MENDOCINO COUNTY OFFICE OF EDUCATION
PAUL A. TICHININ, SUPERINTENDENT OF SCHOOLS
2240 Old River Road • Ukiah, CA 95482-6156 • 707 467-5000 • Fax 707 462-0379

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Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
PO BOX 100
Sacramento CA 95812-2000

Comment letter regarding the "Phase II Small MS4 General Permit"

Honorable Board Members:

Nearly everyone supports the goal of clean water and healthy waterways. However the extensive and detailed requirements of the proposed Phase II permit are often redundant and go well beyond what seems reasonable to achieve without significant dedicated funding from the state.

K-12 education has suffered a 15% funding cut in the last three years forcing reductions in staffing at all levels. Often the support staff has been reduced proportionately more than the teaching staff. These reductions include building maintenance, grounds maintenance, transportation and clerical staff. Due to the extremely detailed and extensive requirements in the proposed regulations, specialists (spelled consultants) will need to be hired to create the plans for each location (school sites, corporation yards and district offices). Once these expensive plans are created, increased staffing will be needed in administration, maintenance, grounds keeping, transportation and clerical support to meet the extensive reporting, educational, inventory, testing, maintenance and plan revision requirements. However there is no funding provided to support all these new mandated and often redundant activities, so that fiscal burden will further weigh down local districts.

School sites must be free of lead and toxins before the state Division of Toxic Substance Control will send their approval of the site to the Department of Education and the Office of Public School Construction. The Division of the State Architect will need to review plans and determine that all waste water collection systems required by this permit comply with structural and ADA requirements. Potential runoff from school construction activities are already covered by the general construction permit. How much measurable improvement will this new regulation provide?

Existing school sites contain very few sources of contamination and most of them are already regulated by existing federal, state and local agencies. The transportation department is the most obvious example. Site runoff is already regulated by the General Industrial Runoff Permit. That same permit defines requirements to prevent spills from the fueling systems. The other hazardous materials are inventoried and regulated by the Hazardous Materials Business Plan. County Environmental Health, Air Quality, EPA, OSHA, the local Fire Marshall and the California Highway Patrol all monitor and regulate the activities of this department. These new regulations are redundant.

The Healthy Schools Act has greatly reduced the application of pesticides and herbicides on school campuses. Fertilizer use is also down due to its cost. Recent droughts and the rapidly increasing cost of water have caused districts to reduce irrigation as much as possible so irrigation runoff is less of a problem. A more proactive way to reduce irrigation runoff would be to fund smart irrigation systems that gave turf areas just the amount of water they needed. That would have the added benefit of reducing the amount of domestic water pumped from wells and rivers to irrigate.

This regulation may require districts to construct facilities for holding or treating rain water runoff. The regulations note that this may create a habitat vector that nurtures disease bearing mosquitoes and rodents so districts are advised to consult other regulatory agencies to mitigate this new threat to student health. Neither the construction nor maintenance of these facilities are funded by this regulation.

Districts were formerly required to allocate a minimum of 3% of their budget to maintain their facilities. In the wake of state funding cuts, the state relaxed that required minimum maintenance amount and in addition allows districts to use formerly restricted state deferred maintenance dollars for any educational purpose. Both of these changes have further reduced the funding allocated to school maintenance. Yet this new regulation adds a requirement to systematically maintain all rainwater collection systems and take frequent samples for laboratory testing. These new costs will further divert time and resources from maintaining a healthy and safe school environment.

In summary, this proposed regulation will create a huge financial burden on primary and secondary education, further diverting resources from our children's education. California's schools cannot afford this excessive, redundant, and unfunded mandate.

Sincerely

Paul Tichinin
County Superintendent of Schools

Vicki Todd
Associate Superintendent

Stephen Turner
Director of Maintenance & Operations

CC: Russian River Watershed Association
Coalition for Adequate School Housing
CASH Maintenance Network
County Schools Facilities Coalition
Facility Subcommittee of County Offices (FSCO)
California County Superintendent's Educational Services Association
Senator Noreen Evans
Assembly Member Wesley Chesbro