WHITTIER UNION HIGH SCHOOL DISTRICT

Whittier Union High School District

...to achieve and maintain excellence...

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June 11, 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 Whittier Union High School District and will take away funds reserved to educate children in our schools. Additionally, the Draft Permit will result in the delay of the construction of needed classrooms if our District is required to incorporate new post-construction design requirements and implement new on-site monitoring and reporting processes.

Our school district has 33 construction and modernization projects scheduled 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.

Our specific concerns are as follows:

- **Projects Already In Process**

  School districts in California have over 885 pending new construction projects, all of which would be impacted by this permit. From design to completion, projects often take four to five years. The proposed implementation date for the final Construction General Permit is 100 days after SWRCB approval, with final approval expected in

summer 2008. If districts are forced to redesign current projects to comply with the Draft Permit, project delays will result in the additional cost of millions of dollars statewide. It is doubtful that regional boards could review these plans without causing construction delay, and it is doubtful that the four state agencies involved in the review process would allow revised plans to go forward without another review, causing further delay and expense.

We are requesting 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).

- **Prior Treatment for Small MS4**

Many of the issues and problems associated with the revision of the construction Draft Permit were presented to the SWRCB during the 2003 discussion regarding the Small MS4. 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" permitees and, as a result, should not be treated as other "traditional" permitees.

We believe that educational agencies should again be recognized as "non-traditional" permittees. We recommend that the SWRCB designate school and community college districts and county offices of education comply with the Six Program Areas/Minimum Control Measures and Attachment 4, respectively, of the Small MS4, which stipulate policies for areas subject to high growth or serving a population of at least 50,000 for receiving water limitations and design standards. The Post - Construction "no redesign expectation" provision should be updated to allow the same amount of exemption time (20 months) as the Small MS4.

- **Fiscal Impact**

The Governor has proposed a revised 2008-09 budget for education that is ultimately less than the current budget. Every dollar spent on storm water programs results in less available funding for our core programs. To continue to provide a quality education to our students, we would require some type of financial relief from this added mandate.

We recommend that the SWRCB work with the State Allocation Board provide financial relief to implement storm water permit programs.

- **Addition of Regional Water Quality Control Boards to the Review Process.**

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. Additionally, we are concerned that the Draft Permit does not specify a deadline for completing the regional board review process.

It is more economical and practical to have one of the above-mentioned state agencies also review the plans for storm water compliance. This is especially relevant because the regional boards have never been adequately staffed to even implement designation of school districts to participate in the Small MS4.

We recommend that:

(1) The storm water construction permit and plan review function be given to one of the existing state agencies involved in performing related review activities or

(2) A thirty 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 Whittier Union High School District requests that you please consider our recommendations and respond to our concerns. Questions regarding this letter should be made to either Bob Whittenberg or John Snider.

Sincerely,

Bob Whittenberg
Director of Business Services

John Snider
Director of Facilities

cc: Mr. Paul Muschetto, Associate Superintendent, WUHSD
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
Mr. Chang, LACOE
Ms. Gibbs, LACOE