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COALITION
for ADEQUATE
SCHOOL HOUSING

September 1, 2006

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

SUBJECT: C.A.S.H.'s Comments on the Storm Water Panel Report



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Dear Members of the State Water Resources Control Board:

The Coalition for Adequate School Housing (C.A.S.H.) wishes to inform the State Water Resources Control Board that we have reviewed the Storm Water Panel Recommendations (June 19, 2006) and urge the Board to adopt statewide Best Management Practices for all aspects of school district operations and to reject numeric effluent limits for school districts. 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 that believe school facilities are a critical component of effective schools.

As school districts and community colleges were included on the list of entities that are regulated under the State Water Resources Control Board (SWRCB) Small MS4 General Permit, C.A.S.H. worked with the SWRCB and its staff to learn more about the specific requirements of the storm water permits, and worked to provide this information to school districts. The C.A.S.H. Board of Directors formed the C.A.S.H. Storm Water Committee to address storm water issues for our organization, and has conducted outreach and training for school districts and county offices of education across California.

C.A.S.H. Comments

When K-12 schools were included under the Small MS4 Permit, schools were essentially required to administer a comprehensive municipal program, as they were required to design, maintain, construct and operate a storm water program. Schools around the state have embraced this new responsibility by implementing Best Management Practices as required by the Permit.

With some exceptions, the Panel concluded that establishing numeric effluent limits are infeasible at this time. For this reason, we believe the Panel's recommendations to make existing Best Management Practices (BMP) more effective and better maintained is the most effective and realistic method for achieving the objective of clean water in schools. By developing a more comprehensive BMP approach, school districts and county offices of education will be able to work together to share geographically and environmentally relevant practices. In addition, local confusion over differences between State Board and Regional Water Quality Control Board mandates will be eliminated.

One of C.A.S.H.'s primary concerns is the increased cost associated with complying with proposed numeric effluent limits. Although not designated in all but a few cases, schools are currently in the process of implementing BMPs and are having to search for additional funding to meet the increased costs associated with these activities. C.A.S.H. believes that establishing numeric effluent limits will likely add significant cost for school districts. The specific increased costs include program development, administration, operations and maintenance – each of these new functions represents significant new on-going operational costs (e.g., page 18, item 13). It is important that the State Board understand that there is no funding for these costs or for adjustments that would be required in technologies and practices as conditions change over time.

C.A.S.H. is also concerned about the uncertainty that would be introduced by numeric effluent standards. The end of the line standards for school districts are out of context with the lack of control that school districts exercise over up stream activities and variations (e.g., page 18, item 12). Further, numeric effluent standards create a geographic inequity by burdening shoreline school districts with activities taking place outside of their jurisdiction (e.g., Page 18, Item 10).

As the Panel itself recognized, the technological feasibility of numeric effluent limits is doubtful. (Page 8, line 10; Page 17, Item 5.) We believe this is particularly true in the school district context. We believe that the infinite diversity of conditions among school districts and over 7,000 school sites warrants expansion of environmental solutions rather than technological solutions. Effluent standards are premature until BMPs are in place across California. C.A.S.H. is committed to continuing its work at informing all school districts about the need for BMP development and adoption across the State.

Additionally, C.A.S.H. is unclear about the following more global questions if numeric limits were to be established: How would baseline numeric effluent limits be established? How would the limits be applied? Would permittees be allowed to present evidence on a case-by-case basis to recognize particular circumstance? What would be the scope and enforcement actions for a violation of the proposed limits? What would be the frequency, timing and location requirements of the sampling and monitoring associated with limits?

In conclusion, C.A.S.H. appreciates the opportunity to comment on the Panel's recommendations. We look forward to working with the SWRCB and your staff to ensure that the children of California benefit from both clean water and adequate school facilities.

Sincerely,



Kathy Tanner
Chair, C.A.S.H. Storm Water Committee