



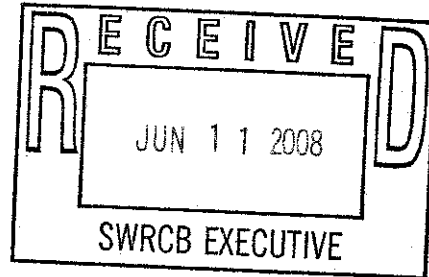
Herbert R. Fischer, Ph.D., Superintendent

## San Bernardino County Superintendent of Schools

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

June 11, 2008

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



Dear Ms. Townsend:

The Draft Storm Water Construction General Permit (Draft Permit), proposed by the State Water Resources Control Board (SWRCB), will cause severe financial problems for the San Bernardino County Superintendent of Schools and school districts within the County of San Bernardino. Since this additional mandate is not funded by the State School Construction Program, it will take away funds reserved to educate children in our schools. Additionally, the Draft Permit requirement to incorporate new post-construction design requirements and implement new on-site monitoring and reporting processes for projects that have been approved and funded by State agencies for construction will result in the delay of the construction of needed classrooms that are already approved. Any delay at this point would have severe financial impacts to the viability of our school construction projects as well as those of the individual school districts of San Bernardino County.

Our County Schools Office has fifteen new school construction projects already designed and/or partially approved by the Division of the State Architect (DSA), Office of Public School Construction (OPSC), the California Department of Education (CDE), and/or the State Department of Toxic Substances Control (DTSC), and is facing an unfunded liability of thousands of dollars to comply with the Draft Permit. Since OPSC has stated that expenses related to site monitoring, water sampling, action exceedance reporting, annual reporting, and redesign and reconstruction to meet new post-construction requirements are not eligible for additional funding under the current School Facility Program, the cost of compliance would come from the project itself, e.g. deletion of a multi-purpose building or athletic fields.

School construction projects often take four to five years from design to completion. The proposed implementation date for the final Construction General Permit is 100 days after SWRCB approval, with final approval expected in summer 2008. If districts are forced to redesign current projects to comply with the Draft Permit, project delays will result in the additional costs that will likely kill our school construction projects. The San Bernardino County Superintendent of Schools is a "hardship district" which means we are 100% funded by the State for school construction as we have no sources of local revenue. Once a school construction project is approved by the State Allocation Board there is no opportunity to retroactively seek additional funding. If these requirements are to become a reality, the SWRCB needs to work with the State Allocation Board to provide financial relief to implement storm water permit programs. To add this mandate without appropriate funding from the State will dramatically impact the quality of education we can provide. We are therefore requesting an exemption for those projects that are already in the approval process "pipeline" until such time as appropriate funding is provided.

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We are further concerned about the delays that may result from the addition of Regional Water Quality Control Boards to the review process. School district construction projects are already reviewed and approved by four different state agencies, (i.e., DSA, OPSC, CDE, and DTSC). 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. Therefore, 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 San Bernardino County Superintendent of Schools requests that you consider our recommendations and respond to our concerns. Questions regarding this letter should be made to:

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Sincerely,



David O. Reck  
Facilities Planning Manager  
San Bernardino County Superintendent of Schools

Cc: San Bernardino County School Districts