



San Diego Unified
SCHOOL DISTRICT

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Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000



Re: Comment Letter- Small Municipal Separate Storm Sewer System Permit

Dear Chair Hoppin and Members of the Board:

Thank you for the opportunity to provide comments on the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) (Permit) dated July 27, 2011.

The San Diego Unified School District (District) is greatly concerned over the potential impact the Draft Small Municipal Permit will have on the District and our many schools and campuses. We recognize that at this time, the District has not been designated under the Permit. We also understand that the draft permit allows for the Regional Water Quality Control Board to designate the District at any time. The District understands that this is a preliminary draft that will likely be revised before being proposed for adoption. We would like to take this opportunity to convey that we believe the extensive requirements set forth in the current draft create a Permit that will be both onerous and expensive for entities like the District to implement. The number, scope and impact of these requirements will have a significant potential to impact school budgets and our ability to provide quality education, without achieving any real benefit to water quality.

Our concern is that the current Permit requirements have been derived from the permits of larger regulated municipalities, with no thought to how they will be implemented on a smaller scale. We believe the associated effort and expenses to comply with these requirements will come with little improvement to the quality or quantity of stormwater draining from school facilities. We strongly recommend that the State Water Resources Control Board "go back to the drawing board" in regard to abbreviating the number of program areas that small MS4 permittees must comply with.

San Diego Unified School District's primary concerns related to the Draft Small MS4 Permit are summarized below:

- **Requirements are too extensive for small educational facility management staff**
The Permit imposes more than 80 separate and distinct management, inventory, inspection, evaluation and reporting requirements across ten program categories. Many of these requirements duplicate reporting or add more stringent management of existing requirements covered by other permits. The requirements were "borrowed" from permit elements in large municipal programs without regard to how a small facility staff would realistically implement these programs on a scale that is smaller in size. For example, the Illicit Discharge Detection and Elimination Program mapping, field screening and source investigations are nearly impossible to accomplish with the small maintenance/janitorial

staff at each campus. This is an ineffective effort on a District-wide level due to the discontinuous storm drain systems and geographically separate campuses. In addition, Community Based Social Marketing research, measureable objects, surveys, and social norming projects are far beyond the scope of education and outreach programs that can be undertaken by a small facilities management staff. Finally, the Program Effectiveness Assessment and Improvement Plan is attempting to apply program assessments conducted by large staffs of dedicated scientists and engineers to a small program run by facility maintenance staff. These requirements as drafted are unworkable without adding full time technical staff to manage this program.

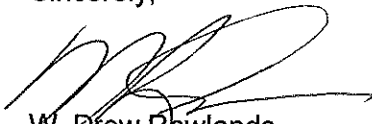
- **Educational Facilities do not contribute significant sources of stormwater pollutants**
School facilities are generally small campuses dedicated to the purpose of mental and physical education. District staff conducts only minor maintenance and janitorial operations. Our infrastructure is dedicated to classrooms, facilities, athletic fields and limited parking, with few opportunities for changing existing stormwater management.
- **Requirements are redundant with the Industrial and Construction General Permit**
Generally, District operations with potential stormwater impacts are already regulated under the appropriate General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (Construction General Permit) and Industrial Storm Water General Permit Order 97-03-DWQ (Industrial Permit) permits. Vehicle fueling, maintenance and other activities at the District maintenance yard are subject to the Industrial Permit. New construction or major renovation projects obtain coverage under the Construction General Permit. The Small Municipal permit will simply add another layer of management, inspection and reporting requirements to these operations, with no additional benefit to water quality.
- **Post-Construction Management Program**
We recommend the Post-Construction BMP requirements in the Permit be clarified, particularly with respect to compliance tiers within a Phase I MS4 permit area. As written, one could interpret that non-traditional small MS4 permittees with urban land uses totaling less than 10 percent of a HUC-12 watershed should follow the post-construction BMP requirements of the Construction General Permit. The State Board staff's interpretation of this requirement during questions at the public workshop indicated that all designated entities within a Phase I MS4 permit area, regardless of size, would follow the Phase I MS4 permit requirements for simplicity. The Permit should clearly reflect this requirement.
- **SMARTS Reporting System**
The Draft Permit requires data to be submitted via the Storm Water Multi-Application and Report Tracking System (SMARTS) and well as reporting of annual progress. The District believes the SMARTS needs to be improved significantly. Currently, electronic reporting through the SMARTS is not user-friendly; analytical results are not able to be uploaded in the electronic format received from laboratories, but rather results must be entered manually, one-at-a-time, into the system. Some of the information required by the permit is currently available in the SMARTS under the Construction General Permit, but there is no report that would query or export this information. An electronic Annual

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Report with Yes/No responses similar to the Construction General Permit is not an effective measure of a municipal stormwater management program. This type of reporting forces "one size" onto programs that are implemented differently.

Thank you for your consideration of these comments. The District is closely watching the development of the Permit with the understanding K-12 schools may be designated in the future. The District is willing to work with the SWRCB staff to provide additional comments, feedback and other input related to proposed revisions to the Draft Small MS4 Permit.

Sincerely,



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Executive Director

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