

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2018-0001-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). 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 the 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 through 23 and Finding 25 of the General Permit.
6. Attachment B of the Small MS4 General Permit lists the designated Non-traditional Permittees required to be enrolled under the permit. Attachment B states that the list of Regulated MS4s may be amended by the State Water Board Executive Director consistent with the designation criteria listed in the Small MS4 General Permit.

AMTRAK

7. The Rail Passenger Service Act of 1970 established the National Railroad Passenger Corporation, Amtrak. Amtrak began service in 1971. Today, Amtrak provides railroad passenger service to 46 states and the District of Columbia (as well as three Canadian Provinces). In Fiscal Year 2016, Amtrak provided passenger service for 31.3 million customers nationwide.
8. Amtrak does not conduct industrial activity at rail stations or within the railroad right-of-way. Storm water discharges from industrial activities conducted by Amtrak in other areas are regulated by the State Water Board Statewide Industrial General Permit.
9. Amtrak does not own rail stations, parking lots or railroad right-of-way, and therefore, does not own the municipal separate storm sewer system associated with these locations.
10. Amtrak is designated as a Regulated Small MS4 and listed in Attachment B of the Small MS4 General Permit only under the designations in the San Francisco Bay Region. In February 2014, Amtrak requested of the State Water Board to be de-designated as a Regulated Small MS4, and removed from the Attachment B listing. The San Francisco Bay Regional Water Quality Control Board notified the State Water Board that it concurred in Amtrak's request for de-designation for the reasons stated above. This Order de-designates Amtrak as a Regulated Small MS4 permittee by amending Attachment B to remove Amtrak from the permittee list.

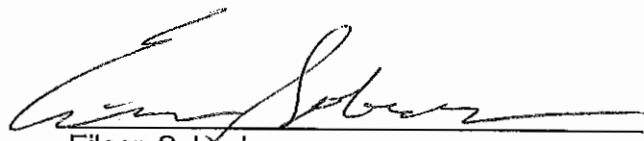
California High-Speed Rail Authority (HSRA)

11. The HSRA was created in 1996 by the California Legislature in response to the Intercity High-Speed Rail Commission report concluding that a high-speed rail project is feasible in California. The HSRA anticipates that ridership will average 37 million passengers per year in 2029 when the whole system is built and operational.
12. The high speed rail project initiated construction of the initial system segment from Fresno to Bakersfield, in January 2015. The proposed high speed rail system with corresponding infrastructure (rail stations, parking lots, utilities) is not yet completed or operational. Except for the portions under construction, the HSRA does not currently have storm water drainage infrastructure.
13. In November 2014, the HSRA voluntarily enrolled under the Small MS4 General Permit for regulatory coverage of municipal storm water discharges from its system. Obtaining regulatory coverage allowed the HSRA to conduct statewide coordination of the necessary post-construction storm water treatment to ensure compliant discharges from its system infrastructure.
14. Consistent with its voluntary enrollment under the Small MS4 General Permit, the HSRA must be listed in Attachment B as a Regulated Non-Traditional MS4 to reflect its status as a permittee. This Order designates the HSRA as a Non-traditional MS4 and amends the Small MS4 General Permit by adding the HSRA to Attachment B.

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 Executive Director approval below.

January 24, 2018
Date


Eileen Sobeck
Executive Director

ATTACHMENT 1

**ORDER WQ 2018-0001-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 Amtrak rail system is deleted from, and the California High Speed Rail Authority is added to the list of Non-Traditional Small MS4 Permittees in Attachment B of the Small MS4 General Permit as shown in the following underline/strikeout format below.

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Attachment B – Non-Traditional Small MS4 Permittees

Region	Permittee Name	Agency	Designation Criteria	Permittee Type	Monitoring Type
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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.

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Attachment B – Non-Traditional Small MS4 Permittees

San Francisco Regional Water Board					
2	AMTRAK	Special District	Regional Board Designation	New	

PAGE 8 (Added after Region 9)

Attachment B – Non-Traditional Small MS4 Permittees

State Water Board					
<u>SB</u>	<u>California High Speed Rail Authority</u>	<u>Special District</u>	<u>State Board Designation</u>	<u>New</u>	