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June 10, 2008

Public Comment
Draft Construction Permit
Deadline: 6/11/08 by 12 p.m.

VIA FAX: (916) 341-5620

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter—Draft Construction Permit

Dear Ms. Townsend:

On behalf of the State Center Community College District, I am writing to express the District's concerns regarding the Draft Storm Water Construction General Permit proposed by the State Water Resources Control Board (SWRCB).

The district has very limited funding available for capital projects. In November 2002, voters passed Measure E, a $161 million bond measure for the District. Although the district has signed agreements for many of the projects to be funded with the bond proceeds, the new Draft Storm Water Construction Permit would significantly increase costs and impact the district's ability to deliver two promised projects to voters for which the district does not yet have signed agreements:

- Occupational Education Labs, Madera Center: Total Budget—$3.6 million; estimated expenditures for 2007-08—$200,000 for design, construction document development, and Division of State Architect (DSA) approvals

- Oakhurst Classrooms: Total Budget—$286,000; estimated expenditures in 2007-08—$156,000 for project management and construction

Moreover, the Draft Storm Water Construction General Permit would require the district to use a more onerous and costly process for construction projects that will be funded out of the next Higher Education Capital Outlay Bond Fund:

- Old Administration Building. North & East Wings, Phase III
- Child Development Center, Reedley
- Career Tech Center

The district has had no problems with storm water runoff in previous construction projects, and does not understand the problem that this significantly more onerous process seeks to address.

We have been advised that no school design or construction site storm water plan currently meets the new regulations proposed in the Draft Permit, and that every district that has a pending construction project will be required to refile its storm water permit and meet the new permit requirements.

The proposed General Permit will delay projects and cause State Center CCD to incur significant additional costs. Those costs may be paid out of project contingency funding (including state funds), or may have to come out of district operating funds that would otherwise be used to deliver classroom instruction. At a minimum, the Draft Storm Water Construction General Permit requirements should exempt community college projects already in the approval process pipeline. We understand that 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) back in 2003.

Community college construction projects are already reviewed and approved by four different state "agencies," (i.e., Division of State Architect, California Community College Board of Governors, Department of Finance/Public Works Board, and Legislative Analyst's Office). By adding the Regional Water Quality Control 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 would be more economical and practical to have one of the above-mentioned state agencies also review the plans for storm water compliance. 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 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.

We appreciate your consideration of the district's concerns.

Sincerely,

Deborah Harmon

DEBORAH HARMON
Legislative Representative

cc: 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, Los Angeles County Office of Education (LACOE)
Ms. Gibbs, LACOE