

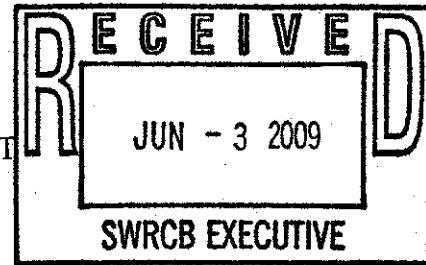


Los Angeles County  
Office of Education

Leading Educators • Supporting Students • Serving Communities

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

LOS ANGELES COUNTY OFFICE OF EDUCATION  
COMMENTS RE: DRAFT CONSTRUCTION STORM WATER PERMIT  
PUBLIC HEARING  
JUNE 3, 2009  
STATE WATER RESOURCES CONTROL BOARD



Good Morning...! My name is Pam Gibbs and I represent the Los Angeles County Office of Education. We represent the 80 school districts and 13 community colleges located in Los Angeles County.

Let me start by saying I applaud the efforts of the State Water Resources Control Board (SWRCB) for holding this hearing and for seeking public input into the policies and programs that will ultimately lead to regulations that improve water quality in the bays, beaches, lakes and underground aquifer water systems in California.

However, we in education are troubled and concerned regarding this new draft permit. Thirty-nine school and community college districts gave input regarding concerns with the proposed draft permit issued in March 2008 and not a single recommendation was included into the draft before us today. While we will be submitting written comments, it is important that the SWRCB understand that the Draft Construction Permit, in its current revision, creates huge problems for education and fundamentally pits the immediate needs of education against the long term protection of the environment.

The educational community has six issues with the draft Storm Water Construction Permit. I am only going to talk about one in detail... (I will address the other five in summary fashion)...first and foremost is cost. The Federal government and the State would not provide supplemental funding to implement this storm water permit. For every dollar spent for storm water compliance, one dollar is 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 the next round of budget reductions for 2008-09 and 2009-10.

**Fiscal Impact...**Thirty thousand teachers received lay off notices in the last three months and summer school has been cancelled in almost two thirds of school districts in California. Many school districts have eliminated their music and arts programs and dramatically reduced their maintenance and operations programs. Who here speaks for the EDUCATIONAL ENVIRONMENT...?

In the big financial picture...storm water regulatory compliance is in competition with other educational programs. Educational programs like No Child Left Behind, Class Size Reduction and State mandated instructional programs for student achievement are pitted against storm water compliance for the Construction, Industrial and Small MS4 permits. Of the 80 school districts in Los Angeles County, more than 20 (1 in 4) have just finished or are currently in the process of borrowing money to meet their pay-roll. School districts cannot afford to comply with new programs unless funding is also provided.

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**Projects Already in Process...** There are over 1,000 plus construction projects in the State approval process that do not include funding for this level of permit compliance or that would have to be re-designed to comply with the permit. These projects require a "Grand Fathering" exemption.

**Prior Treatment for Small MS4 Permit...** The SWRCB recognized the uniqueness of educational agencies in the revision of the Small MS4 Permit. Educational agencies have not changed their uniqueness, moreover, education is willing to work with the SWRCB to implement the most beneficial revisions (e.g. post construction hydro modification) in the permit...The SWRCB must continue to recognize that educational agencies are unique and are not major polluters and must be treated differently.

**Regional Board Authority...** The education community already has four State agencies reviewing its construction design plans. Adding the regional boards as a fifth review agency does not make logical sense. Moreover, educational agencies are fearful of regional boards mandating regulations more stringent than the intent of the SWRCB. The current permit does not address this issue.

**Impact of Lawsuits...** Several lawsuits have been successfully filed against the SWRCB regarding their lack of consideration of the cost of implementing new requirements. The revised permit does not seem to consider the cost impact of the permit requirements.

**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 dramatically scaling back staff and services because of the State revenue shortfall. School districts cannot afford to comply with the new requirements of the draft permit. We question whether the SWRCB and Regional Boards can actually staff up to comply with the requirements of the new permit. This is the worst time to implement a costly revised storm water permit.

The Los Angeles County Office of Education and its 80 school districts and 13 community college districts, respectfully asks you to consider our requests.

Questions regarding this document should be made to:

Los Angeles County Office of Education

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