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Testimony Submitted to: Committee on Commerce

Public Hearing Date: Tuesday, March 6, 2012

Subject: Bill No. 5344, AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER GENERAL PERMITTING PROCESS

CSCE Position: **Opposed**

The Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers (ASCE) is pleased to provide this statement on Raised House Bill 5344. Although we support the state's effort to streamline the stormwater general permitting process, **we must oppose Bill 5344 as it encourages the use of non-licensed professionals and para-professionals to engage in critical stages of the general permit process.** As professionals, licensed under state statute and regulated by the Department of Consumer Protection, we believe the citizens of this state deserve the protections that can only be guaranteed by professional engineers that are licensed to practice by the State of Connecticut.

As an organization, we have made our position on this matter clear to the Commissioner of the Department of Energy and Environmental Protection (DEEP) in a letter, dated December 15, 2011. A copy of this letter is attached as part of this testimony. We have also meet with representatives of DEEP and will continue to support all efforts to streamline the stormwater general permit process, provided these efforts require appropriately licensed professionals for the critical design and oversight of this important process.

ASCE, founded in 1852, is the country's oldest national civil engineering organization representing more than 147,000 civil engineers worldwide and 1,650 in Connecticut. Our members are dedicated to the advancement of the science and profession of civil engineering and work in private practice, government, industry and academia. ASCE is a 501(c) (3) non-profit educational and professional society. CSCE is a 100% volunteer organization.

Connecticut Society of Civil Engineers

Date: Thursday, December 15, 2011

Attention: Mr. Daniel C. Esty, Commissioner
Connecticut Department of Energy & Environmental Protection

RE: **Comments on Draft Revision to General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities**

The Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers (ASCE) has reviewed the latest Draft Revision to the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Rev. 7/6/11). Although we support the DEEP's efforts to streamline the application and review process, we have significant concerns regarding the requirements applied to Plan Review Certifications and Inspections. Our primary comments are as follows:

1. Registrations should only be certified by a licensed Professional Engineer in the State of Connecticut, and not a "qualified soil erosion and sediment control professional" as stated in the Draft General Permit (Section 4(c)(2)(Q)). CSCE feels strongly that those certifying any Stormwater Pollution Control Plans have the proper technical training that only a Professional Engineer can provide, even if the plan does not include engineered control measures. Only a Professional Engineer has the capability to evaluate a plan to first determine if the proposed development requires an engineered stormwater control solution, and secondly, certify that the appropriate controls were implemented. A "qualified soil erosion and sediment control professional" as defined by the Draft General Permit would include other occupations that lack the extensive education and technical training required to design such systems, such as landscape architects, surveyors, soil scientist, etc..

CSCE strongly recommends that all language in the Draft General Permit pertaining to certifications be changed to specify certification by Professional Engineers only, and eliminate reference to "qualified soil erosion and sediment control professionals".

2. Stormwater General Permit Implementation Inspections and Routine Inspections are the appropriate role for what the Draft General Permit defines as a "qualified soil erosion and sediment control professional" or a licensed Professional Engineer in the State of Connecticut. Those certified by EnviroCert International as a "qualified soil erosion and sediment control professional" have the appropriate training and background, whether a Professional Engineer, landscape architect, etc. to inspect construction to ensure that the Stormwater Pollution Control Plan is being implemented and followed properly. CSCE feels the language currently in the Draft General Permit regarding inspections is appropriate as currently written.
3. CSCE recommends that the requirement for a "Qualified professional engineer" in the Draft General Permit eliminate the minimum eight year requirement for engaging in the planning and designing of engineered stormwater management systems. A degreed engineer requires a minimum four years of engineering practice in order to sit for the Professional Engineering licensing examination, and once licensed are governed by strict ethical standards that are coincident with licensure as a Professional Engineer. Professional Engineers are ethically bound to practice within their area of expertise. Adding an eight year requirement is redundant and fails to provide any additional measure of protection to the environment or general public and would implement a costly monitoring program duplicating the efforts of existing State Agencies..

CSCE is pleased to offer its full assistance to the DEEP in resolving any outstanding issues associated with the General Permit revisions, or any other issue of concern regarding Connecticut's environmental and stormwater controls.

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