

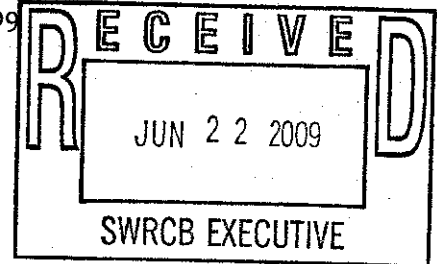


Public Comment
Dft Construction Gen. Permit
Deadline: 6/24/09 by 5:00 p.m.

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State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 958152-0100

June 22, 2009



To Whom It May Concern;

I am writing this letter to submit comments on the proposed NPDES General Permit for Storm Water Discharges, Associated Construction and Land Disturbance Activities. Please see the enclosed pages for specific comments on both the Order and the Fact Sheet.

Thank you for this opportunity to provide comments.

Sincerely,

David H. Ward
Executive Director
EnviroCert International, Inc.

Enclosures:

1. Comments of Order
2. Comments on Fact Sheet

ENCLOSURE 1 - Comments on the Order

All of my comments on the Order are related to the following sections:

VII. TRAINING QUALIFICATIONS AND CERTIFICATION REQUIREMENTS

B. SWPPP Certification Requirements

1. Qualified SWPPP Developer
4. Qualified SWPP Practitioner

Comments on 1. Qualified SWPPP Developer:

The last sentence in Item 1. currently states:

A QSD shall have one of the following registrations or certifications, and appropriate experience, as required for:

As I read this text and the Items below it, Items a-g describe the "registrations or certifications" required under the new permit. Item h describes the "appropriate experience" developing SWPPPs that is required in addition to the registration or certification. If this is the correct understanding for this requirement, I recommend that Item h be consolidated into the core text of Item 1.

For Example:

A QSD shall have one of the following registrations or certifications, and a minimum of five years experience in developing SWPPPs for construction sites to comply with NPDES permits:

If this is not the correct understanding, I must conclude that the intent is to recognize five years experience in developing SWPPPs for construction sites to comply with NPDES permits as sufficient qualification to develop SWPPPs under the new permit. I ask the board to consider the following benefits of registration or certification:

- All of the registrations or certifications listed in Items a-g require documented field experience as part of their eligibility requirements.
- All of the registrations or certifications listed in Items a-g require applicants to pass a rigorous exam as part of the registration/certification process.
- All of the registrations or certifications listed in Items a-g require the individual to subscribe to a code of ethics. If the registrant or certificant is found to have violated the code of ethics, they can lose their registration or certification.
- All of the registrations or certifications listed in Items a-g require relevant continuing education.
- All costs associated with the registrations or certifications listed in Items a-g are paid for by the registrant or certificant and/or their employer.
- All of the work associated with maintaining the registrations or certifications listed in Items a-g is performed by the registering or certifying body. This includes maintaining lists of registrants or certifiants, and responding to ethics complaints.

ENCLOSURE 1 - Comments on the Order (continued)

If the definition of a Qualified SWPPP Developer is limited to just those registrations or certifications listed in Items a-g, the overall cost of implementing the new permit will be reduced while establishing and maintaining an easily measurable qualification for SWPPP developers. Additionally, all of the costs are paid for by those who benefit most from having the QSD designation. If Item h remains on the list, this will tend to increase costs because the state will assume responsibility for ascertaining the experience level for the "Item h" QSDs.

Here are some trademark related issues that need to be addressed:

Item e. - The phrase "Certified Professional in Erosion and Sediment Control™" is a trademark of CPESC, Inc. Please render in initial-capital letters as shown.

Item f. - The phrase "Certified Professional in Storm Water Quality™" is a trademark of CPSWQ, Inc. Please render in initial-capital letters as shown.

Item g. - The National Institute for Certification in Engineering Technologies (NICET) does not use the phrase "certified professional in erosion and sediment control" to describe their certification program. *(As previously stated, this is a trademark owned by CPESC, Inc.)* They simply describe it as certification program for erosion and sediment control. Also, their program is comprised of four levels of certification with Level IV being the senior-level technician.

Comments on 4. Qualified SWPPP Practitioner:

Item a. - The phrase "Certified Erosion, Sediment and Storm Water Inspector™" is a trademark of CESSWI, Inc. Please render in initial-capital letters as shown.

(see additional comments on following page)

ENCLOSURE 2 - Comments on the Fact Sheet

All of my comments on the Fact Sheet are related to the following sections:

II. RATIONALE

M. Storm Water Pollution Prevention Plans

1. Qualified SWPPP Developer

**Table 9 - Qualified SWPPP Developer/Qualified SWPPP Practitioner
Certification Criteria**

Comments on Table 9:

Row 5 Comments:

Column 1 should read: Certified Professional in Erosion and Sediment Control

Column 2 should read: CPESC, Inc.

Column 3 should read: QSD

Row 7 Comments:

Column 1 should read: Certified Erosion, Sediment and Storm Water Inspector

Column 2 should read: CESSWI, Inc.

Row 8 Comments:

Column 2 should read: CPSWQ, Inc.