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August 30, 2011

Jeanie Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812

RE: Comments on Proposed Draft Small Municipal Separate Storm Sewer System (Small MS4) Storm Water General Permit

Dear Ms. Townsend:

The Coalition for Adequate School Housing (C.A.S.H.) was formed in 1978 to promote, develop and support the enactment of new statewide and local funding alternatives for school construction and renovation. C.A.S.H.'s membership is a coalition of public and private interests who believe that school facilities are a critical component of the educational process. C.A.S.H. represents nearly 500 school districts serving 92 percent of California's school children.

In 2002, C.A.S.H. became aware that schools would be regulated under the State Water Resource Control Board (SWRCB) Small Municipal Separate Storm Sewer Systems (Small MS4) Permit. Since that time, the C.A.S.H. Board of Directors created the C.A.S.H. Storm Water Committee to address storm water issues on behalf of our organization, and we have worked with SWRCB and your staff during previous reissuing efforts of the Municipal, Construction and Industrial General Permits. In short, C.A.S.H. has been a leader in storm water quality in the education community.

The following are C.A.S.H.'s comments on the proposed draft Small MS4 Permit released for public comment on June 8, 2011.

General Comments

First and foremost, C.A.S.H. would like to express its appreciation for the Board's decision not to automatically designate K-12 school districts and charter schools.

Like many of our colleagues in other regulated sectors, C.A.S.H.'s primary concern with the proposed draft Small MS4 Permit is the cost of compliance for educational entities. Schools have experienced drastic reductions in state funding in the past four years, and we anticipate more fiscal challenges for schools in the coming years. Specifically, while we recognize that cost will vary according to circumstance, we estimate that the cost of compliance for schools would be \$5,000 to \$10,000 per school site in the first year of implementation, and \$30,000 to \$50,000 for centralized district activities. These estimates do not include the cost of water storage, filtration or other methods of improving water quality that might have been required.



Schools simply cannot bear these additional costs. With over 1,000 school districts and other educational entities in California, the statewide cost of compliance would be significant. C.A.S.H. understands that “not automatically designated” is not the same as “exempt” in light of the fact that under the proposed draft Small MS4 Permit, schools are subject to Regional Water Quality Control Board authority. While we continue to be concerned about the potential for inconsistent application of policy by different Regional Boards, particularly in cases where schools have a close proximity to sensitive water bodies, we also understand that this is the reality of the current governance structure, and that all permittees face the same challenge.

C.A.S.H. would be remiss if we did not recognize the efforts of your staff to reach out to the education community, to take our concerns seriously, and to work with us to find solutions. Their good work is much appreciated.

Specific Request

To address what we believe is a technical oversight, *C.A.S.H. requests that the permit language be amended to clarify that county offices of education are not automatically designated, and so treated the same as school districts and charter schools under the permit.*

Issue-

We note that the permit language references school districts and charter schools but does not reference county offices of education. County offices of education are an integral part of California’s school system, are funded from Proposition 98 funds like school districts, and are subject to state funding reductions like school districts. County offices of education also serve critical student populations such as special education students and juvenile offenders.

C.A.S.H.’s Proposed Solution-

Include the following language in the permit where school districts and charter schools are referenced:

“K-12 school districts, *county offices of education* and charter schools”

Going Forward

C.A.S.H. would like to conclude its comments on the proposed draft Small MS4 Permit with some ideas that we believe could enhance our partnership with the SWRCB on issues of water quality in educational environments.

1. Concerning the cost implications of the permit, we would like to work with the SWRCB during the five-year permit cycle to continue to develop data on the actual costs of compliance with the permit to inform future decision-making.
2. As we move closer to final adoption of the permit, C.A.S.H.’s primary focus is to ensure that school districts, county offices of education and charter schools are aware of the implications of the permit for the education community, and how they can help improve water quality at their school sites. To this end, we will engage in outreach and education efforts through webinars, workshops, conference presentations and other methods for getting the word out into the field. To assist us in this effort, C.A.S.H. requests that the

SWRCB allow your staff to make presentations to our members as part of our outreach efforts.

3. Because school districts, county offices of education and charter schools are subject to Regional Board authority, C.A.S.H. will encourage educational entities to proactively develop a working relationship with their Regional Board, particularly in instances where there may be a specific threat to a sensitive water body. It is our hope that the Regional Board will adopt the same cooperative approach in the spirit of improving water quality.
4. The Small MS4 Permit appears, with some justification in light of its intended purpose, to be drafted primarily for implementation by a county or city agency; however, it is not easily adaptable to a school district governance structure. As we gain more data on the cost and implementation impacts of the permit for education entities, we would like to work with the SWRCB to ensure future permits are more appropriate for educational environments and governance structures.
5. In the past, C.A.S.H. has proposed the concept of a “school-specific” permit, or a specified subsection within the existing permit, to address the issues outlined above. C.A.S.H. urges the SWRCB to consider the concept of a school-specific permit going forward.

Finally, on behalf of the C.A.S.H. Board of Directors, thank you for considering the concerns of the K-12 education community. We look forward to working with you as we move toward adoption and implementation of the Small MS4 permit.

Sincerely,



Kathy Tanner, San Marcos USD
C.A.S.H. Board Member, Chair of C.A.S.H. Environmental Committee

cc: Mr. Charles R. Hoppin, SWRCB
Ms. Frances Spivy-Weber, Vice Chair, SWRCB
Ms. Tam M. Doduc, SWRCB