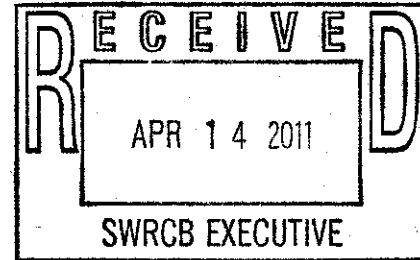


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April 14, 2011

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

RE: Comment Letter: Draft Industrial 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 that 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 (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.

C.A.S.H. would like to note that we participate in the California Stormwater Quality Association's (CASQA) Industrial General Permit workgroup, and agree with their analysis and recommendations concerning the proposed Industrial General Permit. In addition, C.A.S.H. is a member of the WATER coalition, and we share common concerns about the inclusion of numeric in the Industrial General Permit, process and procedures, the potential for litigation duplicative regulations, and exclusion of the group monitoring provision.

C.A.S.H.'s Concerns

While it has been a challenge, schools have made significant progress in improving water quality on their sites through Best Management Practices (BMP). However, C.A.S.H. is on record regarding its concern about inclusion of Numeric Action Levels (NAL) and Numeric Effluent Limits (NEL) in previous iterations of the Municipal and Construction General permits, and we would reiterate our concern

Coalition for Adequate School Housing (C.A.S.H.)
Re: Draft Industrial General Permit for Storm Water

about inclusion of NALs/NELs in the proposed draft Industrial General Permit. Specifically, C.A.S.H. agrees with the comments made by CASQA's representatives in their testimony at the SWRCB's hearing on the Draft Industrial General Permit on Tuesday, March 29, 2011. In particular, C.A.S.H. is concerned that the confusion created by the complexity of the NAL/NEL "Tiered" permit approach will lead to inconsistent application and non-compliance, and that a NAL is a "virtual" NEL. C.A.S.H. also shares CASQA's concerns about the impact of increased monitoring requirements, the need for more flexibility in training requirements, and the prohibition on group monitoring. Finally, C.A.S.H.'s primary concern is the cost implications of the draft Industrial General Permit.

What Are The Cost Implications For Schools?

The draft Industrial General Permit impacts schools who operate school bus maintenance facilities, as the SWRCB NPEDS Permit database indicates that approximately 220 school bus maintenance facilities are currently permitted under the Industrial General Permit. We estimate that the annual cost associated with complying with the proposed baseline inspection and monitoring requirements of the Industrial General Permit would be \$29,400 per bus maintenance facility (see attached for more detail). This estimate assumes that no Corrective Action Triggers have been met or exceeded. If Corrective Action Triggers are met or exceeded, the cost for schools could increase to \$100,000 or more. Finally, though more difficult to quantify but no less real, the additional cost of complying with the Industrial General Permit for other agencies and businesses that we work with will be passed onto schools.

School Funding Drastically Reduced

It is well-known that K-12 schools in California are dealing with draconian funding reductions at every level. Since 2007-08, K-12 education funding has been cut by 20%. The Governor's 2011-12 proposed State Budget proposes to reduce K-12 funding by \$2 billion, which will result in per-pupil funding being reduced by \$330. This represents the best-case scenario for schools. If a solution is not found to place the proposed tax extensions on the ballot, or if they are placed on the ballot but not approved by the voters, the situation will go from very bad to dire for schools. Under this scenario, the Legislative Analysts' Office (LAO) estimates that school funding would need to be reduced by an additional \$4.8 billion.

Concerning the specific impacts of reduced funding for building and renovating schools, the effect is equally dire. Since 2008 when state infrastructure funding was frozen due to the state's cash flow situation, school facility funding has slowed to a trickle, and we must now rely on sporadic state bond sales to fund projects. Recently, state leaders have discussed the possibility of waiting until November 2011 to place the tax extensions before voters, and the State Treasurer has stated that if this happens, California may be unable to sell public works bonds this Fall as anticipated, which could mean a shutdown of state construction projects similar to the one experienced in 2008. In addition, state funding to maintain schools has essentially been eliminated for five years, and the Governor's proposed 2011-12 State Budget proposes to extend this provision for two more years. Finally, the funding for the Emergency Repair Program (ERP), which makes funding available to schools to address immediate health and safety school facility and maintenance issues, has been completely eliminated in the Governor's proposed 2011-12 State Budget.

Coalition for Adequate School Housing (C.A.S.H.)
Re: Draft Industrial General Permit for Storm Water

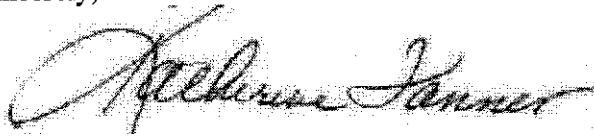
Put simply, every dollar that goes to meeting non-educational requirements is a dollar that does not go to educate California's children. For this reason, *C.A.S.H. strongly urges the SWRCB and your staff to consider the economic impacts of the proposed draft Industrial General Permit before final adoption.*

Conclusion

C.A.S.H. appreciated the opportunity to express our concerns at the hearing on Tuesday, March 29. Moreover, we thought it was a positive development that at the end of the hearing, members of the SWRCB requested more information about the following critical issues that C.A.S.H. and other stakeholders are particularly concerned about: recommendations for a "sector-specific" approach (NALs), specific data from sites that have met NAL requirements, reexamining the elimination of group monitoring, making training requirements more flexible and accessible (specific recommendations), more specifics on "off ramps" for corrective actions, and last but certainly not least, an estimate of the range of economic impact to inform policy development.

Finally, school districts have been willing partners in the effort to improve water quality before, during and after the construction of school facilities. C.A.S.H. urges the SWRCB and your staff to consider our concerns as you move toward the final draft of the Industrial General Permit. C.A.S.H. has been pleased to work with the SWRCB in the past, and we look forward to working with you on concerns of interest to the education community. If you have questions or would like to discuss C.A.S.H.'s concerns in more detail, please do not hesitate to contact me at (760) 290-2650 or Ian Padilla from our staff at (916) 204-5459.

Sincerely,



Kathy Tanner, San Marcos Unified School District
Chair of the C.A.S.H. Storm Water Committee and C.A.S.H. Board Member

cc: Mr. Charles R. Hoppin, Member, Chair, SWRCB
Ms. Frances Spivy-Weber, Member, Vice Chair, SWRCB
Ms. Tam M. Doduc
Mr. Ian Padilla, Coalition for Adequate School Housing (C.A.S.H.)

ESTIMATED COSTS TO COMPLY WITH THE INSPECTION, TRAINING, MONITORING, AND REPORTING REQUIREMENTS IN THE DRAFT INDUSTRIAL GENERAL PERMIT (YEAR 1)

Permit Section	Permit Page	New Requirement, Currently Required, or Requirement Revisited	Inspection Type	Frequency/Trigger	Estimated Number Per Year	Estimated Time to Complete	Cost per Hour or Per Unit	Total Cost For Inspection	Notes/Assumptions
INSPECTIONS - Fact Sheet E.1 - Order Section VIII.H.1.d	Fact Sheet p. 16 Order p. 24	New Requirement	Inspect and clean outdoor areas and equipment that may come into contact with industrial materials or waste.	Daily	250	1	\$ 60	\$ 15,000	Number of inspections based on total number of working days in a year; Assumed 1 hour to conduct and document the daily inspection.
INSPECTIONS - Fact Sheet E.2 & E.1 - Order Section VIII.H.1.h - Order Section IV.B.5, VII.B, IX.B.1 - Order Section IX.C.5	Fact Sheet p. 19 Order p. 26; Fact Sheet p. 17; Order p. 34; Order p. 27	Requirement Revisited	Quarterly inspections for authorized and unauthorized discharges, SWPPP compliance, and Annual Comprehensive Site Compliance Evaluation (ACSCE)	Quarterly	4	1	\$ 60	\$ 240	We have assumed 1 hour to complete the additional observations required in the ACSCE in comparison to the daily inspection. Aided time to document the quarterly inspection.
INSPECTIONS - Fact Sheet E.1 - Order Section VIII.H.1.a	Fact Sheet p. 16; Order p. 23	New Requirement	Weekly inspections (Outdoor areas, equipment, etc...)	Weekly	52	0.25	\$ 60	\$ 780	Assumed 0.25 hour to document the additional items required in the weekly inspection form since similar observations were made during the daily inspection.
INSPECTIONS - Order Section IX.C.4 - Order Section IX.C.6	Order p. 29; Order p. 30	New Requirement	Pre-Storm inspections	Prior to forecast storm events, monthly at a minimum	10	0.25	\$ 60	\$ 150	Based on LA rainfall data approximately 10 QSEs occur per year; inspections to occur during scheduled facility operating hours. Assumed 0.25 hour to document pre-storm inspection since similar observations were made daily.
INSPECTIONS - Order Section IX.C.5	Order p. 30	New Requirement	Documentation of Non-discharging Storm Events. Document storm events that do not produce a discharge but that occur before a monthly visual monitoring	Daily for all storms each month before the first QSE occurs	10	1	\$ 60	\$ 600	Assumes documentation of 10 storms that are not QSEs and hour to track the weather
INSPECTION & SAMPLING ANALYSIS - Order Section XI.2 - Order Section IX.C.1	Order p. 32; Order p. 29	Requirement Revisited	During storm sample collection and visual observations	During storm sample collection and visual observations	4	4	\$ 60	\$ 960	Field sample collection and observations. Assumes field collection over a 4 hour period to get a daily average
INSPECTIONS - Order Section IX.C.2	Order p. 29	Currently Required	Visual observation of discharge of stored or contained storm water at the time of discharge	Upon discharge of contained storm water	0	0	\$ 60	\$ 0	Assumed no discharge of contained storm water at school maintenance facilities.
SAMPLING ANALYSIS - Order Section XI.3.	Order p. 32	New Requirement	Report the hardness value of the receiving water	After 4 storm events	4	1	\$ 60	\$ 240	Requirement for dischargers subject to Section XV. Assumes school districts will be subject to Section XV based on the LA River TMDL and source of metals from bus tires/brakes. We assumed hardness data will be accessible and would take approximately one hour to retrieve.
SAMPLING ANALYSIS - Order Section XII.A.4	Order p. 35	Requirement Revisited	Collect samples from all drainage areas	4 storm events	4	1	\$ 60	\$ 240	Hours for sample collection are included in the during storm field observations; Assumed that sample collection will occur over a 4 hour period to get the daily average; hours in this section assume it will require an hour to setup a courier or deliver the bottles to a laboratory for analysis.
SAMPLE ANALYSIS - Order Section XII.A.4 - Order Section IX.A.9 and I.1.54	Order p. 35; Order p. 8	Requirement Revisited	Analytical Costs	4 storm events	8	N/A	\$ 200	\$ 1,600	Assumes 4 drainage areas with two areas substantially similar (2 samples to be analyzed); Assumes samples will be completed by the laboratory; Assumes the Site will be required to include metals in the analytical suite based on the LA River TMDL and source of metals from bus tires/brakes.
SWPPP Development - Order Section VIII.	Order p. 21 - 27	SWPPP revisions will be required to address changes.	Site Reconnaissance & SWPPP Development	Inspection for SWPPP development	1	N/A	\$ 5,000	\$ 5,000	Costs for a SWPPP for a school maintenance facility range from \$4000 to \$6000; Assumes the SWPPP will be revised by a CSP to meet the requirements of the new permit. Assumes no corrections will be made based on the inspections listed above.
SAMPLING ANALYSIS - Order Section XI.	Order p. 34	New Requirement	Analytical Costs	One time purchase	1	N/A	\$ 600	\$ 600	Purchase field pH and Specific Conductance Meter for field measurements. We have assumed that TSS will not be measured in the field as indicated on Section E.1 and assumed field measurements will be collected for pH and conductivity.
RAIN GAUGE - Order Section V.E	Order p. 15	New Requirement	Rain Gauge Purchase	One time purchase	1	N/A	\$ 800	\$ 800	Assumes the site will be required to purchase and install an on-site rain gauge; we recommend the site install a data logging rain gauge
TRAINING - Order Section VII.B.3.	Order p. 16	New Requirement	Qualified SWPPP Practitioner	Training Program	1	N/A	\$ 550	\$ 550	Assumes 1 staff will be required to attend the OSP training. Based on the construction training program, the OSP training program costs \$550 (not including staff time).
TRAINING - Order Section VIII.H.f	Order p. 24	Currently Required	Employee Training Program	Training Program	1	24	\$ 60	\$ 1,440	Assumes a 3 day training program similar to the construction training course; Assumes 1 staff will be required to be OSP.
REPORTING - Order Section XI - Order Section X.G	Order p. 32 Order p. 28	New Requirement New Requirement	SMARTS reporting SMARTS reporting	4 storm events/Report each event within 30 days Annual Reporting	4 1	2 8	\$ 60 \$ 60	\$ 480 \$ 480	Assumed the OSP training will cover SMARTS; the OSP will be required to report the analytical on SMARTS within 30 days of obtaining the results; we assumed it will take approximately 2 hours to report each storm event. Based on the construction forms, we have assumed the OSP will complete the annual report within 8 hours. This includes preparing a summary and status of any corrective actions and SWPPP revisions made throughout the year.

Estimated Costs to Comply with the Permit: \$ 29,400

- Notes
- We have assumed a hourly rate of \$60 per hour for the school district's staff that would conduct inspections.
 - The costs above assume the site's storm water samples are generally meeting NAL values (identified in the Industrial General Permit).
 - The costs listed above cover inspections, sampling and analysis, training, and reporting for a site meeting the NALs introduced in the Industrial General Permit. The estimate does not consider the costs for installation of additional BMPs (including treatment controls), additional monitoring requirements for not meeting NALs, or costs associated with exceedances of NALs. Advanced treatment systems have the potential to cost more than \$100,000 for a facility the size of a typical school bus maintenance yard.