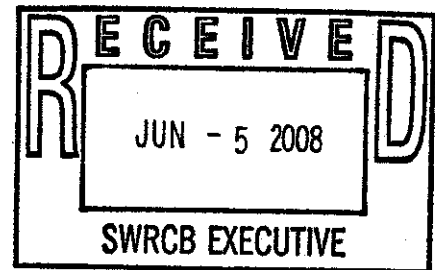


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June 5, 2008



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  
SDCOE MS4 Permit  
Owen Psomas Project No. 03-247

Dear Ms. Townsend:

On behalf of the San Diego County Office of Education (SDCOE), we are providing the following comments regarding the Draft Construction Permit (General Construction Permit). Through a Joint Powers Agreement (JPA), SDCOE is currently assisting 37 school districts in preparing Storm Water Management Plans to comply with the California General Permit for Storm Water Discharges from Small MS4s.

With respect to the Draft Construction Permit, key requirements that could greatly increase the cost of school facility construction are as follows:

- Permit Effective Date (Finding 5, Page 2 of 27). This finding indicates that the General Construction Permit shall take effect 100 days after adoption by the State Water Resources Control Board. Imposing the reissued permit requirements on ongoing projects will be very costly since implementation of the proposed requirements would require redesign of facilities under construction and result in substantial change orders for implementation of the substantial additional pollution prevention requirements.
- Project Planning Requirement 8, New Development and Re-Development Storm Water Performance Standards.
- ✓ Exemption for Municipalities (Paragraph 1, Page 20 of 27). This paragraph exempts municipalities subject to new development and redevelopment standards of an active Phase 1 or 2 MS4 permit. We request that this paragraph be revised to include school districts that have prepared and are implementing Storm Water Management Plans in accordance with the Phase II Small MS4 permit. Each of the 37 school districts participating in the SDCOE JPA has prepared and is implementing a Storm Water Management Plan. However, through no fault of their own, none of the districts has been designated by the California Regional Water Quality Control Board San Diego Region.

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Mr. John Townsend, Clerk to the Board

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✓ Performance Standards (Paragraphs 2 and 3, Page 21 of 27).

- These requirements should be deleted since they are not applicable to construction activities, but apply to the design of new or redeveloped facilities (prior to construction). The new development and redevelopment performance standards should be included in and implemented through Phase I and II MS4 permits.

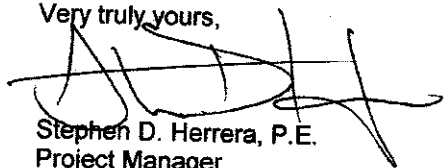
For school district projects that are being constructed (or are already designed, funded and ready for construction), it is not reasonable to require that the school districts go back and redesign the improvements to replicate pre-project conditions.

As a minimum, there should be a grandfather clause for ongoing projects or a multi-year phase-in period.

- Effluent Limitations (Page 9 of 27), Receiving Water Limitations (Page 11 of 27), and Monitoring and Reporting Program Requirements (Attachment B). As proposed, numeric effluent limitations and additional receiving water limitations would be added, and the monitoring and reporting requirements would substantially increase. There is no phase-in period or grandfather clause for ongoing projects. If the General Construction Permit is adopted during the Fall of 2008, the new requirements would become effective during the middle of the 2008-09 wet season, resulting in substantial change orders for construction underway before the permit was adopted. We request that the effective date for these new and additional requirements be delayed until October 2010 (beginning of the 2009-10 wet season) at the earliest (assuming General Construction Permit is adopted in Fall 2008).

If you have any questions regarding these comments, please contact me or Joanne Branch with SDCOE at (858) 292-3833.

Very truly yours,



Stephen D. Herrera, P.E.  
Project Manager

tlc

cc: Joanne Branch, SDCOE