

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

**NOTICE OF OPPORTUNITY TO REVIEW AND COMMENT AND
NOTICE OF PUBLIC HEARING**

**PROPOSED ISSUANCE OF TENTATIVE RESOLUTION NO. R9-2017-0006: A RESOLUTION
DESIGNATING METROPOLITAN TRANSIT SYSTEM IN 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**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is releasing, for public review and comment Tentative Resolution No. R9-2017-0006, *A Resolution Designating Metropolitan Transit System (MTS) in San Diego Region as a Regulated Small Municipal Separate Storm Sewer System (MS4) Subject to State Water Board Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System Permit No. CAS000004* (Tentative Resolution). Notice is hereby given that the San Diego Water Board will receive written comments on the Tentative Resolution in accordance with this notice. Notice is also given that the San Diego Water Board intends to consider adoption of the Tentative Resolution after a public hearing at its scheduled meeting on Wednesday, February 8, 2017.

If adopted, the Executive Director of the State Water Resources Control Board (State Water Board) will consider amendment of Attachment B of the Phase II General Permit to include MTS. The State Water Board will circulate this Tentative Resolution and the proposed amendment to Attachment B of the Phase II General Permit concurrently with the San Diego Water Board public comment period. The public notice and opportunity to comment provided for this Tentative Resolution also functions 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.

Background

In 2013, the 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 MS4s* (Phase II General Permit). The Phase II General Permit regulates storm water runoff from small municipalities and other “nontraditional” facilities, including universities, prisons, hospitals, military bases, and transit districts. Attachment B of the Phase II General Permit lists Non-traditional MS4s regulated under the Phase II General Permit. During the permit term, Regional Water Boards may designate, on a case by case basis, additional small MS4s that should be regulated under the Phase II General Permit. Designations must be based on the potential for the small MS4’s discharges to result in exceedances of water quality standards.

This Tentative Resolution seeks to designate MTS as a Small MS4 regulated under the Phase II General Permit based on the potential of discharges from MTS operations to result in exceedances of water quality standards. If the Tentative Resolution is adopted, the Executive Director of the State Water Board will consider amendment of Attachment B of the Phase II General Permit to include MTS, thereby requiring MTS to obtain coverage under the permit.

Document Availability

The Tentative Resolution and other related documents are available on the San Diego Water Board website at:

http://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/.

Interested persons may also receive copies of the Tentative Resolution by contacting Tony Felix at (619) 521-5921 or email at Tony.Felix@waterboards.ca.gov or by visiting the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, California 92108-2700, weekdays between 8:00 a.m. and 5:00 p.m.

Submission of Written Comments

The submission of written comments is the opportunity for interested persons to raise and comment on issues pertaining to the Tentative Resolution. Interested persons wishing to submit comments on the Tentative Resolution must submit them in writing to the San Diego Water Board so that they are received no later than **5:00 p.m. on Monday, January 9, 2017**. Written comments must be sent to the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, CA 92108 or e-mailed to sandiego@waterboards.ca.gov, with attention to Tony Felix. Please indicate in the subject line of written comments "Comment - Tentative Resolution No. R9-2017-0006."

The early submission of written comments on the Tentative Resolution is encouraged. The San Diego Water Board will prepare written responses to significant comments that are timely received. Consistent with State Water Resources Control Board regulations that apply to this proceeding, written comments received after 5:00 p.m. on Monday, January 9, 2017, will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party in accordance with section 648.4, title 23 of the California Code of Regulations.

San Diego Water Board Public Hearing

A public hearing on the Tentative Resolution will be held during the San Diego Water Board meeting on Wednesday, February 8, 2017. The meeting will begin promptly at **9:00 AM** and will be held in the Board Room at the San Diego Water Board, 2375 Northside Drive, San Diego, California, 92108.

The Meeting Notice and Agenda, which will indicate any changes in the meeting location and may provide other specific information concerning this hearing, will be posted at least two weeks prior to the meeting date at:

http://www.waterboards.ca.gov/sandiego/board_info/agendas/

The procedures governing the San Diego Water Board meeting may be found in title 23, California Code of Regulations, section 647 et seq. and are available upon request.

The hearing facilities will be accessible to persons with disabilities. The Meeting Notice and Agenda for this meeting will provide contact information for persons requesting special accommodations.

State Water Board Public Hearing

If the San Diego Water Board adopts the Tentative Resolution, the Executive Director of the State Water Board will consider approval of the proposed amendments to Attachment B of the Phase II General Permit and public comments received. Any interested person may request

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in writing that the State Water Board conduct a public hearing on the proposed amendment to Attachment B of the Phase II General Permit. A request for a public hearing must state the nature of the issues proposed to be raised in the hearing. Upon review of the request(s), the Executive Director of the State Water Board, at his discretion, may schedule a public hearing to take place before consideration of approval of the amendments.

Contact for Further Information

Please contact Tony Felix by phone at (619) 521-5921 or email at Tony.Felix@waterboards.ca.gov for information regarding the above listed proposed action. Please bring the foregoing to the attention of any person known to you who would be interested in these matters.

Friday, December 9, 2016