

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2015-0133-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, U.S. EPA promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). 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 its 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 set 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 19-23 and Finding 25 of the General Permit.

6. The Small MS4 General Permit allows the Regional Water Quality Control Boards (Regional Water Boards) to designate additional Small MS4s as Regulated Small MS4s on a case by case basis based on the potential of a Small MS4's discharges to result in exceedances of water quality standards, including impairment of designated uses, or other water quality impacts, including habitat and biological impacts. If such designations are made after adoption of the Small MS4 General Permit, each designation must be approved by the Regional Water Board following public review and comment.
7. Attachment B of the Small MS4 General Permit lists the Non-traditional Permittees enrolled under the permit. Attachment B states that the list of Regulated MS4s in the Attachment may be amended by the State Water Board Executive Director consistent with the designation criteria listed in the Small MS4 General Permit. Accordingly, where a Regional Water Board determines that a Non-traditional Permittees' designation under Attachment B is not consistent with the designation criteria of the Small MS4 General Permit, the Executive Director may amend Attachment B to remove that Permittee.
8. The Small MS4 General Permit does not designate Kindergarten - 12 school districts as Regulated Small MS4s; the permit allows Regional Water Boards to make such designations on a case by case basis.
9. School districts identified in Attachment B of the Small MS4 General Permit as non-traditional enrollees were either previously designated by the Executive Officer of the respective Regional Water Boards or voluntarily enrolled in the previous Small MS4 General Permit adopted in 2003.
10. The Tracy Unified School District, hereafter referred to as the District, is comprised of three comprehensive high schools, two alternative education high schools, one community school, two middle schools, and seven elementary schools. The District currently serves more than 16,000 students within the City of Tracy's population of over 82,000.
11. The District owns and operates an MS4 within the urbanized area of the City of Tracy. The District's MS4 discharges to the City of Tracy's MS4. The City of Tracy MS4 discharges are regulated under the small MS4 General Permit.
12. In December 2007, as a proactive measure, the District voluntarily sought and obtained coverage under the Small MS4 General Permit. The District was automatically identified and enrolled in the 2013 Small MS4 General Permit as a renewal permittee.
13. The District is one of only three school districts enrolled in the current Small MS4 General Permit. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined, based on a review of the District's present and reasonably foreseeable circumstances, that it does not meet the designation criteria in the current Small MS4 General Permit. On June 30, 2015, the Central Valley Water Board issued a public notice of a draft Resolution to remove the District's designation from the Small MS4 General Permit. This public notice also provided notice that upon adoption of the Resolution by the Central Valley Water Board, the Executive Director of the State Water Board will consider removing the District's designation as a regulated Small MS4 in accordance with Attachment B of the Small MS4 General Permit.

14. The public hearing concerning this matter was held on July 31, 2015 during the Central Valley Water Board meeting held in Rancho Cordova. After consideration of all written and oral comments, the Central Valley Water Board adopted Resolution R5-2015-0098, recommending that the District be de-designated as a regulated Small MS4 permittee. The Central Valley Water Board provided R5-2015-0098 and the comments received in the proceedings to the State Water Board's Executive Director.
15. The State Water Board's Executive Director has considered the proceedings before the Central Valley Water Board and reviewed Resolution R5-2015-0098. The State Water Board's Executive Director concurs that the District does not meet the designation criteria of the Small MS4 General Permit and should be removed from Attachment B of Water Quality Order 2013-0001-DWQ.

IT IS HEREBY ORDERED THAT:

Water Quality Order 2013-0001-DWQ is hereby amended as shown in Attachment A of this Order. The amended Water Quality Order shall become effective on September 2, 2015.

Date

9/2/15

Thomas Howard
Executive Director



ATTACHMENT A

To

**ORDER WQ 2015-0133-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 SEPARATE STORM SEWER
SYSTEMS (MS4s)

The Tracy Unified School District is removed from the list of Non-Traditional Small MS4 Permittees on Attachment B of the Small MS4 General Permit as shown in the following underline/strikethrough format below.

Attachment B – Non-Traditional Small MS4 Permittees - Page 1

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 9/2/2015 to remove Tracy Unified School District.**

Attachment B – Non-Traditional Small MS4 Permittees – Page 7

5S	Tracy Joint Unified School District	School District, Tracy Joint Unified	Renewal	Renewal	-
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Attachment B

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION R5-2015-0098

**REMOVAL OF REGULATED SMALL MS4 DESIGNATION FOR
TRACY UNIFIED SCHOOL DISTRICT**

**FROM THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL
PERMIT FOR WASTE DISCHARGE REQUIREMENTS FOR STORM WATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
SAN JOAQUIN COUNTY**

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. On 30 April 2003, the National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4), Order No. 2003-0005-DWQ, hereafter referred to as the previous Small MS4 General Permit, was adopted by the State Water Resources Control Board.
2. The previous Small MS4 General Permit was replaced by the National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ, hereafter referred to as the current Small MS4 General Permit. The Small MS4 General Permit was adopted by the State Water Resources Control Board on 5 February 2013.
3. The previous and current Small MS4 General Permits identify non-traditional Small MS4s as MS4s that are similar to MS4s serving cities and counties, but are operated at other governmental facilities such as public campuses, military bases, and prison and hospital complexes, and that are located within or discharge to a permitted MS4.
4. The previous Small MS4 General Permit term did not designate non-traditional Small MS4s. Instead, the previous Small MS4 General Permit recognized that school districts are part of a listing of facilities that will likely be designated by the State Water Resources Control Board or Regional Water Quality Control Boards to seek coverage under the Small MS4 General Permit or other municipal storm water permit. This allowed the Regional Water Quality Control Boards to prioritize designations. The previous Small MS4 General Permit clarified that Regional Water Quality Control Board Executive Officers have the authority to make designations subsequent to the Small MS4 General Permit adoption.

5. School districts identified in Attachment B of the current Small MS4 General Permit as renewal and non-traditional enrollees were either previously designated by the Executive Officer of the respective Regional Water Quality Control Boards or voluntarily enrolled in the previous Small MS4 General Permit.
6. Tracy Unified School District, hereafter referred to as TUSD, owns and operates a municipal separate storm sewer collection system within the urbanized area of the City of Tracy. The storm sewer collection system from TUSD discharges to the City of Tracy's storm sewer collection system. Storm water discharges from the City of Tracy is regulated under the current Small MS4 General Permit.
7. As a proactive measure, TUSD voluntarily sought coverage under the previous Small MS4 General Permit. On 13 December 2007, discharges from TUSD's MS4 were authorized by the previous Small MS4 General Permit. TUSD is identified and enrolled in the current Small MS4 General Permit as a renewal and non-traditional enrollee.
8. TUSD is one of only three school districts required to enroll in the current Small MS4 General Permit. There are no identified water quality concerns that would require that TUSD be regulated differently than other school districts of similar size.
9. The Small MS4 General Permit authorizes the Regional Water Boards to make case by case designation determinations consistent with the designation criteria listed in the Order. Attachment B of the current Small MS4 General Permit states that the list of Regulated Small MS4s may be amended by the Executive Director of the State Water Board consistent with the designation criteria listed in the Order.
10. The Central Valley Water Board has determined, based on a review of TUSD's present and reasonably foreseeable circumstances, that TUSD does not meet the designation criteria in the current Small MS4 General Permit. This determination allows the Executive Director of the State Water Board to remove TUSD's designation as a "Regulated Small MS4" in accordance with Attachment B of the current Small MS4 General Permit.
11. Following adoption of this Resolution, the Executive Director of the State Water Board may amend Attachment B to remove TUSD from the Order. The Executive Director will consider the record of these proceedings before the Central Valley Water Board, including comments submitted to the Central Valley Water Board from interested persons, prior to making any amendment to Attachment B. The public notice and opportunity to comment provided for this Resolution shall also function as the notice and comment period for the decision by the Executive Director of the State Water Board.
12. The Central Valley Water Board is currently working on a Region-wide MS4 General Permit for Phase I and Phase II storm water facilities. The Central Valley Water Board will be considering whether to include all school districts, including TUSD, for coverage under its Region-wide MS4 General Permit.
13. Issuance of this Resolution is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389.

14. The Central Valley Water Board has notified the Permittee and interested agencies and persons of its intent to approve the resolution and has provided them with an opportunity to submit their written views and recommendations.

THEREFORE, BE IT RESOLVED THAT:

The California Regional Water Quality Control Board, Central Valley Region, hereby determines that removal of Tracy Unified School District's designation as a "Regulated Small MS4" under the current Small MS4 General Permit is appropriate, and hereby requests that the Executive Director of the State Water Board effectuate such removal in accordance with Attachment B of the current Small MS4 General Permit.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00p.m., 30 days after the date of this Resolution, except that if the thirtieth day following the date of this Resolution falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, **on 31 July 2015**.

Original signed by

PAMELA C. CREEDON, Executive Officer