served by the North San Diego County Transit Development Board. MTS also owns the San Diego & Arizona Eastern Railway that includes 39 miles of railway. MTS ridership generates 88 million annual passenger trips or 285,000 trips each weekday, providing approximately 1.9 million hours of service across 24 million miles each year.
9. MTS service area covers about 570 square miles of the urbanized areas of San Diego County and the rural parts of East County (3,240 square miles). MTS also provides bus and rail services to approximately three million people.
10. MTS discharges include storm water and non-storm water discharges generated from:
  - a. Bus stops;
  - b. Light rail, railway, and rail stops;
  - c. Bus and rail car maintenance facilities;
  - d. Fueling stations; and
  - e. Parking lots associated with bus, light rail, and railway stops.

MTS discharges either directly to surface waters or indirectly through municipal storm water conveyance systems. Surface waters include creeks, rivers, reservoirs, wetlands, lagoons, estuaries, bays, and the Pacific Ocean, and tributaries thereto, some or all of which are waters of the United States as defined in 40 C.F.R. section 122.22. The San Diego Regional Water Quality Control Board (San Diego Water Board) determined that based on the number and distribution of MTS facilities throughout multiple watersheds, discharges from MTS facilities have the potential to cause or contribute to exceedances in water quality standards and further impair receiving water beneficial uses.

11. The Small MS4 General Permit contains the following Total Maximum Daily Loads (TMDLs) and pollutant categories for impaired waterbodies established for the waterbodies receiving, or potentially receiving, MTS discharges:
  - Indicator Bacteria Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)
  - Sediment - Los Penasquitos Lagoon

12. MTS operations are within land uses associated with Municipal MS4s and are considered contributors to the impairment of the waterbodies listed for sediment and bacteria. Therefore, MTS should anticipate compliance with the requirements for implementing 1) the Bacteria Project 1 – Twenty Beaches and Creeks TMDL and 2) the Sediment – Los Penasquitos Lagoon TMDL contained in Attachment G of the Small MS4 General Permit. It is expected that MTS will be specifically named in Attachment G of the Small MS4 General Permit as having requirements under these TMDLs at a future reissuance of the Permit.

**Marine Corps Recruit Depot San Diego**

13. Marine Corps Recruit Depot (MCRD) San Diego is a federally-owned military installation located in the City of San Diego, approximately 2.4 miles west of the City's center, north of San Diego International Airport, and east of the former Naval Training Center (NTC). MCRD San Diego primarily provides the facilities to support the Recruit Training Regiment. The mission of the Recruit Training Regiment is to provide reception, processing, and recruit training for enlisted personnel following initial entry into the Marine Corps. On average, MCRD San Diego graduates over 16,000 recruits per year. The Recruit Training Regiment also provides training for drill instructors and officers entrusted with recruit training responsibilities.
14. MCRD San Diego is comprised of 505 acres including a portion of an open boat channel (Boat Channel) separating MCRD San Diego and the former NTC San Diego. MCRD San Diego is comprised of administration and industrial buildings, roads, parking lots, a large paved parade field, open fields for recreation and recruit training, and landscape areas. MCRD San Diego has approximately 13 miles or 387,050 square yards of paved roads. The City of San Diego is the local governing body with local jurisdiction over the area surrounding MCRD San Diego.
15. MCRD San Diego currently has an approximate daily population of 5,000 resident marines and 740 non-resident civilian employees. MCRD San Diego also includes the Naval Medical Center San Diego branch and dental clinics, the Marine Corps Exchange shopping facility, a museum, a child development center, the Bay View Club restaurant and catering facility, and a recreational marina. There is no undeveloped land on the installation.
16. MCRD San Diego daily operations consist of:
  - a. Recruit training operations, which consists of both academic (classroom) and outdoor physical training facilities;
  - b. A Maintenance Facilities Division which is responsible for facilities maintenance of MCRD San Diego. The majority of maintenance functions are located in temporary metal-clad buildings. Division support is primarily responsible for the Parade Ground used for regimental marching and training, and graduation ceremony preparation;
  - c. A Services and Supply (S & S) Division which is responsible for many of the storage facilities. A complex of three warehouses (Buildings 389, 390, and 391) that provide storage for food services, recruit personal effects, and the recruit exchange. The Ordinance Branch of the S & S Division is responsible for ordinance storage in support of recruit training;
  - d. Housing, including Recruit Barracks, Bachelor Enlisted Quarters for permanent party personnel, Drill Instructor/Recruiter School students, and Senior Officer Quarters. Through privatization, maintenance and repair responsibility of the five housing units were transferred from government employees to a private contractor; and

- e. Other operations including: a gas station, facilities maintenance buildings, a motor transportation facility (for mostly electric/hybrid), a recreational boat marina, a recycling center, a supply warehouse, a fire department, and a car wash facility.
17. The MCRD San Diego-owned storm drain system, originally constructed in the 1930s, consists of approximately 54,610 linear feet of storm water conveyance lines. Storm water flows overland and enters MCRD's storm drain system from six off-site City of San Diego area locations along the northwestern, northeastern, and eastern boundaries. Storm water from the western section of MCRD San Diego is conveyed through thirteen outfall locations along the Boat Channel. Additionally, two other storm drains owned by the San Diego International Airport Authority, are located on airport property and run through MCRD San Diego and discharge to the Boat Channel.
18. Storm water and non-storm water discharges are generated from:
- a. Parking lots associated with building facilities,
  - b. Landscape areas (managed by Ground Maintenance),
  - c. Fire hydrant flushing,
  - d. Gasoline service stations,
  - e. Parade grounds,
  - f. Outdoor training grounds,
  - g. Supply warehouses loadings docks,
  - h. Transportation maintenance facility,
  - i. Recycling facility,
  - J. Boat house and marina, and
  - k. Road traffic.
19. On December 9, 2016, the San Diego Water Board issued a public notice of the proposed Resolution to: 1) designate MTS as a Regulated Small MS4 subject to the NPDES permitting program; and 2) request that the State Water Board amend Attachment B of the Small MS4 General Permit to add MTS as a Non-traditional Small MS4. Written comments were accepted during a 30-day public comment period from December 9, 2016 to January 9, 2016. The San Diego Water Board public hearing concerning this matter was held on February 8, 2017, as a non-controversial consent item. After consideration of all written and oral comments, the San Diego Water Board adopted Resolution R9-2017-0006, recommending that MTS be designated as a Regulated Small MS4 permittee.
20. On August 7, 2017, the San Diego Water Board issued a public notice of the Resolution to: 1) designate MCRD San Diego as a Regulated Small MS4 subject to the NPDES permitting program and 2) request that State Water Board amend Attachment B of the Small MS4 General Permit to add MCRD San Diego as a Non-traditional Small MS4. Written comments were accepted during a 30-day public comment period from August 7, 2017 to September 5, 2017. The San Diego Water Board public hearing concerning this matter was held on October 11, 2017, as a non-controversial consent item. The San Diego Water Board adopted Resolution R9-2017-0106, recommending that MTS be designated as a Regulated Small MS4 permittee.
21. The State Water Board Executive Director has considered the proceedings before the San Diego Water Board and reviewed both R9-2017-0006 and Resolution R9-2017-0106. The State Water Board's Executive Director concurs that the San Diego Metropolitan Transit System and Marine Corps Recruit Depot meet the designation criteria of the Small MS4 General Permit and are to be added to Attachment B of Water Quality Order 2013-0001-DWQ.

**IT IS HEREBY ORDERED THAT:**

Water Quality Order 2013-0001-DWQ is hereby amended as shown in Attachment 1 of this Order. The amended Water Quality Order shall become effective upon the date of the Executive Director's approval.

MAR 13 2018

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Date



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Eileen Sobeck  
Executive Director

**ATTACHMENT 1**  
**To**  
**ORDER WQ 2018-0007-EXEC**  
**AMENDING**

**WATER QUALITY ORDER 2013-0001-DWQ**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
 GENERAL PERMIT NO CAS000004  
 WASTE DISCHARGE REQUIREMENTS  
 FOR

STORM WATER DISCHARGES FROM SMALL MUNICIPAL STORM SEWER SYSTEM (MS4s)

The San Diego Metropolitan Transit System and Marine Corps Recruit Depot San Diego are added to the list of Non-Traditional Small MS4 Permittees on Attachment B of the Small MS4 General Permit as shown in underline format below.

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**Attachment B – Non-Traditional Small MS4 Permittees**

Region	Permittee Name	Agency	Designation Criteria	Permittee Type	Monitoring Type
Monitoring Type: Δ = Areas of Special Biological Significance Special Protections					
*The list of Regulated MS4s in this Attachment may be amended by the Executive Director consistent with the designation criteria listed in the Order. Revised 2/19/13 to change Agency to Department of Homeland Security for Petaluma Coast Guard Training Center and Alameda Coast Guard Integrated Support Command, removed VA Northern CA Healthcare Systems and Martinez Center for Rehab and Extended. Amended on 9/2/15 to remove Tracy Unified School District. Amended on 01/24/18 to delete Amtrak and to add California High Speed Rail Authority. Amended on March 13, 2018 to add <u>San Diego Metropolitan Transit District and Marine Corps Recruit Depot San Diego.</u>					

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**Attachment B – Non-Traditional Small MS4 Permittees**

San Diego Regional Water Board					
9	San Diego Metropolitan Transit System	Special District	Regional Board Designation	New	
9	Maine Corps Recruit Depot San Diego	Department of Defense	Regional Board Designation	New	

**ATTACHMENT 2**  
To  
**ORDER WQ 2018-0007-EXEC**  
**AMENDING**  
WATER QUALITY ORDER 2013-0001-DWQ

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

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**RESOLUTION NO. R9-2017-0006**

**A Resolution Designating San Diego Metropolitan Transit System In The San Diego Region As A Regulated Small Municipal Separate Storm Sewer System, Subject To State Water Board Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System Permit No. CAS000004**

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) finds that:

*Authority*

1. In 1972, Congress amended the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (CWA)) to prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination (NPDES) permit.
2. In 1987, the amendments to the CWA added section 402(p), which established a framework for regulating storm water discharges from municipal separate storm sewer systems (MS4s) under the NPDES Program. A MS4 is a conveyance or system of conveyances that is: (1) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; (2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); (3) not a combined sewage and storm water system; and (4) not part of a Publicly Owned Treatment Works or sewage treatment plant.
3. In 1990, the United States Environmental Protection Agency (USEPA) promulgated regulations establishing NPDES regulations for MS4s serving "medium" and "large" MS4s of 100,000 population or greater. These regulations, known as Phase I regulations, require operators of medium and large MS4s to obtain and comply with NPDES storm water permits to reduce or eliminate the discharge of pollutants.
4. On December 8, 1999, USEPA promulgated regulations, known as Phase II regulations, requiring operators of Small MS4s to obtain and comply with NPDES storm water permits for Small MS4s under the authority of the CWA section 402(p)(6).

5. Title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.26(b)(16) defines Small MS4s as those MS4s not defined as “large” or “medium” MS4s under 40 CFR section 122.26(b)(4) or (b)(7) or designated under 40 C.F.R. section 122.26(a)(1)(v). Small MS4s may also include systems such as military bases, large hospitals or prison complexes, and highways and other thoroughfares (40 C.F.R. section 122.26(b)(16)(ii) and (iii)). These latter types of Small MS4s are referred to as “Non-traditional Small MS4s.” Non-traditional Small MS4s discharge the same types of pollutants that are typically associated with urban runoff, but operate at a separate campus or facility and may have a different management structure and legal authorities than a municipality.
6. On February 5, 2013, the State Water Resources Control Board (State Water Board) adopted Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* (Phase II General Permit) to comply with CWA section 402(p)(6). The Phase II General Permit became effective on July 1, 2013.
7. The Phase II General Permit is only applicable to a particular subset of Small MS4s known as “Regulated Small MS4s<sup>1</sup>” The State Water Board determined which Small MS4s are Regulated Small MS4s in accordance with the designation criteria in 40 C.F.R. 122.32. The State Water Board designated the following Small MS4s as Regulated Small MS4s automatically: Small MS4s located in urbanized areas<sup>2</sup> (UAs) and Small MS4s located outside of UAs that have high population and population density or discharges to an Area of Special Biological Significance.<sup>3</sup>
8. The Phase II General Permit identified categories of dischargers that the State Water Board considers to be Non-traditional Small MS4s, including but not limited to: community services districts, fairgrounds, higher education institutions, ports, state parks, school districts K-12, state vehicle recreation areas, water agencies, and transit agencies.<sup>4</sup>

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<sup>1</sup> A Regulated Small MS4 refers to a Small MS4 that discharges to a water of the United States (U.S.), or to another MS4 that must obtain an NPDES permit. The State Water Board or Regional Water Board may designate a Small MS4 as Regulated Small MS4 consistent with the criteria specified in findings 19-25 of the Phase II General Permit. The State Water Board may also designate a Small MS4 as a Regulated Small MS4 in response to a petition received under 40 C.F.R. 122.26(f).

<sup>2</sup> A densely settled core of census tracts and/or census blocks that have population of at least 50,000, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core.

<sup>3</sup> Findings 19 and 23 of the Phase II General Permit.

<sup>4</sup> Id. at Phase II General Permit Fact Sheet p. 6



9. The Phase II General Permit authorizes the Regional Water Boards to designate additional Regulated Small MS4s on a case-by-case basis during the permit term. Designations must be “based on the potential of a Small MS4’s discharges to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.” Such designations may be approved by the Regional Water Board following public review and comment.<sup>5</sup>
10. If a Regional Water Board designates additional Regulated Small MS4s, the Executive Director of the State Water Board is authorized to amend Phase II General Permit Attachment A, Traditional Permittees, or Attachment B, Non-traditional Permittees, consistent with designation criteria in the Phase II General Permit.<sup>6</sup>
11. From July 2013 to October 2013, the San Diego Water Board designated nine Small MS4s including a transit district, two military bases, a state prison, a state fairgrounds, a large hospital, and three universities as Regulated Non-traditional Small MS4s subject to the NPDES permitting program. The State Water Board included these Non-traditional Small MS4s in Attachment B of the Phase II General Permit.
12. This Resolution designates San Diego Metropolitan Transit System (MTS) as a Regulated Non-traditional Small MS4 subject to the NPDES permitting program.
13. Newly designated Regulated Small MS4s must apply for coverage under the Phase II General Permit or an individual NPDES permit within 180 days of notice of designation (40 C.F.R. 122.33(c)(2)).

#### *MTS Operations*

14. The San Diego Metropolitan Transit System (MTS) was established as a special district in California in 1975 and is authorized to operate public mass transit within the San Diego Water Board Region specifically within the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, as well as within all unincorporated areas of the County of San Diego not served by the North San Diego County Transit Development Board (NCTD). MTS also owns the San Diego & Arizona Eastern (SD&AE) Railway which includes 39 miles of railway. MTS ridership generates 88 million annual passenger trips or 285,000 trips each weekday. This provides approximately 1.9 million hours of service across 24 million miles each year.
15. MTS service area covers about 570 square miles of the urbanized areas of San Diego County as well as the rural parts of East County (3,240 square miles). MTS provides bus and rail services to approximately 3 million people. The properties and facilities within MTS’ jurisdiction include:
  - a. 103 miles of light rail,

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<sup>5</sup> Id. at Finding 24 and section G.

<sup>6</sup> Id. at Fact Sheet, p. 17

- b. 53 stations for light rail (including parking lots with more than 5000 parking spaces),
- c. Approximately 4200 bus stops,
- d. 3 maintenance facilities for light rail maintenance (each 1 to 2 acres in size),
- e. 5 bus maintenance facilities (each between 1 and 2 acres in size),
- f. 39 miles of the SD&AE railway located within the metropolitan area, and
- g. Future Construction – Mid-Coast Light Rail Trolley (LRT) including 11 miles of LRT and 9 stations.

16. MTS owns and maintains many of the parking lots at its light rail trolley and bus rail trolley facilities. However, where parking facilities are located on property other than that owned by MTS, the facilities are generally maintained by that property owner unless maintenance agreements are in place that indicate otherwise.

17. MTS bus operations include five fleet operating divisions: Imperial Avenue Division (IAD); Kearny Mesa Division (KMD); South Bay Bus Maintenance Facility (SBMF); East County Bus Maintenance Facility (ECBMF); and Copley Park Maintenance Facility (CPMF). Industrial activities from these operations are regulated under the *General Permit for Storm Water Discharges Associated with Industrial Activities* ("IGP") as described below and include operations, maintenance, and fueling functions.

- a. IAD is an 86,300 square-foot facility in downtown San Diego and houses a working division, with almost 200 buses and fueling capabilities for CNG, diesel and gasoline. IAD is enrolled under the IGP.
- b. KMD is a 54,166 square-foot division in Kearny Mesa which houses more than 100 buses and includes diesel and CNG fueling stations, as well as a body and paint shop. KMD is enrolled under the IGP.
- c. SBFM is a 48,000 square-foot facility and has a capacity of up to 250 CNG buses. SBFM has a Non-Exposure Certification ("NEC").
- d. ECBMF is a 57,500 square-foot facility and is currently being expanded and improved to accommodate 120 buses, and will include a new CNG fueling station. ECBMF has an NEC.
- e. CPMF operates fixed-route mini-buses on lower-volume routes. CPMF is enrolled under the IGP.

#### *MTS Discharges*

18. MTS discharges include storm water and non-storm water discharges generated from:

- a. Bus stops;
- b. Light rail, railway, and rail stops;
- c. Bus and rail car maintenance facilities;
- d. Fueling stations; and
- e. Parking lots associated with bus, light rail, and railway stops.

MTS discharges either directly to surface waters or indirectly through municipal storm water conveyance systems. These surface waters include creeks, rivers, reservoirs, wetlands, lagoons, estuaries, bays, and the Pacific Ocean and tributaries thereto, some or all of which are waters of the United States as defined in 40 C.F.R. section 122.22.

19. Storm water and non-storm water discharges from MTS facilities discharge to or have the potential to discharge to receiving waterbodies or tributaries thereto in the following watersheds which are in close proximity to MTS bus and rail operations, maintenance facilities, and other associated facilities.

- a. San Dieguito Hydrologic Unit
- b. Los Penasquitos Hydrologic Unit
- c. San Diego River Hydrologic Unit
- d. Pueblo San Diego Hydrologic Unit
- e. Sweetwater Hydrologic Unit
- f. Otay Hydrologic Unit
- g. Tijuana Hydrologic Unit

20. Total Maximum Daily Loads (TMDLs) and pollutant categories for impaired waterbodies have been established for the waterbodies to which MTS discharges or has the potential to discharge. The adopted TMDLs for waterbodies MTS discharges to or has the potential to discharge to, are listed below.

- a. Indicator Bacteria Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)
- b. Sediment - Los Penasquitos Lagoon
- c. Chollas Creek –Diazinon
- d. Chollas Creek – Dissolved Copper, Lead, and Zinc

21. Sediment is an urban runoff pollutant resulting from excessive soil erosion. It can transport other pollutants that are attached to it including nutrients, trace metals, and hydrocarbons. Sediment is the primary component of turbidity, total suspended solids, and suspended sediment concentration. Sediment resulting from erosion enters receiving waterbodies primarily through storm water runoff from the Small MS4 system. Discharges of sediment from MTS operations into inlets and culverts along railway and light rail right of way and at bus and light rail transit facilities can cause or contribute to pollutant discharges to receiving waters some of which are impaired for sediment.

22. When natural vegetated pervious ground cover is converted to impervious surfaces such as paved bus and rail stops, parking lots, streets, maintenance yards, rooftops, and walkways, the natural absorption and infiltration abilities of the land are lost. Therefore, runoff leaving developed urban area may be significantly greater in runoff volume, velocity, and peak flow rate than pre-development runoff from the same area. The increased volume, velocity, and rate of runoff can greatly accelerate the erosion of downstream natural channels. The greater the impervious cover, the greater the significance of the degradation. As a result, the runoff leaving the MTS developed areas may be greater in pollutant load causing or potentially contributing to exceedances of water quality standards and higher in flow velocity than the pre-development runoff from the same area causing or contributing to impairment of designated beneficial uses or other significant water quality impacts.
23. Dissolved minerals (i.e. salinity) and nutrients are pollutants in urban runoff resulting from over-irrigation and vehicle washing among other activities. Wash water from MTS washing operations is captured, treated, and reused or discharged as waste water to the sanitary sewer. MTS does irrigate its landscaped areas with potable water at its stations and transit centers. MTS takes efforts to control irrigation to minimize over-irrigation, however, because there are so many locations where irrigation occurs throughout MTS's service area there is a potential for over-irrigation and pollutant laden discharges to the MS4 and receiving waters. Over-irrigation at MTS facility locations can also cause and contribute to discharges of dissolved minerals, salinity, pesticides, and nutrients in watersheds with receiving waters impaired for salinity and nutrients.
24. MTS transit centers, bus and trolley stations, and maintenance facilities include trash collection and handling activities. Trash handling can increase the potential for discharges of bacteria from MTS facilities to the MS4 or receiving waters during both dry and wet weather. Discharges of bacteria can be a significant source of pathogens to the storm drain system causing or contributing to exceedances of water quality standards. Based on the number and distribution of MTS facilities throughout multiple watersheds where receiving waters have been identified as impaired for bacteria, discharges from MTS facilities have the potential to cause or contribute to exceedances in water quality standards and further impair receiving water designed beneficial uses.

#### *Public Participation*

25. The San Diego Water Board first notified MTS of its intent to designate MTS as a Regulated Small MS4 during the February 5, 2013 adoption of the Phase II General Permit. Although the San Diego Water Board identified MTS for designation, final adoption of the Phase II General Permit did not include MTS in Attachment B as a Regulated Non-traditional Small MS4. Because the Phase II General Permit did not include MTS, the San Diego Water Board sent MTS a letter on March 25, 2016 notifying it of the San Diego Water Board's intent to designate MTS as a regulated Small MS4.

26. By electronic mail dated Friday, December 9, 2016, the San Diego Water Board also notified interested persons of this proposed Resolution to 1) designate MTS as a Regulated Small MS4 subject to the NPDES permitting program and 2) request that the State Water Board amend Attachment B of the Phase II General Permit to add MTS as a Non-traditional Small MS4. Written comments were accepted during a 30-day public comment period from Friday, December 9, 2016 to Monday, January 9, 2016.
27. The State Water Board circulated this proposed Resolution concurrently with the San Diego Water Board public comment period. The Executive Director of the State Water Board will consider for approval the requested amendment to Attachment B of the Phase II General Permit to designate MTS in accordance with this Resolution. The public notice and opportunity to comment provided for this Resolution shall also function as the notice and comment period for the decision by the Executive Director of the State Water Board to amend Attachment B of the Phase II General Permit. The State Water Board will not provide a separate public comment period prior to making its determination, but will review the proceedings before the San Diego Water Board, including any written comments.
28. The San Diego Water Board heard and considered all comments pertaining to the designation at a public hearing on February 8, 2017.

*California Environmental Quality Act*

29. Issuance of this Resolution is exempt from the provisions of the California Environmental Quality Act (pub. Resources Code, section 21000 et seq.) ("CEQA") pursuant to Water Code section 13389 because the adoption or modification of an NPDES permit for an existing source is statutorily exempt and this Resolution only serves to implement an NPDES permit (Pacific Water Conditioning Association, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555 556).

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The San Diego Water Board designates MTS as a Regulated Small MS4 subject to the NPDES permitting program.
2. The San Diego Water Board requests that the Executive Director of the State Water Board amend Attachment B of the Phase II General Permit to include MTS as a Non-traditional Small MS4 in accordance with this Resolution.
3. MTS must apply for coverage under the Phase II General Permit or an individual NPDES permit within 180 days after the effective date of this Resolution.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on February 8, 2017.

*Original signed by*

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DAVID W. GIBSON, Executive Officer

**ATTACHMENT 3**  
To  
**ORDER WQ 2018-0007-EXEC**  
**AMENDING**  
WATER QUALITY ORDER 2013-0001-DWQ

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

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**RESOLUTION NO. R9-2017-0106**  
**A Resolution Designating Marine Corps Recruit Depot San Diego In The San Diego Region as a Regulated Small Municipal Separate Storm Sewer System, Subject to State Water Resources Control Board Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System Permit No. CAS000004**

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WHEREAS, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) finds that:

*Authority*

1. In 1972, Congress amended the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (CWA)) to prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination (NPDES) permit.
2. In 1987, the amendments to the CWA added section 402(p), which established a framework for regulating storm water discharges from municipal separate storm sewer systems (MS4s) under the NPDES Program. A MS4 is a conveyance or system of conveyances that is: (1) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; (2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); (3) not a combined sewage and storm water system; and (4) not part of a Publicly Owned Treatment Works or sewage treatment plant. (40 CFR § 122.26(b)(8).)
3. In 1990, the United States Environmental Protection Agency (USEPA) promulgated regulations establishing NPDES regulations to MS4s serving "medium" and "large" MS4s of 100,000 population or greater. These regulations, known as Phase I regulations, require operators of medium and large MS4s to obtain storm water permits to reduce or eliminate the discharge of pollutants.

4. On December 8, 1999, USEPA promulgated regulations, known as Phase II regulations, requiring operators of Small MS4s to obtain and comply with NPDES storm water permits for Small MS4s under the authority of the CWA section 402(p)(6).
5. Title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.26(b)(16) defines Small MS4s as those MS4s not defined as "large" or "medium" MS4s under 40 C.F.R. section 122.26(b)(4) or (b)(7) or designated under 40 C.F.R. section 122.26(a)(1)(v). Small MS4s may also include systems such as military bases, large hospitals or prison complexes, and highways and other thoroughfares. (40 C.F.R. section 122.26(b)(16)(ii) and (iii).) These latter types of Small MS4s are referred to as "Non-traditional Small MS4s." Non-traditional Small MS4s discharge the same types of pollutants that are typically associated with urban runoff, but operate at a separate campus or facility and may have a different management structure and legal authorities than a municipality.
6. On February 5, 2013, the State Water Resources Control Board (State Water Board) adopted Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004, Waste Discharge Requirements from Small Municipal Separate Storm Sewer Systems (Phase II General Permit) to comply with CWA section 402(p)(6). The Phase II General Permit became effective on July 1, 2013.
7. The Phase II General Permit is only applicable to a particular subset of Small MS4s known as "Regulated Small MS4s."<sup>1</sup> The State Water Board determined which Small MS4s are Regulated Small MS4s in accordance with the designation criteria in 40 C.F.R. 122.32 and 123.35. The State Water Board designated the following Small MS4s as Regulated Small MS4s automatically: Small MS4s located in urbanized areas<sup>2</sup> (UAs) and Small MS4s located outside of UAs that have high population and population density or discharges to an Area of Special Biological Significance.<sup>3</sup>

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<sup>1</sup> A Regulated Small MS4 refers to a Small MS4 that discharges to a water of the United States (U.S.), or contributes substantially to the pollutant loadings of a physically interconnected MS4 that must obtain an NPDES permit. The State Water Board or Regional Water Board may designate a Small MS4 as a Regulated Small MS4 consistent with the criteria specified in findings 19-25 of the Phase II General Permit. The State Water Board may also designate a Small MS4 as a Regulated Small MS4 in response to a petition received under 40 C.F.R. 122.26(f).

<sup>2</sup> A densely settled core of census tracts and/or census blocks that have population of at least 50,000, along with adjacent territory containing non-residential-urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core.

<sup>3</sup> Findings 19 and 23 of the Phase II General Permit.



8. The Phase II General Permit identified categories of dischargers that the State Water Board considers to be Non-traditional Small MS4s, including but not limited to: community services districts, fairgrounds, higher education institutions, ports, state parks, school districts K-12, state vehicle recreation areas, water agencies, and transit agencies.<sup>4</sup>
9. The Phase II General Permit authorizes the Regional Water Boards to designate additional Regulated Small MS4s on a case-by-case basis during the permit term. Designations must be "based on the potential of a Small MS4's discharges to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts."
10. Such designations must be approved by the Regional Water Board following public review and comment.<sup>5</sup>
11. If a Regional Water Board designates additional Regulated Small MS4s, the Executive Director of the State Water Board is authorized to amend Phase II General Permit Attachment A, Traditional Permittees, or Attachment B, Non-traditional Permittees, consistent with designation criteria in the Phase II General Permit.<sup>6</sup>
12. From July 2013 to February 2017, the San Diego Water Board designated ten Small MS4s including two transit districts, two military bases, a state prison, a state fairgrounds, a large hospital, and three universities as Regulated Non-traditional Small MS4s subject to the NPDES permitting program. The State Water Board included these Non-traditional Small MS4s in Attachment B of the Phase II General Permit.
13. This Resolution designates Marine Corps Recruit Depot (MCRD) San Diego as a Regulated Non-traditional Small MS4 subject to the NPDES permitting program.
14. Newly designated Regulated Small MS4s must apply for coverage under the Phase II General Permit or an individual NPDES permit within 180 days of notice of designation (40 C.F.R. 122.33(c)(2)).

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<sup>4</sup> Id. at page 6 of the at Phase II General Permit Fact Sheet and Finding 17

<sup>5</sup> Id. at Finding 24 and section G of the Phase II General Permit

<sup>6</sup> Id. at section G of the Phase II General Permit

### *MCRD San Diego Operations*

15. MCRD San Diego is a federally-owned military installation located in San Diego California, approximately 2.4 miles west of the City's center, north of San Diego International Airport, and east of the former Naval Training Center (NTC) San Diego. MCRD San Diego is centered on "Making Marines" and primarily provides the facilities to support the Recruit Training Regiment. The mission of the Recruit Training Regiment is to provide reception, processing, and recruit training for enlisted personnel following initial entry into the Marine Corps and to provide the training for drill instructors and officers entrusted with recruit training responsibilities.
16. MCRD San Diego is comprised of 505.2 acres including a portion of an open boat channel (Boat Channel) separating MCRD San Diego and the former NTC San Diego. MCRD San Diego is comprised of administration and industrial buildings, roads, parking lots, a large paved parade field, open fields for recreation and recruit training, and landscape areas. MCRD San Diego has approximately 13 miles or 387,050.82 square yards of paved roads. The City of San Diego is the local governing body with direct political jurisdiction for the area surrounding MCRD San Diego.
17. MCRD San Diego currently has an approximate daily population of 5,000 resident marines and 741 non-resident civilian employees. MCRD San Diego also includes the Naval Medical Center San Diego (NMCSA) branch and dental clinics, Marine Corps Exchange (MEX) shopping facility, a museum, a child development center, the Bay View Club restaurant and catering facility, and a recreational marina. There is no undeveloped land on the installation. On average, MCRD San Diego graduates over 16,000 recruits per year.
18. MCRD San Diego daily operations consist of:
  - a. Operations for the training of recruits, which consists of both academic (classroom) and outdoor physical training facilities;
  - b. Maintenance Facilities Division (FD) which is responsible for facilities maintenance of MCRD San Diego. The majority of maintenance functions are located in temporary metal-clad buildings. Grounds maintenance support is primarily responsible for the Parade Ground used for regimental marching and training, and graduation ceremony preparation;

- c. Services and Supply (S & S) Division which is responsible for many of the storage facilities. A complex of three warehouses (Buildings 389, 390, and 391) provide storage for food services, recruit personal effects, and the recruit exchange. The Ordnance Branch of S & S Division is responsible for ordnance storage in support of recruit training;
- d. Housing including Recruit Barracks, Bachelor Enlisted Quarters (BEQ) for permanent party personnel, Drill Instructor (DI)/Recruiter School students, and Senior Officer Quarters. Through privatization, maintenance and repair responsibility of the five housing units were transferred from government employees to a private contractor; and
- e. Other operations including: Marine Exchange Gas Station, Facilities Maintenance, Motor Transportation Facility (for mostly electric/hybrid), Recreational Boat Marina, Recycling Center, Supply Warehouse, Federal Fire Department, and Car Wash Facility.

*MCRD San Diego Discharges*

- 19. The MCRD San Diego-owned storm drain system, originally constructed in the 1930's, consists of approximately 54,610 linear feet of storm water conveyance lines. Storm water flows overland and enters MCRD's storm drain system from six off-site City of San Diego area locations along the northwestern, northeastern, and eastern boundaries. Storm water from the western section of MCRD San Diego is conveyed through thirteen outfall locations along the Boat Channel. Additionally, two other storm drains owned by San Diego International Airport Authority, are located on airport property but run through MCRD San Diego and discharge to the Boat Channel.
- 20. Storm water and non-storm water discharges are generated from:
  - a. Parking lots associated with building facilities
  - b. Landscape areas (managed by Ground Maintenance)
  - c. Fire hydrant flushing
  - d. Gasoline service stations
  - e. Parade grounds
  - f. Outdoor training grounds
  - g. Supply warehouses loadings docks
  - h. Transportation maintenance facility
  - i. Recycling facility
  - j. Boat house and marina
  - k. Road traffic

21. MCRD San Diego storm water discharges are comingled with the storm water discharges from the neighboring residential and commercial communities, and the San Diego International Airport, and discharged directly to surface waters or indirectly through municipal storm water conveyance systems. Storm water and non-storm water discharges from MCRD San Diego discharge to the Boat Channel and Convair Lagoon, which are in close proximity to potential and historical pollutant generating operations and maintenance facilities. The Boat Channel and Convair Lagoon are located in San Diego Bay at the base of the Pueblo San Diego Hydrologic Unit.
22. Non-storm water discharges such as wash water from vehicle wash stations for both government and public vehicles are discharged to the Point Loma Waste Water Treatment Plant. Some landscape areas of MCRD San Diego are covered with artificial turf, thus reducing irrigation run-off from these areas as well as the accumulation of pollutants from fertilizers. The remaining landscape areas are irrigated using controlled timers and monitored by grounds maintenance to ensure that no over spraying occurs.
23. Trash collection and handling activities are contracted through Waste Management Services. Trash containers are collected and emptied daily. The trash containers are monitored to ensure that they are closed when not in use and replaced if damaged.
24. The San Diego Water Board first notified MCRD San Diego of its intent to designate it as a Regulated Small MS4 before the February 5, 2013 adoption of the Phase II General Permit. Although the San Diego Water Board identified MCRD San Diego for designation, final adoption of the Phase II General Permit did not include MCRD San Diego in Attachment B as a Regulated Non-traditional Small MS4. Because the adopted Phase II General Permit did not include MCRD San Diego, the San Diego Water Board met with MCRD San Diego on January 7, 2016 again notifying it of the San Diego Water Board's intent to designate MCRD San Diego as a Regulated Non-traditional Small MS4.
25. By electronic mail dated August 7, 2017, the San Diego Water Board also notified interested persons of this proposed Resolution to 1) designate MCRD San Diego as a Regulated Small MS4 subject to the NPDES permitting program and 2) request that State Water Board amend Attachment B of the Phase II General Permit to add MCRD San Diego as a Non-traditional Small MS4. Written comments were accepted during a 30-day public comment period from August 7, 2017 to September 5, 2017.

26. The State Water Board circulated this proposed Tentative Resolution concurrently with the San Diego Water Board public comment period. The Executive Director of the State Water Board will consider for approval the requested amendment to Attachment B of the Phase II General Permit to designate MCRD San Diego in accordance with this Resolution. The public notice and opportunity to comment provided for this Tentative Resolution shall also function as the notice and comment period for the decision by the Executive Director of the State Water Board. The State Water Board will not provide a separate public comment period prior to making its determination, but will review the proceedings before the San Diego Water Board, including any written comments.
27. The San Diego Water Board heard and considered all comments pertaining to the designation at a public hearing on October 11, 2017.

#### *Trash Provisions*

28. Trash is typically generated on land and transported to surface water, predominantly through MS4 discharges. Discharges of trash from Phase II MS4s are regulated through the Phase II General Permit.
29. On April 7, 2015, the State Water Board amended statewide Water Quality Control Plans<sup>7</sup> to address the pervasive impacts trash has on the beneficial uses of the State's surface waters (Trash Provisions).
30. The Trash Provisions establish statewide narrative water quality objectives providing that trash shall not be present in surface waters and prohibitions of trash discharge to surface waters or trash deposition where it may be discharged into surface waters.
31. The Trash Provisions required the State Water Board to initiate implementation of the Trash Provisions by June 2, 2017 through an amendment to the Phase II General Permit or through monitoring and reporting orders issued pursuant to Water Code sections 13267 or 13383.<sup>8</sup>

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<sup>7</sup> Amendments to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) to control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, And Estuaries of California (ISWEBE Plan) became effective on December 2, 2015. Documents associated with the Amendments may be downloaded from the following site at [http://www.waterboards.ca.gov/water\\_issues/programs/trash\\_control/documentation.shtml](http://www.waterboards.ca.gov/water_issues/programs/trash_control/documentation.shtml).

<sup>8</sup> Chapter IV.A.5.a(1) of the ISWEBE Plan and Chapter III.L.4.a(1) of the Ocean Plan.

32. The State Water Board did not amend the Phase II General Permit within the time frame specified in the Trash Provisions. Therefore, initial implementation steps are being required through the issuance of Water Code section 13383 Orders. For existing Phase II permittees, Water Code section 13383 Orders were issued on June 1, 2017. For newly designated Regulated Small MS4s, the State Water Board will issue Water Code section 13383 Orders upon designation.<sup>9</sup> Newly designated Small MS4s must achieve full compliance with the Trash Provisions within 10 years of the effective date of designation.<sup>10</sup>

*California Environmental Quality Act*

33. Issuance of this Resolution is exempt from the provisions of this California Environmental Quality Act (pub. Resources Code, section 21000 et seq.) ("CEQA") pursuant to Water Code section 13389 because the adoption or modification of an NPDES permit for an existing source is statutorily exempt and this Resolution only serves to implement an NPDES permit (Pacific Water Conditioning Association, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555 556.).

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The San Diego Water Board designates MCRD San Diego as a Regulated Small MS4 subject to the NPDES permitting program.
2. The San Diego Water Board requests that the Executive Director of the State Water Board amend Attachment B of the Phase II General Permit to include MCRD San Diego as a Non-traditional Small MS4 in accordance with this Resolution.
3. The San Diego Water Board requests that the State Water Board issue a 13383 Order to MCRD San Diego in accordance with the Trash Provisions.
4. The San Diego Water Board directs MCRD San Diego to apply for coverage under the Phase II General Permit or an individual NPDES permit within 180 days after the effective date of this Resolution.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on October 11, 2017.

*Original signed by*

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DAVID W. GIBSON, Executive Officer

<sup>9</sup> Chapter IV.A.5.a(1)(B) of the ISWEBE Plan and Chapter III.L.4.a(1)(B) of the Ocean Plan.

<sup>10</sup> Chapter IV.A.5.a(1)(B)(4) of the ISWEBE Plan and Chapter III.L.4.a(1)(B)(4) of the Ocean Plan.