

**Los Angeles Unified School District**  
**Facilities Services Division**

Public Comment  
Dft. Construction Gen. Permit  
Deadline: 6/24/09 by 5:00 p.m.

**RAMON C. CORTINES**  
*Superintendent of Schools*

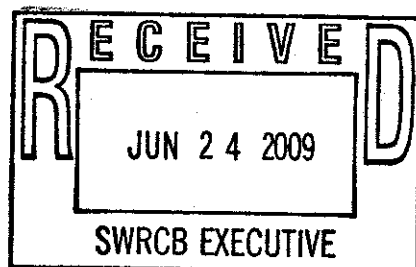
**JOSEPH A. MEHULA**  
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*Deputy Director  
Maintenance and Operations*

June 24, 2009



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

Via E-Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Re: Draft GENERAL CONSTRUCTION PERMIT – LAUSD Comments

Dear Members of the State Board:

Thank you for the opportunity to submit comments to the State Water Resources Control Board on the proposed draft of SWRCB Order No. 2009-XX-DWQ National Pollutant Discharge Elimination System General Permit No. CAR000002-Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit, "GCP") dated April 22, 2009.

The Los Angeles Unified School District (LAUSD) would like to voice the adverse fiscal impact of this GCP, especially for projects that have received funding approval from the Office of Public School Construction (OPSC) and are in line for Division of State Architect (DSA) approval. The Los Angeles Unified School District offers the following requests for clarification and comments:

- Please clarify the GCP to indicate that when a Non-Traditional Small MS4 discharger lies within the physical boundaries of a Phase I MS4 permit, the discharge has the option to a) meet the post-construction permit requirements of the aforementioned Phase I permit, b) conform to the GCP provisions, or c) conform to its own post-construction permit requirements.
- Please clarify and confirm language regarding "grandfathering" of projects to indicate that projects that are beyond the "Design Development" stage (per California Department of the State Architect) under WQO No. 99-08-DWQ would fall under Risk Level 1.
- Please clarify and confirm that, regarding the duration of permit coverage, it is understood that construction of projects may extend beyond two (2) years and that extended construction projects would not trigger the requirements of the revised GCP after it is adopted.
- Please clarify and confirm that all school projects that discharge into existing storm drains and concrete channels are exempt from hydromodification requirements.
- Please clarify sampling methodology with respect to number of required sampling points and their associated frequencies. The draft permit sampling requirement appears to be burdensome and costly to implement at District sites.

In addition, we offer the following comments:

- A. New Post Construction Requirements at the time of construction would trigger redesign of school projects that increase design and construction costs and delay opening of classrooms.
- B. The design review and approval process for school construction projects (specifically for post construction Storm Water Best Management Practice (BMPs) should not take place during construction.
- C. The GCP is not the appropriate mechanism to regulate post-construction elements and impacts (such as hydromodification). As the GCP is an industrial activities stormwater general permit, GCPs are intended to regulate discharges of waste or pollutants associated with the industrial activities themselves subject to the permit (i.e., construction activities, not discharges occurring after construction activities have ceased and which result from the completed product). Post-construction discharges should be regulated directly through the Phase I and Phase II MS4 permits including Small MS4. If, however, the GCP will include post-construction elements (despite the objections stated herein), a detailed evaluation of potential receiving water impacts (such as stream vulnerability) should be provided to establish clear guidance on applicability of control measures such as those for hydromodification (i.e., hydromodification controls for discharges to a concrete box culvert should be different than controls for discharges to a natural stream at equilibrium slope with the appropriate flow-sediment balance).

Sincerely,



Neil Gamble, PE  
Director of Maintenance & Operations  
Facilities Services Division  
Los Angeles Unified School District

- c:
- Guy Mehula, Chief Facilities Executive
  - Fred Smith, Acting Deputy Chief Executive, New Construction
  - Terry Dillon, Acting Deputy Chief Executive, Existing Facilities
  - Mike Scinto, New Construction
  - Albert Leung, Existing Facilities
  - Yi Hwa Kim, Office of Environmental Health and Safety
  - Jay F. Gólida, Associate General Counsel
  - Roger Chang, Los Angeles County Office of Education