



# Los Angeles County Office of Education

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**Construction General  
Permit - Stormwater  
Deadline: 5/4/07 5pm**

May 4, 2007

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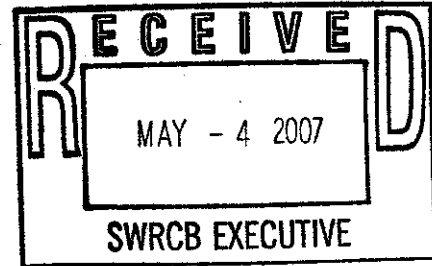
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Ms. Tam M. Doduc, Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95812



Dear Ms. Doduc:

The preliminary Draft Construction General Permit (Draft) contains many significant revisions which we believe will ultimately enhance water quality and lead California into better compliance with the national Clean Water Act. However, while the revisions are well intended, many of these changes and the State Water Resources Control Board's (SWRCB) implementation policy will dramatically impact school construction efforts. Since 1998, California voters have approved over \$35.4 billion to build 46,000 new classrooms and modernize the 50 percent of California schools that are over 30 years old. Clearly, school construction is one of the largest construction segments in the State of California and school districts must do their part in protecting the environment.

School district new construction and modernization projects must be approved by the Division of the State Architect (DSA), Office of Public School Construction (OPSC), the California Department of Education (CDE), and the State Department of Toxic Substances Control (DTSC) as a condition of receiving 50 percent funding from the state. The district must pay the other 50 percent of the construction cost. These four state agencies cooperate with one another to expedite the process because any delay can cost a school district hundreds of thousands of dollars to millions of dollars and because, once the money allocation and design are approved, a district usually has no other funding option for design changes or unforeseen mandated requirements. Typically, these types of costs would be paid out of a school district's General Fund at the expense of education programs.

The preliminary Draft would create many problems for school districts, as follows:

### Implementation Date

The proposed implementation date for the final Construction General Permit of "approximately 90-100 days after approval...sometime in 2007" is not workable for school districts who have already obtained final construction plan approval and have received funding allocations. These final plans will not be in compliance with the two new standards for new development and redevelopment and other revised permit

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requirements. Additionally, many more applications and design plans that are in the "approval process pipeline" will not be in compliance with the final permit. Many school district design plans are initiated four to five years in advance of actual construction in order to obtain public (parental) feedback prior to finalization.

**We are requesting an exemption for those projects that are in the project plan/grant review process, similar to the exemption granted to school districts and community colleges for the Small Municipal Separate Storm Sewer Systems General Permit (Small MS4) in 2003. Without an exemption, millions of dollars will be spent on redesign and many projects will fall behind schedule, ultimately resulting in higher costs and project delay. Additionally, the four state agencies involved in the approval process will have to re-review hundreds of design plans which would result in a dramatic slow down of school construction.**

#### **Addition of Regional Water Quality Control Board to the Review Process**

The school construction design review process is mandated by the Education Code. The Education Code incorporates multiple requirements related to school facilities construction which are time consuming and unwieldy. Adding another state agency to review design plans will slow the process even more and ultimately cost more per project.

**We are requesting that the SWRCB transfer the design review compliance portion of the Construction General Permit from the Regional Water Quality Control Board to the DSA in order to maintain all the design review within one state agency and maintain the number of reviewing agencies at the current four agencies. Because our Regional Board has been understaffed over the last few years, our region has never designated any school districts to implement the Small MS4. Assuming the understaffing will continue, school districts in Los Angeles County fear that design review requests will backlog and cause construction delays. Absent this function transfer, some deadline on the amount of time a Regional Board has to respond to the design plans must be written into the regulations.**

#### **Fiscal Impact**

The cost to implement the revised Construction General Permit for future projects is estimated to be \$100,000 to \$500,000 for the re-design and additional construction for a new high school (with available land to an urban high school requiring storm water storage and later pump transfer). Moreover, there are new administrative, water sampling, maintenance and operations, monitoring and action/enforcement activity costs that must be added to each construction site/project.

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Because many school districts in California, with pending construction projects also have declining enrollment, their annual budgets have been declining. Moreover, some school districts have been experiencing declining enrollment since 2002-03 with no relief forecasted until 2014.

**Given declining school district revenues and the increased funding required to comply with the revised Construction General Permit, we are requesting that some type of relief be given to schools. Every dollar spent on new storm water compliance is one dollar less to be spent on teacher salaries, mandated programs, Special Education programs, and overall educational assistance to children.**

It was evident from the lack of school district attendance at the Rancho Cucamonga and Sacramento workshops that school districts are still generally unaware of the proposed new requirements for the Construction General Permit. To remedy this information gap, the Los Angeles County Office of Education (LACOE) will be distributing an informational bulletin to all school and community college districts informing them of the preliminary draft. We would also like to host a workshop, so that your staff can make a similar presentation for representatives of the 80 school districts and 13 community colleges located in Los Angeles County.

It is not our intent to create an "education versus water quality" issue. However, schools are unique with special funding issues and do not contribute to storm water pollution in the same manner and magnitude as other commercial/industrial entities. We are hoping that the SWRCB recognizes education's uniqueness, special concerns, and limitations. We would appreciate the opportunity to work with your staff in educating school districts on the Construction General Permit and hope to work to create an education-environment "win-win" situation.

I will be meeting with school district staff over the next few weeks to gather more information to give the SWRCB staff additional comments regarding the Construction General Permit.

Please contact me at (562) 940-1645 if you have any questions regarding these comments.

Sincerely,

*Roger Chang*

Roger Chang  
Regionalized Business Services Coordinator  
Division of Business Advisory Services

RC:mb

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cc: Mr. Wolf, P.E., Ph.D., Vice Chair, State Water Resources Control Board (SWRCB)  
Mr. Baggett, Jr., Member, SWRCB  
Mr. Hoppin, Member, SWRCB  
Ms. Spivy-Weber, Member, SWRCB  
Ms. Simons, LACOE  
Mr. Villanueva, LACOE  
Ms. Gibbs, LACOE