



BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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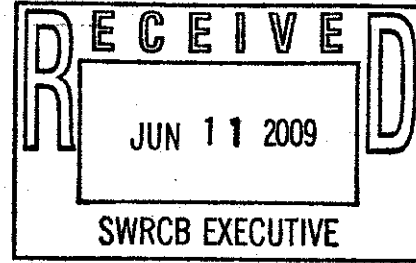
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June 11, 2009

Members of the State Water Resources Control Board
Attn: Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms. Townsend:

The California Board for Professional Engineers and Land Surveyors (BPELS) appreciates the opportunity to comment on the proposed 2009 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated Construction and Land Disturbance Activities (General Permit). BPELS safeguards life, health, property, and public welfare by regulating the practice of professional engineering. The Board licenses professional civil engineers, establishes regulations, enforces laws and regulations, and helps the public make informed decisions when using engineering services.


A primary concern of BPELS is that the "professional practice" of any activity that requires a license under state law should be conducted by an appropriately licensed individual. Public health and safety concerns and requirements are paramount. A professional who holds a license has been determined to be qualified to practice in accordance with California's health and safety requirements and has demonstrated that he or she has met the legal qualifications of education, experience and successful passage of examinations. The professional practice of civil engineering is restricted to licensed civil engineers in California.

Under the proposed NPDES General Permit regulations (Section VII, Training Qualifications and Certification Requirements), the Qualified SWPPP Developer (QSD) is required to have one of several "registrations or certifications, and appropriate experience." Among the certifications recognized is that of a "California registered professional civil engineer." (Professional civil engineers are no longer "registered" and under current law, are deemed to be "licensed.") As such, a professional civil engineer may be deemed a Qualified SWPPP Developer (QSD), along with other designated "certified" professionals. What is not clear under the proposed text is the degree to which any Qualified SWPPP Developer (QSD), who may not be a licensed engineer, may engage in activities that may constitute or cross-over into the professional practice of civil engineering. Existing license laws specifically restrict the practice of civil engineering to only those qualified and licensed as such. The proposed regulations should reflect this in an unambiguous manner. The following language is proposed for your consideration:

"All engineering work shall be performed by a California licensed professional in compliance with the requirements of the Professional Engineers Act, Business and Professions Code sections 6700-6799."

We hope these comments are helpful. If you have any questions, please call Susan Christ, P.E. at (916) 263-2247.

Sincerely,


David E. Brown

Executive Officer

Board for Professional Engineers and Land Surveyors"