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Assembly California Legislature

ANNA M. CABALLERO
ASSEMBLYMEMBER, TWENTYEIGHTH DISTRICT



July 3, 2008

Frances McChesney
Senior Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

RE: Complaint for Failure to Comply with Construction Storm Water General Permit, Gilroy Unified School District, Complaint No. R3-2008-0030

Dear Ms. McChesney:

I am writing to express my concern with the \$250,000 fine recommended by the Central Coast Regional Water Quality Control Board staff in its complaint against Gilroy Unified School District.

I strongly support the state and regional board efforts to enforce state laws and permit conditions to protect beneficial uses of water in California. As I understand it, there is no dispute over the facts described in this complaint against the Gilroy Unified School District.

My concern is the impact that a \$250,000 fine would have on a school district that is struggling in tough budget times to provide quality educational facilities and services to the children and families of Gilroy. State funding for schools will almost certainly be cut, impacting the school district. The district is doing what it can to meet these fiscal challenges, including proposing a bond measure that will impose a fee on all homeowners to pay for district school facilities.

The complaint notes that the district can seek reimbursement from its contractor for any penalties resulting from the contractor's failure to prevent the erosion from the site. While this is accurate, I am informed that the district is currently negotiating with the contractor over details of the district's "lease-back" agreement with the contractor, making it difficult to resolve at this time the amount the contractor would pay to resolve this complaint.

I urge that the Central Coast Regional Water Quality Control Board consider these factors, as it reviews this complaint.

Yours sincerely,

A handwritten signature in black ink that reads 'Anna M. Caballero'.

ANNA M. CABALLERO
28th Assembly District

AMC:mt

Cc: Members, Central Coast Regional Water Quality Control Board (CCRWQCB) – Fax 805.788.3571
Roger W. Briggs, Executive Director, CCRWQCB – Fax 805.788.3571
Michael J. Thomas, Assistant Executive Officer, CCRWQCB – Fax 805.788.3571
Debbie Flores, Superintendent, Gilroy Unified School District – Fax 408.847.4717

**Item No. 13 Attachment No. 4
Enforcement Gilroy USD
December 4-5 2008 Meeting**