

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**TENTATIVE ORDER
ORDER NO.**

RESCISSION OF WASTE DISCHARGE REQUIREMENTS (NPDES PERMIT NO. CA2612007) FOR THE CITY OF AMERICAN CANYON, NAPA COUNTY, STORMWATER POLLUTION PREVENTION PROGRAM

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Water Board), finds that:

1. On January 19, 2000, the Water Board issued National Pollutant Discharge Elimination System (NPDES) Permit No. CA2612007 under Order No. 00-004 to the City of American Canyon (Discharger) to regulate its stormwater discharges. Although the Discharger was not required to obtain a municipal stormwater permit based on population, the Water Board nevertheless issued Order No. 00-004 to the Discharger to allow for pollution credits in case the Discharger could not meet its wastewater treatment plant's permit requirements.
2. Under the federal Clean Water Act regulations, the need for pollution credits is not a legal basis for issuing a stormwater permit. Moreover, since adoption of Order No. 00-004, the Discharger has had no problems meeting its wastewater treatment plant's permit requirements, obviating the need for any pollution credits. Therefore, the legal basis for issuing Order No. 00-004 was in error and the reasons underlying Order No. 00-004 no longer exist.
3. Order No. 00-004 expired on January 15, 2005; however, the permit's terms have been administratively extended.
4. Reissuance of Order No. 00-004 is unnecessary since its legal basis and the reasons underlying its initial issuance are not or no longer valid. Regulation of the Discharger's stormwater discharges under the State Water Resource Control Board (State Board) Water Quality Order No. 2003-0005-DWQ NPDES General Permit No. CAS000004 (Order No. 2003-0005-DWQ) is more appropriate because this permit was intended to cover stormwater discharges from small municipalities like the Discharger.
5. The Discharger has already received coverage for its stormwater discharge under State Board Order No. 2003-0005-DWQ as a copermittee with the Napa County Stormwater Management Program (Program). The Program is comprised of unincorporated Napa County and all of the cities in Napa County – City of American Canyon, City of Calistoga, City of Napa, City of St. Helena, and Town of Yountville.
6. As part of the application for coverage under State Board Order No. 2003-0005-DWQ, the Discharger submitted a stormwater management plan (SWMP) in compliance with the requirements in State Board Order No. 2003-0005-DWQ. This SWMP was noticed for a 60-days public review period, which ended January 9, 2006. No comments were

received. The Discharger's SWMP details commitments by the Discharger to implement an effective stormwater management program. State Board Order No. 2003-0005-DWQ requires the submittal of annual reports to demonstrate the Discharger's effectiveness in reducing pollutants to the maximum extent practicable and protecting water quality.

7. Therefore, Order No. 00-004 should be rescinded.
8. The rescission of Order No. 00-004 is exempt from the provisions of Chapter 3 (commencing with Section 2100 of Division 13) of the Public Resources Code California Environmental Quality Act (CEQA) pursuant to Section 13389 of the California Water Code.
9. The Water Board has notified the Discharger and interested agencies and persons of its intent to rescind Order No. 00-004 and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
10. The Board, in a public meeting, heard and considered all comments pertaining to the rescission of Order No. 00-004.

IT IS HEREBY ORDERED that Order No. 00-004 is rescinded.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full and accurate copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on March 8, 2006.

Bruce H. Wolfe
Executive Officer

APPENDIX