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.
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.)
<table>
<thead>
<tr>
<th>Permit Section</th>
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<th>New Requirement</th>
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<td>10</td>
<td>0.25</td>
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**Notes:**
1. We have assumed a hourly rate of $40 per hour for the school districts staff that would conduct inspections.
2. The costs above assume the same storm water samples are generally meeting NAL values identified in the Industrial General Permit.
3. The costs listed above cover inspections, sampling and analysis, training, and reporting for a site modeling the NALs introduced in the Industrial General Permit. The estimate does not consider the costs for installation of additional BMPs (including additional requirements for treatment credits), additional monitoring requirements for not meeting NALs, or costs associated with exceedances of NALs.