



Dear Water Board Staff:

First, the proposed General Permit is a vast improvement over existing permits which will provide needed clarity, uniformity in program implementation and greater oversight by all levels of regulators. Staff at the Water Board should be commended for this well thought out and developed Draft General Permit. To add to Water Board Staffs' well thought out work effort the following comments are made to not only enhance, but ensure program transparency and accountability at the local agency level.

Currently, the regulations require individuals within the private sector that are engaged in the field of storm water / water quality management to have demonstrable skills, knowledge and abilities by securing a QSD which includes numerous prerequisites; such as, a bachelor's degree, a PE and / or various certifications (*CPEESC, CMS4S, etcetera*). However, those responsible for providing program oversight, administration, direction and enforcement within the public sector are not required to have the same demonstrable skills, knowledge and abilities by securing a QSD. The current situation creates a blatant dichotomy, and thus it is recommended that any and all individuals (*private and public*) who have any decision making authority (*management oversight, developing, implementing, enforcing, conducting field investigations and / or performing general program administration*) and / or involvement in any minimum control measure element within a storm water program must have the requisite proven and demonstrable knowledge skills and ability achieved via either:

1. A formal education consisting of at least a minimum of a four (4) year degree in environmental sciences, engineering, geology or closely related field, plus
 - Minimum demonstrable and verifiable stormwater experience of at least three (3) years working directly under a QSD, and possession of a QSD themselves, or
 - A minimum of seven (7) years working under a QSD, plus
 - Possession of a QSD,
2. The draft Plan requires that "Field Inspectors" possess either a QSD or QSP, however, no provision is spelled out that their supervisors also possess a QSD or QSP. The supervisor of a position requiring a QSD or QSP must at least have the same or equal certifications; otherwise a situation will exist wherein the staff member is receiving direction from a superior who may lack the requisite demonstrable knowledge, skills and experience to make informed decisions. The non-qualified supervisor risk nothing and can jeopardize the qualified staff members certifications and/or license by directing the QSD or QSP staff member to take action contrary to the regulations for a host of reasons.
3. If the state is serious about the success of the Statewide Stormwater Program, then a high standard of ethics and accountability must be achieved via stormwater practitioners and like any other field of endeavor; such as, investment services, legal services, engineering, the only people who can provide direction and/or oversight to those areas of endeavor are those that have the proven and demonstrable knowledge and skills via a license and/or certification. Non-lawyers are not allowed to provide direction to how an attorney provides or performs his or her services. Non-engineers are prohibited from providing direction to an engineer reviewing and stamping a set of plans which provides professional accountability which is needed within the field of water quality to protect not only the environment, but the public to the maximum extent practical. Only those that have

something to risk, such as a license or certification should be allowed to make decisions on programs involving public health and safety.

4. Further to ensure accountability and full transparency within storm water programs it is recommended that if a QSD or QSP is found to have violated a regulation; such as failing to disclose or report a spill and or intentional discharge of illicit materials that may harm the environment or people, then that individual shall be barred from certifying any storm water document for a minimum period of three (3) years and have all certifications and /or licenses related to such authority suspended for a minimum of five (5) years. In effect, this stipulation shall create an atmosphere wherein transparency is in the best interest of all involved in water quality management for the best interest of the public and environment.
5. Since, the draft new regulations require that all staff involved in the construction element of a storm water program possess either a QSD or QSP, then this requirement should also apply to the Post Construction, Municipal Operations (*Good Housekeeping*) and the other minimum control measures to ensure that knowledgeable, trained staff are performing said functions, not just a warm body as has become common place within regulatory agencies nationwide. For example, both the County of San Luis Obispo and City of Paso Robles on the Central Coast have staff that has just been relegated with the task of developing, implementing and or managing these stormwater programs without any proven demonstrable knowledge and skills and both of these agencies received NOV's on their program's performance during an audit. The field of civil engineering less than a hundred years ago could be performed by anyone who demonstrated a "knack" for civil engineering, resulting in decades of unsafe structures. It wasn't until litigation that laws were changed barring these practitioners without demonstrable skills, knowledge and abilities from practicing civil engineering to protect not only life, property, but also the environment. Lastly, water quality concerns begin by addressing issues related to industrial activities because the risk associated with those activities to water quality were deemed of a higher priority. We have since realized that the risks to water quality associated with construction activities are also significant. Simply the risk to water quality related to the other minimum control measures is also significant, if not properly developed, implemented and managed, thus the individuals responsible for overseeing (*management, enforcement, program development, program implementation*) these program elements should also be held to the same standards (*i.e. possession of a QSD / QSP*) as those engaged in the field of storm water relating to construction activities.

I believe that these modifications to the proposed General Permit shall not only enhance the effectiveness of local stormwater programs, but will add personal accountability and greatly improve program transparency which shall enable Water Board staff to provide greater oversight and review of a given program's compliance with minimal effort.

Sincerely,

Doug Dowden