

EXECUTIVE OFFICE SUMMARY REPORT
February 8, 2017

- ITEM NO: 6
- SUBJECT: Public Hearing: Regulated Small MS4 Designation: A Resolution Designating San Diego Metropolitan Transit System (MTS) as a Regulated Small Municipal Separate Storm Sewer System (MS4) Subject to State Water Resources Control Board Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004. (Tentative Resolution No. R9-2017-0006). (*Tony Felix*)
- PURPOSE: To receive public testimony, if any, and consider adoption of Tentative Resolution No. R9-2017-0006 (Tentative Resolution).
- RECOMMENDATION: Adoption of the Tentative Resolution (**Supporting Document No. 1**) is recommended.
- KEY ISSUES:
1. The Tentative Resolution designates MTS as a Regulated Small MS4¹ because discharges from its MS4 system have the potential to result in exceedances of water quality standards and other significant water quality impacts.
 2. Upon adoption of the Tentative Resolution, MTS will be required to apply for coverage under the statewide Water Quality Order No. 2013-0001-DWQ, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* (Phase II General Permit) or an individual NPDES permit within 180 days.
 3. The Tentative Resolution includes a request that the Executive Director of the State Water Resources Control

¹ A Small MS4 is an MS4 that is not permitted under the municipal Phase I regulations, and which is “owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity....” (40 CFR section 122.26(b)(16)).

Board (State Water Board) amend Attachment B of the Phase II General Permit to include MTS. Attachment B is a statewide listing of non-traditional Small MS4 dischargers that are required to comply with the Phase II General Permit. The Executive Officer will forward the request to amend Attachment B to the State Water Board following adoption of the Tentative Resolution.

PRACTICAL VISION: The San Diego Water Board in serving as a steward of the public trust in protecting and restoring the waters of the San Diego Region, accomplishes these goals through its Practical Vision entitled *Healthy Waters, Healthy People*. By designating MTS as a Regulated Small MS4 and requiring enrollment under the Phase II General Permit, MTS will be required to develop and implement programs and practices that are effective in reducing or eliminating discharges of pollutants in storm water runoff into and from their MS4s. Consistent with the goals of the Practical Vision, MTS compliance with Phase II General Permit requirements will provide a firm regulatory foundation for reducing adverse impacts to water quality and aquatic habitat within multiple watersheds throughout San Diego County and achieving improvements in water quality.

DISCUSSION: MTS was established as a special district in California in 1975 and is authorized to operate public mass transit in areas of San Diego County within the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, as well as in all unincorporated San Diego County areas not served by the North San Diego County Transit Development Board (NCTD). MTS ridership generates 88 million annual passenger trips or 285,000 trips each weekday. This provides approximately 1.9 million hours of public mass transit service across 24 million miles each year and serves approximately 3 million people.

MTS facilities and light rail routes are situated throughout 570 square miles of the urbanized areas of San Diego County as well as the rural areas of east County.

(Supporting Document No. 2, Location Map). The properties and facilities within MTS' jurisdiction include:

1. 103 miles of light rail,
2. 53 stations for light rail,
3. Approximately 4,200 bus stops,
4. 3 maintenance facilities for light rail maintenance,
5. 5 bus maintenance facilities,

6. 39 miles of the SD&AE railway located within the metropolitan area; *and*
7. Future construction-Mid Coast Light Rail Trolley- which includes 11 miles of light rail and 9 stations.

Streets, roads, highways, and light rail are a primary mode of transportation for moving goods, people, and services in San Diego County but can also carry storm water runoff pollutants from the adjacent land and from vehicles (cars, trucks, and buses) into surface waters. Pollutants of concern include heavy metals from tires, brakes and engine wear, and hydrocarbons from lubricating fluids. Similar to traditional municipal storm water management authorities (cities and counties), MTS is responsible for managing storm water runoff that discharges to receiving waters through MS4s along streets, roads, highways, and light rail infrastructure. MTS discharges storm water runoff either directly or indirectly to surface waters through MS4s in the San Dieguito, Los Peñasquitos, San Diego River, Pueblo San Diego, Sweetwater, Otay, and Tijuana River watersheds.

MTS enrollment and compliance with the Phase II General Permit is intended to further reduce or eliminate adverse impacts to water quality and aquatic habitat through the use of required controls on storm water discharges. Under the Phase II General Permit, MTS will be required to develop and implement a Storm Water Management Plan (SWMP) that contains detailed best management practices (BMPs) and specific level-of-implementation information addressing the following six minimum control measures to protect water quality:

1. Public education and outreach
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site runoff control
5. Post-construction runoff control, *and*
6. Pollution prevention/good housekeeping for municipal operations

When implemented together, these six minimum measures are expected to reduce or eliminate MTS' pollutant loads to waterbodies. The Phase II General Permit provisions establish compliance implementation levels such as escalating enforcement and requirements for tracking projects. Required actions include specific reporting

elements to substantiate compliance with implementation levels. The San Diego Water Board will be able to evaluate MTS compliance through Annual Report review and the program evaluation (audit) process.

MTS also has the potential to discharge pollutants to watersheds with adopted Total Maximum Daily Loads (TMDLs). TMDLs have been established for indicator bacteria, sediment, diazinon, dissolved copper, lead and zinc in watersheds where MTS facilities are located. Once the State Water Board amends the Phase II General Permit to include region-specific TMDLs, MTS will be required to modify their SWMP to comply with specific TMDL requirements.

The Tentative Resolution was noticed and released for formal public review and comment on December 9, 2016. No comment letter on the Tentative Resolution was received from MTS. One comment letter was received from the City of San Diego supporting issuance of the Tentative Resolution **(Supporting Document No. 3)**.

LEGAL CONCERNS:

None

COMPLIANCE
RECORD:

The Tentative Resolution seeks to designate MTS as a new Regulated Small MS4 under the Phase II General Permit; therefore MTS does not have a compliance record pertaining to the Phase II General Permit.

SUPPORTING
DOCUMENTS:

1. Tentative Resolution No. R9-2017-0006
2. Location Map
3. City of San Diego Comment Letter
4. Review and Public Comment Period Notice

PUBLIC NOTICE:

The Tentative Resolution was noticed and released for formal public review and comment on December 9, 2016. **(Supporting Document No. 4)**. The public notice and the Tentative Resolution were posted on the San Diego Water Board website on December 9, 2016. The release for public review and comment also included an email sent to all subscribers of the San Diego Copermittees LYRIS email list and San Diego County Copermittees distribution list on December 9, 2016.