

LOS ANGELES COUNTY OFFICE OF EDUCATION

SUMMARY OF STORM WATER PERMIT CHANGES

This summary highlights some of the major revisions to pending state and regional storm water permits and the projected impact of those changes on school and community college districts (districts).

Background

Districts located in Los Angeles County are currently required to comply with the following state and regional storm water permits:

- State General Permit for Storm Water Discharges Associated with Construction Activity (Construction Permit);
- State General Permit for Storm Water Discharges Associated with Industrial Activity (Industrial Permit); and
- Los Angeles County Municipal Storm Water and Urban Runoff/Municipal Separate Storm Sewer Systems (MS4) Permits.

The State Water Resources Control Board (SWRCB) is expected to issue a new Small MS4 permit for comment before the end of the year. This Small MS4 permit will require all districts to participate in expanded storm water compliance activities. **A statewide universal implementation date of March 2003 has been scheduled for the Construction, Industrial, and Small MS4 permits.**

Construction Permit

The current Construction Permit requires districts with construction activity that disturbs five acres or more to: (1) develop and implement a Storm Water Pollution Prevention Plan (SWPPP); (2) develop and implement a monitoring program; and (3) submit reports and retain records. Districts typically comply with these requirements by transferring responsibility to a third party contractor via the construction contract.

The two major changes to this permit are:

- The threshold for required compliance has been reduced from five acres to one acre; and
- SWPPP requirements will now include **post-construction** requirements to design facilities to capture and treat 80 percent of storm water at the site before it is allowed to flow into the storm water system, and/or capture and treat the first 0.75 inch of rainfall before it is discharged into a storm water system~

The major impacts of these changes on districts are:

- All construction projects that have been approved by the Office of Public School Construction (OPSC), in the one acre to five acre range (including those in the approved but unfunded "pipeline" category) do **not** include funding for storm water construction and post-construction compliance; and

- All construction projects that have been approved by the state that will begin construction after March 2003 will be non-compliant with the "post construction" design and treatment requirements after the revised Construction Permit is adopted.

Industrial Permit

The current Industrial Permit defines 11 industrial activity categories that are subject to storm water compliance. The industrial activity category that most often applies to districts is the operation of "transportation facilities that conduct any type of vehicle maintenance such as fueling, repair, or washing." The current Industrial Permit requires a district to: (1) develop and implement a SWPPP; (2) develop and implement a monitoring program; and, (3) submit reports and retain records. Districts typically comply with these requirements by contracting out for services to assist internal staff to achieve compliance.

The major change to this permit for the transportation maintenance yard category is that districts which serve municipalities with populations of less than 100,000 and that are currently exempted from compliance will **lose their exemption** in March 2003.

The major impact to districts is that approximately 15 additional school districts in Los Angeles County will be required to participate in storm water compliance without supplemental funds. Further, internal staff time and resources will have to be devoted to achieve compliance.

Small MS4

The Small MS4, as currently drafted, is a general permit that includes compliance elements from the Construction Permit and Industrial Permit. The Small MS4 also includes administrative functions typically performed by a regional board or local municipality. Under the Small MS4 designation, districts would no longer be responsible only for compliance. Districts would assume some of the regulatory responsibilities historically performed by a regional board or local municipality.

The Small MS4 requires districts to perform six minimum control program elements as follows:

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

The major impacts to districts are:

- For Item 1, districts are required to implement a public education program that encourages partnerships with other governmental entities that have existing outreach plans. Districts are expected to: borrow and amend educational materials used by other state and local agencies to make it relevant to the district; reach diverse audiences by printing materials in multiple languages; and to develop program plans with measurable goals with specific target dates for implementation. All these requirements are outside the regular mission of districts and would require staff, materials, and resources to be taken from educating students.
- For Item 2, districts are required to comply with public notice requirements and are expected to solicit public input and involvement and advertise to targeted audiences to involve a diverse

cross section of the population into the storm water planning process. This includes creating citizen panels, getting volunteer speakers and water monitors, and recruiting citizen watch groups to identify polluters. Districts must develop program plans with measurable goals with specific target dates for implementation. All these requirements are outside the regular mission of districts and would require staff, materials, and resources to be taken from educating students.

- For Item 3, districts are required to: develop a sewer system map showing the locations of all outfalls, and the names and locations of all waters that receive discharges from the outfalls; pass an ordinance or regulation prohibiting non-storm water discharges into the MS4, with appropriate enforcement plans; develop a detection and enforcement plan; educate the public and businesses about illegal discharges and improper disposal of waste; and determine best management practices with measurable goals and target dates for implementation. All these requirements are outside the regular mission of districts and would require staff, materials, and resources to be taken from educating students.
- For Items 4 and 5, districts will be impacted as described in the Construction and Industrial Permits and will also be required to adopt regulatory mechanisms, develop procedures for site plan review, site inspections, and enforcement measures. Moreover, penalty sanctions, public information response coordination, and post run-off "best management practices" would have to be developed, adopted, and enforced with measurable goals and target implementation dates. All these requirements are outside the regular mission of districts and would require staff, materials, and resources to be taken from educating students.
- For Item 6, districts would be required to: develop and implement an operations and maintenance program for all school and community college structures and grounds to reduce pollutant runoff; and train all applicable staff on how to incorporate applicable techniques into regular district operations. Action plans with measurable goals and target implementation dates are required. All these requirements are new and would require staff, materials and resources to be taken from educating students.

Non-compliance Penalties

Districts must give advance notice to the RWQCB and any local storm water management agency of any planned changes in the regulated Small MS4 program that may result in non-compliance with general permit requirements.

Penalties for falsification of reports provide that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained, including reports of compliance or non-compliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

Penalties for violations of permit conditions provide that any person who violates any permit condition is subject to a civil penalty not to exceed \$27,500 per calendar day of such violation, as well as other appropriate sanctions.

Potential Future Actions on Small MS4 Permit

- Educate all districts on the impact of the permits and solicit individual communications to the SWRCB and the Los Angeles regional board.

- Advocate specific exemptions and reductions of requirements through all available legislative and political venues available to districts.

Questions regarding the general permits or the Small MS4 or whether your organization would be classified as a Small MS4 should be directed to the State Water Resources Control Board, Ms. Jarma Bennett, (916) 341-5539. Reference documents are available from www.epa.gov/owm/sw/phase2. Questions on this summary should be directed to Roger Chang or Matt Spies at (562) 922-6336:

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