

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

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TENTATIVE 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

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 MS4s¹.” 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 areas² (UAs) and Small MS4s located outside of UAs that have high population and population density or discharges to an Area of Special Biological Significance.³
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.⁴
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

¹ 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).

² 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.

³ Findings 19 and 23 of the Phase II General Permit.

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

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.⁵
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.⁶
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)).

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

⁵ Id. at Finding 24 and section G of the Phase II General Permit

⁶ Id. at section G of the Phase II General Permit

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 (NMCS D) 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 the San Diego County Regional Airport Authority originate on airport property but run through MCRD San Diego and discharge to 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.

Public Participation

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 Plans⁷ 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 13383.⁸
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.⁹ Newly designated Small MS4s must achieve full compliance with the Trash Provisions within 10 years of the effective date of designation.¹⁰

California Environmental Quality Act

33. 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.).

⁷ 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.

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

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

¹⁰ 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.

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.

___TENTATIVE_____

DAVID W. GIBSON
Executive Officer