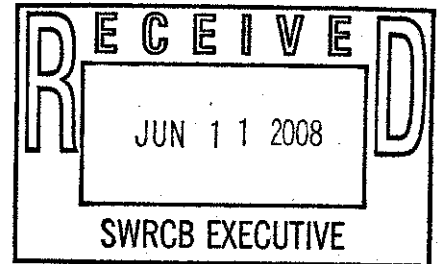




June 11, 2008

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



Dear Ms. Townsend:

On behalf of the West Kern Community College District I request that you reconsider a very onerous 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, and the severe financial burden that these changes will significantly impact our ability to deliver projects promised to the voters in our last local bond election. We have constructed nine (9) major projects since 2000 with no adverse affect on storm water runoff; therefore we don't understand the need for us to undertake a significantly more onerous process. I believe that the proposed draft permit will delay projects currently under construction or in design and will cause the District to incur significant additional cost that may impact general fund operating revenues that would otherwise be used to deliver classroom instruction. We currently have three (3) major projects under construction and four (4) in design that would be significantly affected.

Our specific concerns are as follows:

- **Projects Already In Process**

The proposed implementation date for the final Construction General Permit is 100 days after SWRCB approval, with final approval expected in summer 2008. At this late date not only would the West Kern Community College District incur significant additional cost, but in addition it could significantly delay our projects. These delays will result in contractor claims, and demands for additional fees from the Architect, Project Manager, Inspector of Record, and District Consultants. We are already challenged in our projects due to significant increases in steel prices, concrete prices, and labor increases.

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). 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 to 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.

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

Community college construction projects are already reviewed and approved by four different state "agencies", (i.e., Division of State Architect, Board of Governors, Department of Finance/Public Works Board and Legislative Analyst's Office). 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 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 West Kern Community College District requests that you consider our recommendations and respond to our concerns. Questions regarding this letter should be made to Kevin Cobb AIA/ ARA, AP Architects, phone 661-327-1690, email [kcobb@addington.net](mailto:kcobb@addington.net).

Sincerely,



William H. Duncan, IV  
Superintendent/ President

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