

CALIFORNIA'S
COALITION
for ADEQUATE
SCHOOL HOUSING

Construction General
Permit - Stormwater
Deadline: 5/4/07 5pm

www.cashnet.org

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May 4, 2007

Ms. Tam M. Dudoc, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comment Letter - Draft Construction Permit

Dear Ms. Dudoc:

The Coalition for Adequate School Housing (C.A.S.H.) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) proposed revision of the Construction General Permit (CGP).

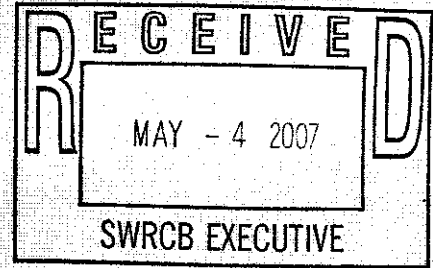
C.A.S.H. was formed in 1978 to promote, develop and support the enactment of new statewide and local funding alternatives for school construction. C.A.S.H.'s membership is a coalition of public and private interests that believe that school facilities are a critical component of effective schools. C.A.S.H. represents nearly 500 school districts serving 92 percent of public school children.

C.A.S.H. supports the goal of improving the CGP to improve California's water quality, and has worked successfully with the SWRCB concerning the inclusion of school districts and community colleges on the list of entities to be regulated under the Small MS4 General Permit. In addition, C.A.S.H. has established a committee to address storm water issues, conducted a series of workshops and trainings regarding storm water management issues for our members, and continues to keep our members up to speed on the most recent issues in storm water pollution mitigation.

We are encouraging individual school districts to submit comment letters on the CGP to communicate their specific concerns with the permit. The following is a summary of C.A.S.H.'s concerns, which we believe are common concerns for all school districts.

General Concerns

The previous CGP focused on implementing practical solutions to improving storm water quality such as creating and maintaining Storm Water Pollution Prevention Plans (SWPPP) and the use of Best Management Practices (BMP) to reduce construction storm water pollution. The proposed revision to the CGP moves significantly beyond this common sense approach toward a more specified and scientific approach, which focuses on requiring the use of advanced technology such as water sampling, soil analysis, and establishing numeric effluent limits and action levels.



C.A.S.H. believes that in its proposed form the revised CGP will be difficult to administer and enforce, and so could be more confusing than effective. School construction and modernization projects must be approved by multiple state agencies, and school districts must carefully navigate this complicated approval process to receive state funding. Delays caused by requirements to redesign or that require increased levels of oversight will result in an increase in the time and cost of construction for school districts, making it difficult for some schools to meet their student housing needs.

Specific Concerns

Sediment/Erosion Control

The revised CGP seems to focus on treatment rather than source control. The Blue Ribbon Panel's study concluded that BMPs could be more rigorously selected, designed and maintained to achieve the level of pollutant removal that was intended. Because it is widely understood that it is more effective to prevent soils from mobilizing than it is to capture and treat sediment, C.A.S.H. believes that an "enhanced BMP" approach would be more effective than the approach proposed in the revised CGP.

NELs and ALs

The Blue Ribbon Panel concluded that while Concerning Numeric Effluent Limits (NEL) and Action Levels (AL) are technically feasible, at this time it is not feasible to establish enforceable numeric effluent criteria. More research is needed before appropriate NELs and ALs could reasonably be established.

Hydromodification

The CGP is not an appropriate place to address post-development hydromodification control standards for all projects, and instead should be addressed earlier in the design phase of construction projects such as during the CEQA process. In addition, we believe that local conditions such as sediment characteristics, size of watershed, channel slope and materials, vegetation types, and climate and precipitation patterns should be considered if standards are established.

Risk-Based System

The proposed risk-based system is complicated and we believe it would be more effective if it was simplified. This system should be site-focused and take into account the reduction in risk as a result of successful implementation of BMPs, as well as the characteristics of receiving waters.

Public Review

We understand and appreciate the need for public review, but are concerned that the 90-day public review period for regional board approval of SWPPPs is problematic because it is lengthy and appears to be open-ended after the 90-day period has expired, which would add time and cost to school construction projects if implemented.


Rain Event Action Plan (REAP)

Requiring a REAP in addition to the current SWPPP is confusing and duplicative.

Finally, C.A.S.H. supports improving the CGP to improve water quality. We believe that this will be best achieved by enhancing the system that is currently in place. We look forward to working with the SWRCB and school districts to ensure that water quality and timely and efficient school construction are not mutually exclusive.

Please do not hesitate to contact me at (916) 448-8577 if you have questions concerning these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian Padilla", is written over a rectangular area of the document that has been filled with a fine, light-colored grid pattern.

Ian Padilla, Legislative Advocate

cc: Mr. Gary Wolf, P.E., PhD, Vice Chair, SWRCB
Mr. Arthur G. Baggett, Jr., Member, SWRCB
Mr. Charles "Charlie" R. Hoppin, Member, SWRCB
Ms. Frances Spivy-Weber, Member, SWRCB