

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

RESOLUTION R5-2015-XXXX

**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 XX July 2015**.

PAMELA C. CREEDON, Executive Officer