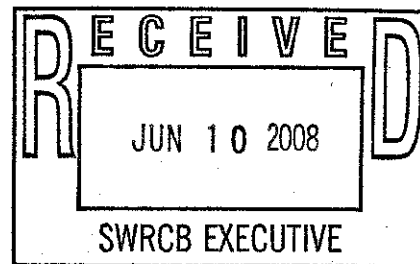


June 10, 2008

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812



Dear Ms. Townsend:

The Draft Storm Water Construction General Permit (Draft Permit), proposed by the State Water Resources Control Board (SWRCB), will cause severe financial problems for the twenty-seven districts in Orange County and the Orange County Department of Education (OCDE) and will take away funds reserved to educate children in our schools. Additionally, the Draft Permit will result in delaying construction of needed classrooms if districts are required to incorporate new post-construction design requirements and implement new on-site monitoring and reporting processes.

Orange County school districts and OCDE have numerous new construction and modernization projects already designed and/or partially approved by the Division of the State Architect (DSA), Office of Public School Construction (OPSC), the California Department of Education (CDE), and/or the State Department of Toxic Substances Control (DTSC), and would have to spend hundreds of thousands of dollars to comply with the Draft Permit.

OPSC has stated that expenses related to site monitoring, water sampling, action exceedance reporting, annual reporting, and redesign and reconstruction to meet new post-construction requirements are not eligible for funding under the current School Facility Program. The cost of compliance would come from diverting education funds from the classroom. Furthermore, county offices and districts with financial hardship status do not have funding to contribute towards ineligible expenses.

OCDE respectfully requests the following:

- The SWRCB work with the State Allocation Board to provide funding to implement storm water permit programs.
- An exemption for those projects that are already in the approval process "pipeline." In 2003, a similar exemption was granted to school and community college districts and county offices of education for the Small Municipal Separate Storm Sewer Systems (Small MS4).

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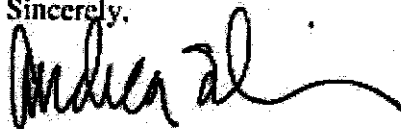
DR. KEN L. WILLIAMS

- Educational agencies should again be recognized as "non-traditional" permittees. The SWRCB made a number of findings for education in the Small MS4 general permit, the most significant being that school and community college districts and county offices of education are "non-traditional" permittees and, as a result, should not be treated as other "traditional" permittees.
- The storm water construction permit and plan review function be given to one of the existing state agencies involved in performing related review activities. School district construction projects are already reviewed and approved by four different state agencies, (i.e., DSA, OPSC, CDE, and DTSC). By adding the regional boards to the review process, an already lengthy process will be further extended.
- A 30 day automatic approval be granted after the application is submitted to the regional board, if the regional board has not taken action on the application within that time frame. The Draft Permit does not specify a deadline for completing the regional board review process.

On behalf of Orange County school districts, OCDE requests that you consider our recommendations and respond to these concerns.

Questions regarding this letter should be made to Andrea Sullivan, 200 Kalmus Drive, PO Box 9050, Costa Mesa, CA 92628-9050, asullivan@ocde.us, (714) 966-4325.

Sincerely,



Andrea Sullivan
Director, Facilities Planning and M&O

cc: Ms. Wendy Benkert, Ed.D., OCDE
Ms. Doduc, Chair, SWRCB
Mr. Wolf, P.E., PhD, Vice Chair, SWRCB
Mr. Baggett, Jr., Member, SWRCB
Mr. Hoppin, Member, SWRCB
Ms. Spivy-Weber, Member, SWRCB