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Public Comment
Dft. Construction Gen. Permit
Deadline: 6/24/09 by 5:00 p.m.

Board of Trustees

Bryna Cadman

Cathline Fort

David W. Long

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Cecilia L. Solorio

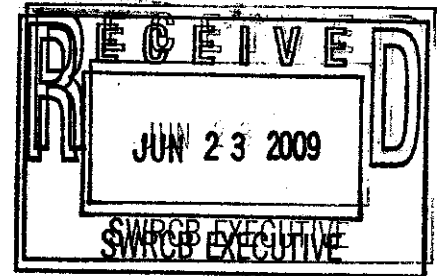
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June 23, 2009

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms. Townsend:

The Etiwanda School District commends the efforts of the State Water Resources Control Board (SWRCB) for their guidance in improving water quality in the bays, lakes, beaches and rivers in California. However, the April 22, 2009, revised Draft Storm Water Construction General Permit (Draft Permit) proposed by the SWRCB cannot be supported by the education community that has a responsibility for educating the students of California. The Draft Permit creates many problems for education and fundamentally pits the immediate- and long-term needs of education against the protection of the environment.

We respectfully request the SWRCB to consider our concerns below and to address our problems through revisions to the revised Permit, as follows.

Fiscal Impact

No federal or state agencies will be providing funding to implement this Draft Permit. Therefore, every dollar spent for storm water compliance will require one dollar to be taken away from educating children. Moreover, the educational community expects a shrinking share of state revenues available for public education and is bracing itself for a combined \$5.6 billion additional budget reduction spread over 2008-09 and 2009-10.

Prior Treatment for Small MS4 Permit

The SWRCB recognized the uniqueness of educational agencies in the revision of the Small Municipal Separate Storm Sewer Systems General Permit when this permit was revised in 2003. Special consideration and exemptions were granted to school and community college districts because of their unique circumstances. Educational agencies have not changed their uniqueness. Moreover, education is willing to work with the SWRCB to implement the most beneficial revisions, e.g. having education play a major role in Water Quality Education. The educational community would like to partner with the SWRCB in the public education of storm water problems. However, the SWRCB must continue to recognize that educational agencies are "Non-Traditional" permittees and are not major polluters and must be treated differently.

Regional Board Authority

The education community already has four State agencies: the Division of the State Architect; the Office of Public School Construction; the California Department of Education; and the Department of Toxic Substance Control reviewing its construction design plans. Adding the regional boards as a fifth review agency does not make logical sense. It is more economical and practical to have one of the existing four agencies perform storm water compliance review. This concern is especially relevant now because of the state economy and the projected reductions in staff of state agencies. It is not realistic to assume regional boards will be fully staffed to perform this function.

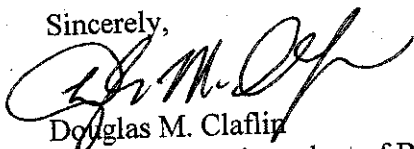
Moreover, educational agencies are fearful of regional boards mandating regulations more stringent than the intent of the SWRCB. While school districts can always appeal to the SWRCB regarding perceived unfair actions of a regional board, school districts do not have the time, staff, or resources to perform this function. The revised Draft Permit must contain some provision to address these issues, including consideration of reorganizing the regional boards to include a member of the SWRCB, as proposed by the Little Hoover Commission in January 2009.

Impact of Recession

California is in the middle of a recession, educational agencies and state agencies that are dependent on the state for funding are reducing staff and services because of the anticipated state revenue shortfall. School districts cannot afford to comply with the new requirements of the revised Draft Permit. We question whether the SWRCB and regional boards can staff up to comply with the processing requirements of the revised Draft Permit. We believe passage of this permit is setting up school and community college districts, the SWRCB, and regional boards to fail because all governmental agencies will have their resources reduced and cannot absorb the additional work generated by the revised Draft Permit requirements.

Questions regarding this letter may be made to me via telephone at 909-803-3124 or via e-mail at doug_claflin@etiwanda.k12.ca.us.

Sincerely,



Douglas M. Claflin
Assistant Superintendent of Business Services
Etiwanda School District

cc: Mr. Charles R. Hoppin, Chair, SWRCB
Ms. Frances Spivy-Weber, Vice Chair, SWRCB
Mr. Arthur G. Baggett, Jr., Member, SWRCB
Ms. Tam M. Doduc, Member, SWRCB
Ms. Dorothy R. Rice, Executive Director, SWRCB