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September 2, 2026

Joaquin Esquivel, Chair
Members of the State Water Resources Control Board
Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812-0100

Sent via electronic submission to: commentletters@waterboards.ca.gov

RE: DRAFT SMALL MS4 PERMIT

Dear Chair Esquivel and Members of the State Water Board:

The undersigned environmental, environmental justice, community, and public health organizations write in support of transforming California's schoolyards from expanses of heat-trapping concrete and asphalt into green campuses that capture and clean stormwater, cool neighborhoods, and improve public health for the students and communities who use them. We urge the State Water Board to use the reissuance of the Small Municipal Stormwater Permit (Phase II Permit) to bring K-12 school campuses, the largest unexamined source of urban runoff in the state, into the same framework the Board has already built for other non-traditional permittees. Consistent with the comments submitted by California Coastkeeper Alliance, we ask the Board to (1) require monitoring of school stormwater discharges, (2) require completion of a final study within this permit term evaluating whether school discharges are causing or contributing to water quality standards violations and/or are a significant contributor of pollutants, and (3) include an express re-opener authorizing the Board to designate school districts and adopt school-specific requirements once that study and data collection are complete.

The State has already decided: schoolyard greening is a water strategy.

California's approach to schoolyard greening reflects a growing consensus, shared across state government, that replacing pavement with trees, soil, and living landscapes is both an extreme heat and a water resilience priority. In July 2023, Governor Newsom and First Partner Jennifer Siebel Newsom launched CAL FIRE's Green Schoolyard Grant Program as part of the Governor's Extreme Heat Action Plan, announcing an initial $47 million to help schools tear out asphalt — which can reach 140 degrees or more on hot days — and replace it with trees and vegetation that provide safer, cooler spaces for children.[1] This priority is embedded in California Natural Resources Agency's Outdoors for All strategy, which specifically directs the state to coordinate with school districts to enhance green schoolyards, and in Executive Order N-82-20, which directs the Natural Resources Agency, in consultation with the California Environmental Protection Agency and other state agencies, to advance multi-benefit, nature-based solutions that build climate resilience and expand equitable access for all Californians[2]. Since 2022, the Newsom Administration and the Legislature

[1] Office of Governor Gavin Newsom, California Schools to Get More Shade and Nature to Protect Kids From Extreme Heat (July 13, 2023), available at https://www.gov.ca.gov/2023/07/13/california-schools-to-get-more-shade-and-nature-to-protect-kids-from-extreme-heat.

[2] California Natural Resources Agency, Outdoors for All: Providing Equitable Access to Parks and Nature (Nov. 2023), Strategy 1.6 (directing coordination with school districts to enhance green schoolyards and explore joint-use agreements) available at https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Access-for-all/Outdoors_for_All_Strategy_English.pdf; Cal. Exec. Order No. N-82-20 (Oct. 7, 2020) (directing the Natural Resources Agency, in consultation with the California Environmental Protection Agency, to advance multi-benefit

have invested more than $156 million in Green Schoolyards projects, improving conditions at more than 215 campuses, reaching roughly 94,000 children, and planting more than 6,000 trees.[3] As the Governor put it this spring, kids should not have to choose between going outside and staying safe from the heat — the State is, in his words, "transforming schoolyards" for generations of children to come.[4]

This is not a case of other agencies leading where the Board has lagged. The State Water Board has long recognized the same multi-benefit value in these projects that the Administration highlights: Drought Response Outreach Program for Schools (DROPS) dedicated approximately $25.5 million to low impact development projects on school campuses,[5] and the Board's own 2018 guidance, CAPTURE at Schools, was written expressly to prepare public schools "for potential coverage" under the Phase II MS4 permit.[6] These projects do more than cool campuses: they improve student health, concentration, and academic performance, improve air quality, reduce greenhouse gas emissions, and capture stormwater. We recognize the Board's obligation to weigh the economic impact of any permit requirement and to balance beneficial uses across all users. Our request is that the Board weigh the multi-benefit value of schoolyard greening, cooler communities, expanded outdoor access, improved public health, and measurable water quality and groundwater benefits, as part of that balancing, not as a reason to set schools aside from it. U.S. EPA has likewise published a national guide on using green stormwater infrastructure on school grounds to meet regulatory requirements while building environmental literacy.[7] And at the Board's November 2025 STORMS workshop on stormwater capture and use, the very first theme staff reported hearing was "Schools as a promising context" for multi-benefit capture projects.[8]

In short: the Governor's office, the Legislature, the California Natural Resources Agency, CAL FIRE, U.S. EPA, and this Board's own programs and staff all agree that converting school concrete into green, water-capturing landscapes is sound public policy. The Small MS4 Permit is the Board's opportunity to build on that foundation, turning what has so far been a grant-dependent, campus-by-campus effort into a durable, statewide program. Grant funding is finite and oversubscribed; demand for schoolyard greening has far outstripped available dollars. A permit framework is how California scales what the Green Schoolyards program has started.

School campuses are a significant, unregulated source of polluted runoff — and the State's greatest untapped stormwater opportunity.

California's public school grounds cover nearly 130,000 acres and serve more than 5.8 million children, and much of that acreage is paved and unshaded. Hydrologically, a typical school campus behaves like a commercial facility: impervious rooftops, parking lots, bus loops, maintenance yards, and managed turf

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nature-based solutions) available at https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-signed.pdf.

[3] Office of Governor Gavin Newsom, California has replaced asphalt with trees, shade, and protection from extreme heat at 215 schools statewide (Apr. 21, 2026), available at https://www.gov.ca.gov/2026/04/21/california-has-replaced-asphalt-with-trees-shade-and-protection-from-extreme-heat-at-215-schools-statewide/.

[4] Id.

[5] State Water Resources Control Board, Drought Response Outreach Program for Schools (DROPS) Guidelines (adopted Aug. 19, 2014) (dedicating approximately $25.5 million to low impact development stormwater projects on school campuses).

[6] Office of Water Programs, California State University, Sacramento, Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices To Use Runoff Effectively) at Schools (Dec. 2018), prepared with staff from the State Water Resources Control Board, Division of the State Architect, and California Department of Education.

[7] U.S. Environmental Protection Agency, Storm Smart Schools: A Guide to Integrate Green Stormwater Infrastructure to Meet Regulatory Compliance and Promote Environmental Literacy, EPA 903-K-17-001 (June 2017).

[8] State Water Resources Control Board, What We Heard: STORMS Capture and Use Board Workshop (Jan. 2026), summarizing the Board's November 18, 2025 public workshop, Turning Local Stormwater Successes into Solutions for California's Water Future.

generate runoff carrying metals, sediment, hydrocarbons, tire-wear compounds such as 6PPD-quinone, trash, nutrients, indicator bacteria, and pesticides. Yet unlike the commercial and industrial facilities that traditional MS4 permittees must inventory and inspect, school campuses discharge through their own storm drain systems that are not yet addressed by the Phase II program. The Draft Permit regulates campus-style non-traditional permittees — universities, community colleges, hospitals, prisons, fairgrounds, and military bases — while leaving functionally indistinguishable K-12 campuses entirely outside the permit. The Draft Permit already contemplates using school land to host offsite capture projects that earn other permittees compliance credit; we ask the Board to build on that recognition by also characterizing those same campuses' own discharges. This represents tens of thousands of acres of unmanaged impervious surface and, with it, a significant opportunity concentrated disproportionately in the park-poor, heat-burdened communities our organizations serve.

Every acre of schoolyard concrete removed and replaced with stormwater capture is a fourfold win: less polluted runoff reaching creeks, rivers, and beaches; more groundwater recharge and local water supply; cooler, safer, greener campuses for children — particularly in underserved communities where the schoolyard is often the only accessible open space; and hands-on outdoor learning that builds the next generation of environmental stewards.

Our request: monitoring, a completed study, and a schools re-opener.

Many of the undersigned believe the record already supports designating K-12 school districts as non-traditional Small MS4 permittees in this permit, and we support the framework California Coastkeeper Alliance proposed in 2023 — including its preferred compliance pathway allowing third-party dischargers to fund school greening projects in exchange for compliance credit. But if the Board is not prepared to designate school districts now, it must at minimum build the factual record and preserve its ability to act within this permit term. Given that the existing Phase II Permit has governed for fourteen years, deferring the schools question to the next reissuance means deferring it for another generation of students. We therefore ask the Board to revise the Final Permit to:

1. **Require sampling of school stormwater discharges.** Require wet- and dry-weather sampling of runoff from a representative set of K-12 campuses across regions and land-use settings, with sampling locations expressly including campus parking lots, bus loading and drop-off areas, and maintenance yards, and analytes including at minimum total and dissolved copper, zinc, and lead; polycyclic aromatic hydrocarbons; 6PPD-quinone and related tire-wear compounds; sediment; trash; nutrients; indicator bacteria; and pesticides. Data should be submitted through SMARTS in CEDEN-compatible format.

2. **Require a final school discharge study, completed within this permit term.** Require a synthesis report — due no later than Year 3, so the Board can act on the results during this permit term — evaluating whether K-12 school discharges are causing or contributing to violations of water quality standards and/or are a significant contributor of pollutants to waters of the United States. These are the findings that trigger the Board's residual designation authority under the Clean Water Act and Phase II regulations,[9] and the study should be expressly designed to answer them.

3. **Include a re-opener specific to schools.** Add an express re-opener provision authorizing the State Water Board to amend the Order during the permit term — without waiting for the next reissuance — to designate K-12 school districts as permittees and incorporate school-specific provisions, based on the results of the study and data collection above, the STORMS school-site listening

[9] 33 U.S.C. § 1342(p)(2)(E), (p)(6); 40 C.F.R. §§ 122.26(a)(9)(i)(C)–(D), 122.32(a)(2).

sessions, or other new information. Re-opener clauses of this kind are routine and squarely within the Board's authority.[10]

These requests parallel and support the recommendations in California Coastkeeper Alliance's comment letter on the Draft Permit and its 2023 proposed Attachment F, Provisions for K-12 School Small MS4 Permittees.[11] Together they represent the minimum necessary to ensure that the schools question — and the extraordinary opportunity it represents for water quality, climate resilience, and environmental justice — is not lost for a decade or more.

California is already tearing out schoolyard asphalt and planting trees because it is good for children. The same projects are good for our waters, and we believe the Board is uniquely positioned to make that connection permanent. We respectfully urge the Board to build on its own DROPS and CAPTURE at Schools foundation by adopting the monitoring, study, and re-opener provisions described above, so that the students most in need of cooler, greener campuses are also the ones who benefit most from cleaner water. The Board would not be building this record alone. A wide coalition of academic institutions, community organizations, and elected officials has already generated case studies, data, and models that can inform both the monitoring design and the eventual study.

Thank you for your consideration.

Moisés Moreno-Rivera
Senior Program Manager for Climate Resilience
Trust for Public Land

Our Water LA Coalition

Bruce Reznik
Executive Director
Los Angeles Waterkeeper

Annelisa Ehret Moe
Associate Director, Science & Policy
Heal the Bay

Olivia Jenkins
Manager of Scientific Programs
Friends of Ballona Wetlands

Tori Kjer
Executive Director
Los Angeles Neighborhood Land Trust

Green LA Coalition

Robina Suwol
Executive Director
California Safe Schools

Cynthia Babich
Director
Del Amo Action Committee

Phillip Musegaas
Executive Director and Coastkeeper
San Diego Coastkeeper

Garry Brown
Executive Director & CEO
Orange County Coastkeeper
Inland Empire Waterkeeper

Ted Morton
Executive Director & Channelkeeper
Santa Barbara Channelkeeper

Don McEnhill
Executive Director & Riverkeeper
Russian Riverkeeper

[10] See, e.g., 40 C.F.R. §§ 122.62, 122.63; Wat. Code §§ 13263(e), 13383.
[11] California Coastkeeper Alliance, Comment Letter on the Draft Small MS4 Permit, Section VI (Aug. 2026); California Coastkeeper Alliance, Comment Letter on the Informal Draft Small MS4 Permit Reissuance and accompanying Attachment A, CCKA Proposal – Attachment F, Provisions for K-12 School Small MS4 Permittees (Nov. 30, 2023).

Jen Kalt
Director
Humboldt Waterkeeper

Aaron Zettler-Mann, Ph.D.
Acting Director & Waterkeeper
South Yuba River Citizens League
Yuba River Waterkeeper

Konrad Fisher
Director
Water Climate Trust
Shasta Waterkeeper

Natalie R. Herendeen
Executive Director
Monterey Waterkeeper