



May 13, 2024

State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Attn: Chair E. Joaquin Esquivel  
Via email: [joaquin.esquivel@waterboards.ca.gov](mailto:joaquin.esquivel@waterboards.ca.gov)

**Re: Urgency to Regulate School Runoff under MS4 Phase II Permit**

Honorable Chair Esquivel and members of the Board,

The undersigned, who represent a diverse group of nonprofit and community-based organizations and other parties concerned with the health of Los Angeles-based school campuses and students, waterways, and climate resilience, are writing to urge the State Water Resources Control Board (SWRCB) to promptly release and consider for adoption a Phase II Small Municipal Separate Storm Sewer System Permit (MS4 Phase II Permit) that includes K-12 schools, with multiple compliance options for school permittees to facilitate multi-benefit, nature-based stormwater capture projects on school campuses.

Urban and stormwater runoff is the largest source of water pollution in most areas throughout California, including the LA region. According to the 2010 303(d) impaired waters listing, [582 miles of river, stream, and shoreline, and 99% of enclosed waterways and wetlands \(168,638 acres\) throughout the LA region are impaired for one or more pollutants](#). The amount of impervious surfaces in a community is [one of the greatest contributors to urban and stormwater runoff pollution](#) and also contributes to flooding, lack of groundwater recharge, heat island and air quality impacts, lack of habitat for wildlife, and myriad other community and ecological impacts.

While we don't know exactly how much runoff pollution is contributed by schools throughout Los Angeles County – partly as a result of previously exempting schools from the MS4 Phase II Permit – we do know that school yards are dominated by hardscape, [particularly in our most impacted and underserved neighborhoods that already suffer disproportionately from runoff pollution](#).

Los Angeles Unified School District (LAUSD) alone is [the largest landowner in the greater Los Angeles area](#), owning 1,200 schools and centers and 21,000 buildings on 3,200 parcels of land covering over 6,400 acres. While the region's largest school district by far, LAUSD is merely one of 80 separate school districts throughout LA County. And the majority of the outdoor areas of these schools – particularly in underserved communities – are predominantly hardscape, which in addition to contributing to runoff pollution can expose children to playground asphalt that [has reached temperatures as high as 145 degrees](#) during heat waves in recent years.

Schools, as publicly-owned properties, offer perhaps the greatest opportunity to green our park poor communities, providing myriad benefits to our youth, from mitigating the dangerous impacts of extreme heat and pollution and expanding students' access to the benefits of play and hands-on learning opportunities, to improving overall student performance and mental and physical health.

A protective and well-crafted MS4 Phase II Permit – even if it can't prescribe specific remedies to address runoff pollution – can provide incentives for schools to pursue multi-benefit, nature-based stormwater solutions on their campuses, including developing partnerships with local municipalities that have more robust compliance requirements for runoff pollution and the technical expertise to develop appropriate projects.

Despite the current budget shortfalls at the City of Los Angeles and State, there has perhaps never been more funding available for using school greening to address runoff pollution, from [CAL FIRE's Urban and Community Forest Grants](#) to the LA County [Safe Clean Water Program](#) (SCWP) to [LAUSD's Measure RR program](#). But without the pressure to comply with a protective MS4 Phase II Permit, schools are insufficiently incentivized to pursue such funding for greening to address stormwater pollution - a fact that is especially pronounced with the SCWP stormwater program, where schools (particularly LAUSD) have performed poorly in securing funding.

Lastly, schools have been unregulated for runoff pollution for far too long. The last MS4 Phase II Permit, adopted in 2013, exempted K-12 schools despite the fact that they are major landholders and are dominated by impervious surfaces that are conducive to runoff pollution. Some of the undersigned groups have been working cooperatively with SWRCB staff for several years now to provide input into how K-12 schools could be included in this permit in a way that protects our waterways while incentivizing school greening. Despite this, we have no idea when a draft permit will be publicly released, and we have now heard rumors that provisions for K-12 school permittees might even be removed altogether from the permit renewal. This is simply not acceptable.

Once again, exempting K-12 schools from the MS4 Phase II Permit will allow the wholly inadequate regulation of runoff from schools to continue for years more, and this lack of regulation will not provide the needed pressure to bring school districts like LAUSD to the table to pursue green stormwater projects in a significant and meaningful way. Our most impacted communities, and the children most vulnerable to pollution and worsening climate change impacts, cannot wait any longer for meaningful progress.

For these reasons, we urge the SWRCB to include provisions for K-12 schools and associated compliance pathways within the MS4 Phase II Permit, and we request that the administrative draft of the permit with compliance options for school permittees be released to the public for review and considered for adoption as quickly as possible.

Thank you for your consideration, and please do not hesitate to reach out should you have any questions or need additional information.

Sincerely,



Bruce Reznik  
Executive Director  
Los Angeles Waterkeeper  
*Signing on behalf of:*

Tori Kjer  
Executive Director  
Los Angeles Neighborhood Land Trust

Mark Gold, D. Env.  
Director of Water Scarcity Solutions  
Healthy People & Thriving Communities Program  
Natural Resources Defense Council

Annelisa Ehret-Moe  
Associate Director  
Science & Policy (Water Quality)  
Heal the Bay

Susie de Santiago  
Community Member  
Cudahy Alliance for Justice

The OurWaterLA Coalition  
<https://ourwaterla.org/>

Kelsey Jessup  
Project Director, Urban Conservation  
The Nature Conservancy

cc:

Eric Oppenheimer, SWRCB Executive Director  
Jonathan Bishop, SWRCB Chief Deputy Director  
Karen Mogus, SWRCB Chief Deputy Director  
Mary Boyd, SWRCB Storm Water Program Manager, Municipal Phase II Section  
Yana Garcia, Secretary of California Environmental Protection Agency  
Wade Crowfoot, Secretary of California Natural Resources Agency  
Alberto Carvalho, LAUSD Superintendent