



September 8, 2011

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



Dear Ms. Townsend:

I am writing on behalf of the CA Association of School Business Officials (CASBO) to comment on the Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Water Sewer Systems (MS4s).

To begin, we are grateful to the board for its decision to not automatically designate school districts and charter schools. You have all heard of the fiscal problems that public schools are currently facing and adding more unfunded mandates would only exacerbate those problems. Real cuts to funding, coupled with year-to-year deferrals of about 35 percent of state aid, have dug a hole for public schools that could take decades to restore.

As CASBO does not have the expertise to provide a section-by-section analysis of the draft, we want to make two specific comments on which we urge your action:

- 8.1 → 1. We believe that a technical issue was created when the board decided to not automatically designate school districts and charter schools. The technical issue is that the action did not include county offices of education. Typically, in education law, all three entities need to be mentioned specifically in order for provisions to apply to all three. As such, we urge the board to amend the permit language to specifically include mention of county offices of education to ensure that they are treated the same as school districts and charter schools.
- 8.2 → 2. While we appreciate the action taken by the state board to not automatically designate school districts and charter schools (and we hope county offices of education), we also urge the board to strengthen the wording of the draft language to ensure that local regional water quality control boards not have the authority to designate all or even a portion of the school districts within their region without conducting a study or inspection that presents sufficient scientific data indicating a pollution problem at one or all of their sites. We believe that too many school-owned properties do not meet the test to be automatically included and that there needs to be some level of certainty that specific sites present problems that need to be addressed.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink that reads "Dennis Meyers". The signature is written in a cursive style with a large, prominent "D" and "M".

Dennis Meyers
Assistant Executive Director, Advocacy & Policy