



Fact Sheet

Mule Creek State Prison Proposed Designation as a Regulated Facility under State Storm Water Permits

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is considering adopting a Resolution designating the California Department of Corrections and Rehabilitation's (CDCR) Mule Creek State Prison (MCSP or Prison) as a Regulated Small Municipal Separate Storm Sewer System (MS4).

Mule Creek State Prison

MCSP is a California State Prison located on 866 acres in lone within Amador County that opened in July 1987. As of January 2019, the population is 5,395, which includes 3,968 inmates and 1,427 staff. The prison maintains a hospital, machine shops, welding area, and underground storage tanks. In addition, California Prison Industry Authority operates coffee roasting, meat processing, and textile industries on-site.

The prison has separate piping systems for storm water and sewage. Sewage is routed to the prison's wastewater treatment plant, which has its own permit issued by the Central Valley Water Board.

Non-Storm Water Discharge and Response

In response to a December 2017 complaint, the Central Valley Water Board conducted an inspection on January 4, 2018, and collected samples of the discharge from the storm water system. Samples contained constituents of concern that indicated non-storm water is entering the storm water system. Subsequent sampling by Central Valley Water Board staff and CDCR confirmed the presence of these and other constituents (e.g., volatile organic compounds, petroleum compounds, certain metals, caffeine), which confirms that non-storm water is entering the storm water system.

Since January 2018, Central Valley Water Board staff have conducted nine site visits and collected samples of the discharge and groundwater from nearby domestic and monitoring wells. Additionally, the Central Valley Water Board has issued enforcement letters and met with CDCR, requiring them to determine the source of the non-storm water discharges and to cease discharging to Mule Creek. CDCR is working cooperatively with the Board and enforcement staff to address the issues.

Current practice at the Prison is to open its storm water gates and discharge into a pipeline that leads to Mule Creek when rain is expected to exceed 0.1 inches in 1 hour or 0.3 inches in 24 hours. Since January 2018, CDCR has reported to the Office of Emergency Services over a dozen discharges resulting in 20 million gallons being released to Mule Creek. Currently, dry



weather flows from the storm water system are routed to the Prison's waste water treatment plant.

Small MS4 Designation Process

Designating MCSP as a Small MS4 is the necessary next step in obtaining compliance. The proposed designation will regulate MSCP's storm water discharges in a permit, which will require the investigation and elimination of these types of non-storm water discharges unless they are specifically authorized in the Small MS4 General Permit.

The Small MS4 General Permit regulates storm water runoff from small municipalities and other non-traditional facilities. Attachment B of the Permit lists Non-Traditional Small MS4s including universities, prisons, hospitals, military bases, and transit districts.

The Small MS4 General Permit allows the Central Valley Water Board to designate additional Small MS4s on a case-by-case basis. Upon approval of the designation by the Central Valley Water Board, the Executive Director of the State Water Board will consider making an amendment to Attachment B of the Small MS4 General Permit to add MCSP to the permit. The State Water Board will also accept additional written comments until February 11, 2019.

Small MS4 General Permit Requirements

The Small MS4 General Permit does not allow discharges of non-storm water through the storm sewer system except as authorized by a separate National Pollutant Discharge Elimination System (NPDES) Permit or the Small MS4 General Permit. Any discharges not authorized by a separate NPDES Permit or the Small MS4 General Permit are violations and subject to enforcement actions.

Designation as a Small MS4 requires a permittee to create and implement an effective MS4 Program. An MS4 Program consists of the following elements: program management, education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site runoff control, pollution prevention/good housekeeping of permittee operations, and post construction storm water management. The Central Valley Water Board monitors these elements for compliance and protection of water quality.

A fact sheet on the Small MS4 General Permit can be found at:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/fs_final_sidenote.pdf

Enforcement

The Central Valley Water Board has fielded numerous questions and concerns regarding enforcement at Mule Creek State Prison, and what it means to enroll the facility under the Small MS4 General Permit. One of the questions is whether permitting the discharge in this way would allow the current situation to continue unabated. This is not the case. Enrollment under the permit increases the Central Valley Water Board's regulatory authority. Enrollment does not in any way limit the Central Valley Water Board's authority to take enforcement for the non-storm-water discharges. The Central Valley Water Board takes violations of the Clean Water Act and Porter-Cologne Water Quality Control Act seriously, and Board staff are

currently investigating the situation and are working to ensure that the current discharge situation is mitigated and water quality objectives are met. Staff are committed to finding a water quality solution at the facility. This includes utilizing the Central Valley Water Board's broad enforcement authority to ensure that CDCR's discharge is in compliance with water quality regulations and their Small MS4 permit after enrollment.

Details of the current enforcement investigation at this facility will not be discussed in any detail at the Central Valley Water Board's [February 7-8](#) hearing because of the active nature of the investigation and ongoing settlement discussions.

Contact Us

Questions regarding Small MS4 General Permit requirements should be directed to Elizabeth Lee (916-464-4787) or Elizabeth.Lee@waterboards.ca.gov.

(This fact sheet was updated on Feb. 7, 2019)