

San Luis Coastal Unified School District

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August 29, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: Comments on Draft General NPDES Permit - Storm Water Discharges from MS4s

Dear Ms. Townsend:

Thank you for the opportunity to comment on the Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Water Sewer Systems (MS4s). The San Luis Coastal Unified School District fully understands the need to maintain the State's water quality and the impact that pollutants in storm water discharges can cause to our waters. We would like the following comments about the draft MS4 permit to be added into the public record.

125.1 → After reviewing the draft Permit for Phase II, non-traditional MS4's, it was clearly written for non-K-12 educational agencies with site activities that could impact the State's water quality. The San Luis Coastal Unified School District and our facilities do not pollute and most of the proposed draft does not apply to California public schools. We have not been provided any studies or evidence that public schools are gross polluters or contaminate water any more than a local non-industrial business. The cost, necessary resources, and labor associated with the implementation and maintaining this program will directly affect our district budget. We are unable to support another unfunded mandate without evidence that our school district is a polluter and why a public school would be required to comply over and beyond what a local grocery store or other non-industrial business would be required to do. California public schools should be exempt and not designated under the General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Water Sewer Systems (MS4s).

125.2 → Most school districts have three different types of facilities. schools sites, district offices, and a maintenance yard (maintenance, operations, and transportation (MOT) facility). For the past eight years our MOT facility has had an effective Storm Water Pollution Prevention Plan (SWPPP) developed under the Industrial General Permit (IGP). Our program includes conducting appropriate training, following and updating BMPs, collecting and analyzing storm water discharge samples, visual inspections and observations, completing our annual report, and paying for consultant's, permit fees and laboratory costs. We realize this is an industrial facility, unlike the rest of our district, and we take this seriously to ensure we minimize or eliminate the discharge of pollutants.

In the event we have a construction project, we follow the Construction General Permit (CGP) and all contractors are under an agreement with the district to follow all federal, state and local laws including all storm water regulations. Our facilities personnel, architect, project manager, and the Department of State Architect (DSA) inspector assigned to the job also monitor the contractor working on district property whether it's over one acre or not.

Following are our comments on specific sections of the draft MS4 permit:

125.3 → *Section E4a: legal authority to control pollutant discharges into and from MS4, Section E4b: certification that you will maintain full legal authority to implement and enforce each of the requirements contained in this Order, Section E4c: develop and implement Enforcement Response Plan.*

This does not directly relate to school districts. In the event of an illegally dumped material on school property, they are usually placed in or near a dumpster. If an illegal or hazardous substance was found or dumped, the proper law enforcement and/or fire department/hazardous materials authorities would be notified. Most school districts do not have law enforcement authority or resources to respond to violations.

125.4 → *Section E4d: secure adequate resources to comply with Order.*

Due to state budget cuts, our district does not have any available resources for the MS4 permit. The district already funds all the costs associated with the industrial permit at our MOT facility.

125.5 → *Section E5a: contribute to countywide storm water program. Please clearly define "contribute."*

The district might be able to contribute some in-kind resources such as student education, but cannot contribute finances due to budget cuts.

125.6 → *Section E5b: develop and implement Public Outreach and Education Program.*

Our district may be able to assist the county and/or cities within our district boundaries on assisting in the education of our target audience (students).

125.7 → *Section E5b: may use California Education and Environmental Curriculum or equivalent. Please define "equivalent". How would a district prove their curriculum was equivalent? Our district is required to follow an approved state curriculum and the State Water Resources Control Board should work with the State Department of Education to adopt a state standard curriculum.*

125.8 → *Section E5d: develop and implement Construction Outreach and Education Program.*

This does not directly relate to school districts. Due to state budget cuts, our district does not have any available resources for construction outreach. The State Water Resources Control Board should work with the Contractors Sate Licensing Board to development the appropriate training and education of all contractors.

125.9 → *Section E6: Public Involvement and Participation Program. For other than our target audience (students), this does not directly relate to school districts. Due to state budget cuts, our district does not have any available resources for public programs.*

- 125.10** → *Section E7a: maintain up-to-date and accurate storm drain system maps within GIS.*
This does not directly relate to school districts. Due to state budget cuts, our district does not have any available resources for GIS technology. Again, why would a school district be required to do something different than the local grocery store? Our district has diagrams of our storm drain systems on hard copy, which are available for your review.
- 125.11** → *Section E7b: develop a list of priority areas that are likely to have illicit discharges.*
As stated above, this does not directly relate to school districts.
- 125.12** → *Section E7c: develop and implement a dry weather field screening and analytical monitoring program procedures to detect and eliminate illicit connections and illicit discharges to the MS4. Section E7d: develop written procedures for conducting investigations into the source of all illicit discharges, including procedures to eliminate such discharges once the source is located.*
Define frequency of “dry weather field screening” and “analytical monitoring”. This section does not pertain to our district since we do not have any illicit connections.
- 125.13** → *Section E7e: develop and implement a spill response plan. Section E7f: develop and implement a training program for all Permittee staff who, as part of their normal job responsibilities, may be notified of, come into contact with, or otherwise observe an illicit discharge or illicit connection to the storm drain system..*
A spill response plan is only necessary at our MOT facility. This is a duplication of laws. All MOT facilities are required to have a Hazardous Materials Business Plan and required staff training as required by county health. Annual visits by the county health department, including site inspections, plan review of these hazardous materials programs (above ground storage tanks, underground storage tanks, hazardous waste treatment, hazardous waste generators, hazardous materials management and response plans, and the Uniform Fire Code), are consolidated and accomplished by a single inspection. The health department also provides emergency response to hazardous materials events, performing health and environmental risk assessment and substance identification.
- 125.14** → *Section E8: develop, implement, and enforce a program to prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters to MEP. The program shall include the development of an enforceable erosion and sediment control ordinance for all projects that disturb soil. Section E8a: maintain an inventory of grading and construction activity within its jurisdiction. Section E8b: review and approval procedures. Section E8c: site inspection and enforcement. Section E8d: staff training for those with duties to implement construction storm water program. Section E8e: construction site operator education.*
Due to state budget cuts, our district does not have any available resources for this program. The State Water Resources Control Board should work with the Contractors State Licensing Board to develop the appropriate training and education of all contractors. In the event we have a construction project, contractors are under agreement with the district to follow all Federal, State and local laws including all storm water regulations. Our facilities personnel, architect, project manager, and the Department of State Architect (DSA) inspector assigned to the job also monitor the contractor working on district property whether it's over one acre or not.

125.15 → *Section E9a: develop and maintain an inventory of Permittee-owned or operated facilities within their jurisdiction that are a threat to water quality. Section E9b: submit map of the area covered by the MS4 permit and identify where the Permittee-owned or operated facilities and storm water BMPs are located. Section E9c: Conduct a comprehensive inspection and assessment of pollutant discharge potential and pollutant "hotspots."*

This is not appropriate for school sites. This would be appropriate for our MOT facilities and it is being done as part of the Business Plan. It would be redundant to require this at our MOT facilities and it should not be part of the Permit as it pertains to school districts.

125.16 → *Section E9e: conduct annual inspections of Permittee-owned and operated facilities.*

School site and MOT inspections are done frequently as part of the Business Plan, Williams Act, Cal/OSHA requirements and as required by our insurance company. This section would be redundant, resources are not available to perform redundant inspections, and this section should not be part of the Permit.

125.17 → *Section E9f: develop and implement procedures to assess and prioritize the MS4 storm drain system. Section E9f: begin maintenance of all high priority storm drain systems. Section E9h: assess O&M activities for potential to discharge pollutants in storm water and inspect all BMPs. Section E9i: identify opportunities for incorporating water quality and habitat enhancement features into new and existing flood management facilities.*

This does not directly relate to school sites. Due to state budget cuts, our district does not have any available resources. Our MOT facilities are monitored under the Business Plan. This section should not be part of the Permit.

125.18 → *Section E9j: implement a program which focuses on pollution prevention and source control BMPs to reduce the amount of pesticides, herbicides and fertilizers used.*

This is already completed based on requirements of Safe School Act and our Integrated Pest Management (IPM) program. Again, this would be redundant, resources are not available, and should not be part of the Permit.

125.19 → *Section E12: Post Construction Storm Water Management Plan.*

This is already a requirement of the Construction General Permit (CGP) and seems redundant to have it in this permit.

125.20 → *Section E13: Receiving Water Monitoring.*

This section does not apply to our school district.

125.21 → *Section E14: Program Effectiveness Assessment and Improvement.*

We cannot adequately comment on this section until it is no longer a "draft" version. Once it is finalized the district would like the opportunity to submit comments.

125.22 → *Section E15: TMDL compliance requirements.*

We cannot adequately comment on this section until it is no longer a "draft" version. Once it is finalized, the district would like the opportunity to submit comments. It does not appear that this would apply to our school district.

125.23 → Section E16: Online Annual Reporting Program.

If schools are designated as part of this permit, we hope the SMARTS system entry will be made more user friendly.

A few general comments:

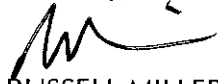
125.24 → • We would like to change the report deadline from September 15 to July 1 because September is very near the beginning of a school year when district resources are being used in the preparation for the new year and to remain consistent with other storm water report deadlines.

125.25 → • The local Regional Water Quality Control Boards should not have the authority to designate some or all of the school districts within their region without conducting a study, inspection, and/or without other scientific data indicating a pollution problem at one or all of their sites.

Thank you again for allowing us the ability to comment on the draft MS4 permit, but due to variety of issues mentioned above, San Luis Coastal Unified School District should not be designated under this permit. In the event our district is designated, many of the sections commented on above do not apply or are already being completed under another permit or legal requirement.

Lastly, it is also important to understand that public schools do not have the necessary storm water resources, specialized personnel or departments, funding, or the ability to generate new income as a city or county may have.

Sincerely,



RUSSELL MILLER
Assistant Superintendent, Business

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