

Brendan Haugh

Hello. I would like to submit two comments on behalf of Earthworks Environmental, from the perspective of a stormwater consulting and inspection company. We want to request an amendment to Section 11.2, regarding inspections and maintenance. Section 11.2, as presently written, states: Permittees must ensure a trained person, as identified in item 21.2.b, will inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 1/2 inch in 24 hours.

We would like this amended, something to the effect of:

Permittees must ensure a trained person, as identified in item 21.2.b, will inspect the entire construction site at least once every seven (7) days during active construction and on the next business day following a rainfall event greater than 1/2 inch in 24 hours.

The intention is to relieve permittees and inspectors of the requirement to respond to rain events on weekends and holidays. We believe that this requirement is counter-productive and overly burdensome, as the logic that more inspections are inherently better can be deceptive in this case.

We are forced to have stormwater inspectors on call for all weekends and holidays, restricting their ability to travel or otherwise enjoy time off. We cannot keep a full staff on call on

weekends/holidays, so statewide rain events are incredibly taxing when you are partially staffed.

BMP installers and maintenance companies do not work on weekends or holidays, so any findings cannot be addressed or even conveyed until the next work day. Since a maintenance team would not schedule the repair until the next work day, the act of discovering a necessary repair becomes arbitrary. We provide stormwater inspection services in 20 states, so our Minnesota team is acutely aware that they are in a unique position to be giving up their weekends and holidays. All these reasons manifest in discontent and burnout amongst inspectors, which leads to much higher rates of attrition. We strongly believe that all parties involved (regulated & regulatory community, environment, citizens, etc.) will benefit by removing weekends & holidays from the inspection frequency. It is rare to find individuals with stormwater experience when you are hiring in this field, so we are almost always training from the ground up. The benefits of keeping experienced inspectors in the field will certainly outweigh the prospective benefits of an inspection on a day when the site is inactive. The effectiveness of proper BMPs and a robust weekly inspection program have been enough to prevent any major failures from occurring on non-workdays in our experience across the country. The "next business day" language is already used in Section 11.4, so there is precedent and acknowledgment of the strains that weekends/holidays create.

Alternatively, if weekends and holidays cannot be removed, then we'd request to have this section restructured to still lessen the burden. The majority of agencies do not require rain event inspections while the site is on a 7-day inspection frequency (examples may be found in the CGPs for EPA, Arizona, Nebraska, etc.). Since the 7-day frequency is mandated, the requested relief could come from increasing the rainfall amount required for response to 1 inch.

The second request is to amend Section 20.2, regarding SWPPP availability. Section 20.2, as presently written, states:

Permittees must keep the SWPPP, including all changes to it, and inspections and maintenance records at the site during normal working hours by permittees who have operational control of that portion of the site.

We would like this amended, something to the effect of:

Permittees must keep the SWPPP, including all changes to it, and inspections and maintenance

records at the site during normal working hours by permittees who have operational control of that portion of the site. The SWPPP, or portions of the SWPPP, may be maintained electronically if they can be made readily available upon request.

This request is being made in an effort to embrace the continuous advancement of technology and electronic records. Our internal software program houses all inspection reports, site plans and documents, construction progress & stabilization logs, rain logs, and more. Site maps are updated electronically, directly via the software. There is an environmental toll to printing all these materials, and then potentially replacing it all if the SWPPP is damaged or stolen. We can place a QR code in the SWPPP that will give a regulator direct access to maps, map updates, reports, etc. We could also provide records electronically upon request or display them electronically during a site inspection. Any section of the SWPPP being maintained electronically will have an insert stating exactly what items are electronic and how to procure them. This request provides environmental benefits while not posing any inconvenience to those seeking records.

Your consideration is greatly appreciated, thank you.