From: Jerry Ninteman
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Posted At: Industrial Stormwater Comments
Conversation: Landau Associates Comments on the June 3, 2009 Public Comment Draft Industrial Stormwater General Permit
Subject: Landau Associates Comments on the June 3, 2009 Public Comment Draft Industrial Stormwater General Permit

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To Whom It May Concern:

This letter provides comments from Landau Associates, Inc., on the June 3, 2009 Public Comment Draft Industrial Stormwater General Permit to be issued on October 21, 2009 (Draft Permit). We appreciate the opportunity to submit these comments and for the opportunity to participate in the development of the permit. Our comment regards the inspection certification requirements listed in section S.7.C.1., most notably paragraph c as listed below:

S.7.C.1: "The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records with the Permittee's SWPPP. The Permittee shall ensure each inspection report includes observations in S7.B and: "

S.7.C.1.c: "A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit."

In many cases, the person conducting the site inspection is not in a position to make such a judgment, especially in cases where the Permittee has contracted with a consultant to conduct the inspection/monitoring. The current permit requires that quarterly visual monitoring reports be signed and certified by the person making the observations (see S4.D 1 of the current permit) and that the report be reviewed and signed by a duly authorized representative of the facility, at which time the representative provides the above-described declaration as to compliance or noncompliance with the SWPPP and the permit. This current framework provides a more workable approach and eliminates the possibility that the field inspector will be required to provide a certification that he or she is not capable of making. For example, the inspector may not be aware if the proper DMRs have been submitted or if the proper parameters are being sampled.

Thank you for this opportunity to comment on the Draft Permit. If you have any questions concerning the content of this letter, please feel free to contact me.

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