

7 October 2024

STATE WATER RESOURCES CONTROL BOARD

1001 I Street
Sacramento, CA 95814

Attention: E. Joaquin Esquivel, Board Chair
Eric Oppenheimer, Executive Director

Ladies and Gentlemen:

This letter has been prepared by EnviroCert International, Inc. (ECI), an international 501(c)6 non-profit that has been administering professional certification body in the fields of stormwater management and practice for over forty (40) years. With over 50,000 certifications awarded during this period, ECI is recognized throughout the U.S. and forty-four (44) countries and has extensive experience and expertise in the field of certifications. The certifications administered by ECI are accredited through ANSI/ISO and/or accreditation compliant.

This letter is co-authored by two (2) individuals who serve on the ECI Board and are both California residents. First, is Mr. Robert Anderson, a Professional Civil Engineer licensed in the State of California (and fourteen (14) other States) and the CEO of a private consulting Civil Engineering firm for thirty-one (31) years, that works throughout California. I am very familiar with the California Construction General Permit (CGP) and its history and possess the State of California QSP / QSD and QISP and am an approved Trainer of Record. As part of my duties, I work with numerous government agencies, municipalities, and stakeholders at all levels throughout the U.S. and Internationally providing advocacy for regulations and promoting stormwater compliance via education and training. My background and nearly forty (40) years of experience in various development sectors provides an educated and informed perspective on the issues discussed in this letter. For purposes of disclosure, my opinions presented in this letter are asserted to assist and promote the stormwater industry and the environment, as I have no financial or professional gain associated with this subject matter.

Also signing this letter in Mr. Mike Chase who also serves on the ECI Board and has worked in the California for nearly forty (40) years, serving on numerous CASQA committees and is a Trainer of Record for the QSD/QSP as well as QISP program.

1.0. INTRODUCTION

ECI has prepared this letter to address several discrepancies and issues involving recent policies associated with the 2022 California Construction General Permit ("CGP") in ORDER WQ 2022-0057-DWQ. related to the Qualified SWPPP Practitioner (QSP) and Qualified SWPPP Designer (QSD) program and changes associated with the underlying certifications. CASQA and the State of California

Water Board (“Board” or “Water Board” or “State”) have implemented new policies that deviate significantly from the past fifteen (15) years. ECI believes the measures are a monumental misstep in direction that will have adverse consequences in the quality of practice associated with the Construction General Permit and will ultimately serve to be a major setback in achieving compliance with critical regulations associated with preservation and restoration of the water quality in this state.

ECI believes the CGP is well structured permit given the unique challenges in California, the stakeholders, diversity of the environments across the state, and a challenging regulatory process. The CGP has been a positive model for other jurisdictions to follow. The process established an underlying Professional Certification (e.g. CESSWI or CPESC) which required varying experience or a License (e.g. PE or CEG) as the basis to demonstrate sufficient technical knowledge and experience. Then the individual went through a 16 hour or 21 hours State-level certificate of training to ensure understanding of the specific permit requirements for the QSP and QSD.

ECI and others have pointed to this model on an international stage. However, on this point, the committees and associated recommendations by CASQA to the Water Board under the Memorandum of Agreement¹ have become derailed by self-serving, ill-fated, special interest that are not in the best interest of the public, the stormwater industry, or the environment. These current steps do nothing but dilute and setback the execution of stormwater quality practice and management back to the 1990’s.

As a matter of protocol and business, ECI would not send a letter through these avenues, however, in this case believes it is necessary to advocate to protect water quality and the professional level of stormwater quality practice in the State of California. CASQA groups continue to make recommendations to the Water Board staff and others, who in turn implement the recommendations. These actions continue down a course that has no accountability, no transparency, with a lack of due process, with illusory excuses as a basis for their course of action. CASQA and the Water Board staff have refused to listen to these concerns and valid complaints as well as consider the adverse impacts these decisions will have on the practice of the industry or corresponding impacts on the environment.

1.0. Summary and Conclusion: *The process to become a QSD/QSP has always required underlying experience that as a practical matter would range in the 2- to 5-year range for inspectors and 7 to 10 years for designers. The State and the industry recognized the demands of the industry, given the pollutants and chemicals that may potentially adversely impacts the environment if proper practices are not properly implemented.*

The current process fails to notify and vet the idea of reducing or eliminating minimum experience through a public process, or engage with interested stakeholders, groups and organizations to fully understand and determine the level of impact to the industry. This letter “briefly outlines but just a few of these concerns and respectfully requests the Board halt the current direction.

¹ Memorandum of Agreement, Findings, Paragraph 22, Page 4, et. al.

2.0. ENVIROCERT UNDERLYING REQUIREMENTS

ECI administers and operates professional certification in a manner and structure similar to State licensing Boards. Applicants are required to have prior experience and education² that is required to be verified with academic transcripts and professional references. The standards for education and professional experience were based on surveys and interviews of hundreds and now thousands of professionals to establish the education and experience standards. The application required a similar process as well as the review process, which require staff special training to objectively, accurately, and fairly review and assess.

The exam questions and cut sheets are a very complicated and involved process that requires detailed Job Task Analysis and Exam Blue Process, that similar to the above process, requires subject matter experts and other professionals to be involved in the various developmental processes.

2.0. Summary and Conclusion: *A fundamental assertion is the fact that CASQA and by default the State Water Board has effectively changed the experience required for QSPs and QSDs. The current “alternative training programs” require no experience.*

3.0. CHANGES IN THE 2022 CGP QSP/QSD UNDERLYING REQUIREMENTS

The 2022 CGP provided an alternative process for individuals to qualify for a QSP/QSD. The stated basis for such language was set forth by CASQA and the State Water Board for financial reasons and over concerns for the need for an elevated number of QSP/QSD that will be required. Neither party provided independent nor supporting studies to substantiate this claim, just verbal statements. While ECI recognizes that, assuming arguendo, that if such a claim were true it should be a consideration, any downstream policies would need to be carefully considered and subject to public disclosure and vetting. This has not occurred and gives a less than transparent appearance. ECI expressly understood the language in CGP giving the Water Board the ability to consider and approve alternative methods for individuals to earn an underlying certificate to qualify for the QSP and QSD. However, it is reasonable to assume that the Water Board would provide guidelines and public discussions. CASQA committee meetings do not qualify as “public” discussions. To date no language or guidelines are provided publicly on how alternative classes are being approved, and how the validity and integrity of such programs are being evaluated.

3.0. Summary and Conclusion: *CASQA has rationalized the recommended changes to the 2022 CGP based on unfounded and unsubstantiated claims of financial impacts and shortages of QSPs and QSDs.*

To exacerbate this situation, erroneous language was provided in the CGP that is now being used to allow individuals to then drop their underlying qualifications once they earn their QSP/QSD. This approach is unheard of and gives the appearance of CASQA trying to manipulate and monopolize

² CESSWI is 2 years and CPESC is 7 years of a combination of education and/or professional experience.

the process in California. The question becomes what is the basis for such a ludicrous requirement ? ECI knows of no other legitimate and established program or certification that allows for such steps.

4.0. CASQA IS A MEMBERSHIP ORGANIZATION AND MAY NOT BE SUBJECT MATTER EXPERTS

While we understand that CASQA has an advisory role to the Water Board, any approach should have checks and balances and cannot be used to usurp public review and comment. CASQA is a membership organization, where you pay to join and your selection to a committee is based on volunteering or selection by other members.

There are inherent limitations, and it is critical to understand that any committee may not consist of subject matter experts or have the proper business or legal skillset, depending on the specific volunteers.

CASQA committees comprise a cross section of individuals, many of which are well-respected and well-meaning. However, after more than ten (10) years of working in the Professional Certification field, these groups lack the requisite knowledge to prepare and compile the extensive task of assembling a Job Tasks Analysis necessary for even assembling a training program. In this manner the scheme would have the appropriate knowledge, skills, and abilities (KSAs) required for the necessary training and provide the direction required for the policies and procedures to deliver proper training.

The basis for this finding is found in the fact that extensive studies and surveys are required to determine the foundation for such assessments. Further, this process is necessary to develop exam content through an Exam Blueprint study compilation, and then administer exams with the appropriate fire walls, security, and statistical analysis to render a meaningful exam to be rigorous and valid, that is defensible in a legal proceeding. None of these efforts have ever been undertaken or even discussed within the CASQA meetings.

4.0. Summary and Conclusion: While CASQA and their member-volunteers have some very talented individuals, being a CASQA “Member” does not constitute industry recognition and a demonstrated accomplishment that would be expected out of subject matter experts. The CASQA QSP/QSD program does not provide the necessary training within the industry to demonstrate professional confidence, it simply provides training for minimum compliance with the CGP. A membership organization may provide excellent education, but they are outside their purview and expertise in establishing any credible and valid certification.

The proposed consultant and organizational training are not based on industry standards (Job Task Analysis etc.) and do not follow best practices. No discussion or studies were ever performed by CASQA or the Water Board. The approach has reduced the standards for the “alternative approach” to be nothing more than a pay-to-play approach where the Board has made economic shifts from national and internationally recognized non-profits to private consultants and special interest groups.

5.0. WHAT IS THE BASIS FOR THE APPROVAL OF TRAINING GROUPS ?

Practices across the state vary dramatically, as does the experience of the individuals providing the training. To date, the Water Board has not published or performed surveys or studies to evaluate the scope of work necessary to compile a training program that is an “alternative”.

More to the point, has the Water Board or CASQA vetted the volunteer committees resumes and experience as to their experience with not only adult education, but the steps necessary to assess a Job Task Analysis knowledge, skills and abilities ? What studies has CASQA or the Water Board performed to validate the current position of not requiring requisite industry experience and education ?

Further, a large majority of the volunteers on the CASQA committees in question have their own economic interests or conflicts of interest, which are not compiled, nor are these issues disclosed publicly. Therefore, their recommendations are colored and may not always serve the best interest of the State or public.

5.0. Summary and Conclusion: While we recognize that the CGP provided language for alternative approvals for the underlying certification, no process, policies, procedures or other measures were articulated. No public notice and discussion were ever rendered. Now a small group at CASQA have made certain recommendations that the Board has adopted.

“Privatizing” and “outsourcing” the underlying certification requirements to non-independent companies and groups fly in the face of fifteen (15) years of practice in California, and frankly is not best practice in the industry. These steps threaten to dilute the practice in California, as it permits unqualified training groups, who lack the necessary qualifications and infrastructure to provide “training” and then create a qualified exam. For reasons discussed throughout this letter, such steps are problematic and do not meet industry standards. To compile a Job Task Analysis is more than a year-long process, between interviews, subject matter expert meetings and reviews, surveys and interviews to assess knowledge, skills, and abilities. This is exacerbated by the fact that CASQA nor the Board have set forth criteria by which to assess whether the presenter/trainers are actually properly qualified.

CASQA has not undertaken any of these steps in any of their public proceedings/committee meetings. Certain assumptions and unfounded allegations were made by outspoken individuals who had other self-serving interests. This resulted in a derailed and improper undertaking that has resulted in a money grab by groups with special interests. The industry practice will be undermined by inexperienced and improperly trained individuals. The current track that CASQA and the Water Board are pursuing promulgates a series of flawed and potentially dangerous practices that will reduce the practice in the industry and threatens to set California stormwater back to the 1990-time frame practices.

The failure of the Water Board to maintain an objective approach and proper practices, using CASQA’s unfounded assertions of monopolies and cost has resulted in a travesty where unqualified

consultants and training entities are now providing training in a manner that is not valid, comprehensive, objective, rigorous or defensible.

6.0. CERTIFICATE OF TRAINING (COMPLETION) VERSUS PROFESSIONAL CERTIFICATIONS & DOWNSTREAM IMPACTS

Certificate of Training: A certificate of training (completion of a training experience) is typically awarded by an educational institution or training provider after an individual has completed a specific course, program or training. Certificates can be granted for a wide range of subjects and durations, from short-term workshops to longer academic or vocational programs. Certificates are mainly used to acquire knowledge or skills in an area of study. A certificate of completion serves to acknowledge the achievement of a particular educational endeavor, but it does not carry the same level of industry recognition as certifications and may not be tied to any established professional standards or competencies. Generally, the individual sits through a course, and may be subject to taking a quiz to demonstrate they obtained a learning experience.

The QSP/QSD exam is an open book and open note multiple choice exam that can be taken on-line at any location, without a proctor, on the examinees honor. As such, the exam fails to require the examinees to demonstrate a basic learning experience, as they may be aided by support materials or other persons.

Professional Certification: A Professional Certification is a more structured and formal process where an individual demonstrates their expertise and competency. A certification indicates that an individual has met industry or professional standards in a particular profession or field. Certifications are typically offered and governed by independent organizations or industry bodies, and they establish standardized criteria including education, experience and examination requirements.

To become certified, individuals must generally meet these predetermined criteria, pass a rigorous examination and fulfill ongoing requirements, such as continuing education or recertification. Certifications are usually recognized within their respective industries and can indicate a higher level of expertise and competence than a simple certificate. It's also worth noting that certifications are not to be confused with licensures, which are mandatory under a government entity (like a specific state) to practice a profession.

Simply put, the main difference between a certificate of completion/training and professional certification is that the former is evidence of education, while the latter is evidence of passing an exam or meeting industry standards. Let's delve further into their primary features and differences:

- a. Compared to certificates of training, Professional Certifications carry more weight and recognition in professional settings. This is because they are standardized and generally issued by nationally recognized organization. One (1) example would be a Certified Public Accountant (CPA), granted and issued by the American Institute of Certified Public

Accountants (AICPA) after an individual fulfills certain experience and educational requirements and passes the CPA exam.

- b. Professional organizations issue certifications through their provided training programs, while colleges and universities typically offer accredited degree programs.³ These organizations are generally independent third parties that are respected in the industry. In many cases, the processes to become certified strongly resemble the processes of becoming licensed, often only differing only in terms of legality,⁴ such as how ECI Professional Certifications are awarded.
- c. Professional certifications are held to certain standards within the industry given the technical nature and demands of such certifications. As such, the specific content (scheme) is required to be valid and verifiable and is required to ensure that elements such as requirements, application, review process, exam cut scores, etc., are impartial, and competent. Such steps are essential and fosters confidence and acceptance of accredited validation and/or verification by the industry and stakeholders who are demanding a high level of rigor in assurance frameworks.

Stormwater pollution prevention is an expansive and complex area of practice requiring significant education and experience to gain sufficient knowledge. It is short sided to think an individual can gain adequate knowledge by attending one (1) to a few days of training, especially where the presenter/trainer may be experienced but may not provide the necessary curriculum. Then how does the trainer know the individuals are actually qualified ?

The overarching approach to these programs was to provide permit specific training. The program established the need for underlying credentials or licenses to establish and demonstrate competency. The wisdom of this measure was the technical nature and nuances of stormwater practice requires several years for inspectors and 5-to-10 years for designers, as a minimum. Most certifications are time-limited; some expire after a period of time (e.g., annually or bi-annually) require ongoing education to remain up to date on advancements in the field.

Private consultants and training groups are being allowed to allegedly “build” curriculum that is presumably reviewed by someone at the Water Board for competency, comprehensiveness, equality, validity, fairness, and to ensure equity, etc. How does the Water Board staff determine that the individual issuing the approval understands the impacts and demands outlined in this letter ?

To date, no standards or policies have been disclosed. For purposes of this discussion some of the “initial” questions and studies that should have been performed as are as follows:

- 1. How was the scope of the scheme established ?
- 2. How were the knowledge, skills and abilities determined for the presentation ?

³ <https://www.forbes.com/advisor/education/certifications/certificates-vs-certification/>

⁴ <https://www.indeed.com/career-advice/career-development/what-are-certifications>

3. How were competency and qualifications to take the class and exam established ?
4. Who is the reviewer of the application and what are their qualifications ?
5. How was an exam blueprint established ?
6. How does the training organization ensure that the scheme is properly established and presented in a fair, thorough, objective, and rigorous manner ?
7. What are the qualifications of the trainer and how does the training group ensure proper presentation ?
8. How was the distribution of exam questions determined and assessed ?
9. How was a passing cut score established ?
10. What are the qualifications of the exam blueprint preparers and how does the organization demonstrate validity of the distractors ?
11. How does the organization ensure the exam questions and sentence structure along with answers are not pejorative. ? Do they have analysis to support that finding ?
12. Is a psychometrician performing a statistical analysis for each exam form and each question to verify integrity ?
13. How are the questions monitored for objectivity and fairness?
14. How does the test represent the KSAs established for a Job Task analysis ?
15. How does the organization ensure proper, fair and valid exam procedures ?
16. What firewall exists for the training organization, the scheme, and the exam development and results ? It is a well-established practice that trainers cannot develop an exam and also provide the training. The exam integrity is compromised if security is not maintained as answers will leak out and invalidate the exam. This is why different exam forms are developed and specific policies and procedures are implemented.
17. How does the organization prevent teaching to the exam ?
18. What policies and procedures are in place for the before mentioned tasks ?
19. What validation and verification standards were used for each of the above questions ? What analytical methods and results were used to verify the findings and conclusions ?
20. Did the Board consider any of these items as part of their “approval” process for the underlying accreditation process ?

Again, these are just some of the “initial” questions that will be raised in any challenge of the current process in a legal proceeding. These are “standard” and required questions for any accreditation or accreditation compliant Professional Certification.

Third-party certification means that an independent organization has reviewed the process or content and has independently determined that the final product complies with specific standards for safety, quality or performance. Any independent party should unequivocally be able to demonstrate certain standards, operations, impartiality, as well as compliance with industry standards. ANSI/ISO (now ANAB) ISO/IEC 17024⁵ Personnel Certification are usually the gold standards.

Of particular interest is the fact that the State recognized the need for and required underlying certifications in the prior 2009 CGP permit, as previously mentioned. This included extensive issues around the Professional Engineering Act, and requirements for civil engineers. The overriding

⁵ <https://anab.ansi.org/resource/iso-iec-17024-personnel-certification-documents-and-resources/>

concern was the need for experience and well-trained professionals in the profession to protect the environment and prevent degradation of our water resources. ECI concurs with this premise. Why would the State Board think they can administer such training better than licensed civil engineers ?

6.0. Summary and Conclusion: CASQA, as a quality membership group administering the certificate of training programs is taking uninformed leaps of faith by diminishing the necessary underlying requirements established for fifteen (15) years. They are recommending the elimination of a prerequisite experience threshold, eliminating an independent nationally recognized Non-Profit with over forty (40) years of experience and somehow supplanting the essential professional training to private consultants and groups. These consultants and groups may have extensive experience, but the established system that CASQA proposes does not assure the public that they have the State-wide experience, or that the training and exam are valid, fair, objective and comprehensive.

The State nor CASQA has never published or disclosed when the last time the exam was modified or changed, whether a psychometrician performs Health Checks. Such a measure would be used to objectively provide a defense whether the exam is valid, whether questions are fair and impartial, whether the questions actually test the knowledge, skills, and ability. Any legal challenge of the exam would likely find that the exam is subjective, and structure of the questions do not meet best practices, and the seventy (70) percent passage rate is not appropriate or defensible. Limited findings of the QSP/QSD passage rates indicated numbers that were more than 90-to-95 percent, which does not constitute a reputable exam.

The failure to establish program and exam standards for the underlying training increases the risk (and essentially guaranteeing) of unqualified/under-qualified individuals that will most certainly adversely impact the environment.

For the State Board to rationalize that delegating the underlying certifications to any party that presents an approved curriculum with no guidelines and proper procedures, without addressing issues enumerated herein, is frankly irresponsible and short sided.

One (1) argument presented by CASQA committees was a concern for so-called monopolies. First, there was more than one (1) company providing these certifications, (not including licensed professionals) so this test fails. But assuming arguendo that such an assertion was true, is the State Board going to provide alternatives to CASQA to provide more effective certificates in the State to avoid monopolies? If the purpose is to save money, as propounded in the roadshows and meetings, how is CASQA controlling their costs and making efforts to reduce costs to the industry? There has been no evidence of such actions, and no control on the costs or those of the new and unvetted training companies. In fact, we would assert this is a mere economic shift and will result in an increase in overall costs, but CASQA and the private trainers will now benefit.

ECI believes that CASQA's approach and recommendations are a logical fallacy and flawed. Individuals and groups were not educated and aware of the purpose of the underlying certifications and/or had economical motivations that has clouded judgements.

7.0. FLAWED APPROACH PROPOGATED BY INDIVIDUALS/COMPANIES AS A BUSINESS MODEL

This entire process is being set forth by individuals and groups within CASQA, and who seek financial gain by providing these training programs. While ECI acknowledges that CASQA committees may promote certain recommended changes to the State Board, a significant portion if these individuals have an egregious conflict of interest for purposes self-promoting and financial gain.

Complaints out of some individuals or companies that their new employees could not pass certain exams, was one (1) of the justifications for the permit language. The Water Board should have considered that maybe these individuals were not qualified, and the process was serving its purpose ?

Certain business sectors want to decrease requirements. One has to ask the motives for increasing regulations and decreasing the oversight qualifications ?

Has the Water Board or CASQA considered and studied the potential impact of the alternative approach ? One (1) such meeting CASQA and the Water Board staff proposed compiling water quality data ? What water quality data ? There are different permits, different types of construction, different hydrologic conditions, and different permit requirements ? If the water quality data is being collected by individuals under the new system, how is the Water Board assuring that the data is even valid ?

7.0. Summary and Conclusion: The entire process lacks the necessary public vetting and transparency. The State advocates increased regulations to address the continued issues of water quality but yet fails to ensure the framework that was in place to ensure integrity and validity is undertaken.

It appears that CASQA nor the State Board staff ever considered the alternative and valid position that the underlying certifications are not here to teach these individuals how to pass an exam. Candidates need to demonstrate that they had developed the requisite underlying knowledge and experience.

If these individuals could not pass the exam, maybe they needed additional training and experience. CASQA and the State Board could have worked with these same training individuals and companies to develop comprehensive training and education to further the industries knowledge. Instead, these steps have done nothing more than reduce the quality of practice, create a pay-to-play situation and the lack of transparency of these actions have not properly informed stakeholders across California of these highly questionable steps.

This approach literally allows someone who has not even completed high school to sit through six (6) days of class, pass an exam (of unknown quality) and at 18-o- 19 years old (not that age if the compelling factor here) would be recognized by the State to prepare SWPPPs. This with no understanding of soils, drainage, and many essential knowledge and skill areas.

The unfounded use of economics and labor shortage were assertions that were never studied or demonstrated. Further, decreasing or eliminating experience was never discussed in a public form and will compromise the integrity of the stormwater practice.

8.0. SECTION V.F. BECOMING A QUALIFIED SWPPP DEVELOPER (QSD) OR QUALIFIED SWPPP PRACTITIONER (QSP) IS VAGUE AND OVERBROAD

Under, V.F. Becoming a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP), Section V.F.5. *A QSP applicant shall currently possess at least one of the following prerequisites, subsection d states: Any prerequisite course approved by the State Water Board's Division of Water Quality Deputy Director in accordance with Section V.H. {Italics added for emphasis}*

8.0. Summary and Conclusions: In a recent CASQA meeting CASQA and Water Board staff asserted that the permit language and this process as well thought out. If this is true and accurate why is the process not articulated in the permit and addendum documents ? Why was it not subject to public disclosures ?

While the general intent is clear, there has been no established policy and published due process in setting up criteria for assessment and approval of a "prerequisite course". It is worth noting that the purpose for this prerequisite course was unfounded claims by some in California that there is a need for more QSP/QSD's and/or fees. To the best of our knowledge no such studies or analysis has been performed that quantified an urgent need for, or even established as a matter of fact that a shortage of QSPs and QSD's.

9.0. SUMMARY AND CONCLUSION

In summary, CASQA and the State Water Board established language in the recent permit to allow alternative training for the underlying certifications required for the QSP/QSD. This consisted of effectively one (1) sentence (Section 7.0. above). Now CASQA has made recommendations, and to its detriment, the State Water Board has approved alternative training programs. This letter is being signed by two (2) individuals both with over forty (40) years' experience as engineers and stormwater professionals, and several State and International Certifications and neither receive any direct or indirect compensation related to these recommendations.

CASQA and State Board actions have or will result in the following (discussed above are occurring) issues:

- 1) Language in the permit provided for an "alternative" program, but did not imply in any way the reduction of experience or creating an entirely new approach.
- 2) Eliminated prior experience for QSD. This would allow designer to be preparing SWPPPs and plans who have no experience. Previously, QSD would have been a licensed professional with

a minimum of four (4) years of college and 2-to-8 years of professional experience. This process would allow someone with no high school diploma, or just out of high school, to go through a process, and become a QSD with no understanding of essential knowledge and skills to practice stormwater design and inspection.

- 3) What measures and standards are CASQA using to assess proper and valid continuing education credits that are required annually ? What policy and procedures are established to ensure fair and valid review and approval process ?
- 4) CASQA and the Water Board have not performed the necessary studies to determine the scope of practice and to assess the necessary knowledge, skills, and abilities to assess and determine what a training program should consist of. Industry standards and best practice would follow a Job Task Analysis to ensure the content is comprehensive and proper.
- 5) CASQA and the Water Board have not established the scope and content necessary to assess an Exam Blueprint to determine if the exam questions and content are fair, rigorous, valid and defensible. Absent these studies will render any certification invalid in a legal challenge, which will most certainly occur.
- 6) What policies and procedures were established and scopes to assess the approval of the specific trainers/presenters of these alternative programs ? How is CASQA and the Water Board assessing and verifying integrity?
- 7) Any independent party should unequivocally be able to demonstrate certain standards, operations, impartiality, as well as compliance with industry standards. ANSI/ISO (now ANAB) ISO/IEC 17024⁶ Personnel Certification are usually the gold standards.
- 8) How is the Board and CASQA the ensuring that the scope of practice is not based on local or regional practice ? Practices in San Diego are not equivalent to Lake Tahoe or Monterey, let alone practices in areas such as Lancaster ?
- 9) CASQA and the Water Board have not established the approach, policies and procedures to access applicants and a proper application form. Absent experience requirements and assessments, assuming arguendo that this would be eliminated, how are basic math, writing, communications, map reading, moral character and other fundament essential knowledge and skills assessed and determined ?
- 10) The CGP that is now being used to allow individuals to then drop their underlying qualifications once they earn their QSP/QSD. This approach is unheard of and gives the appearance of

⁶ <https://anab.ansi.org/resource/iso-iec-17024-personnel-certification-documents-and-resources/>

CASQA trying to manipulate and monopolize the process in California without the proper process and tools in place to do so.

- 11) What economic or labor supply studies were performed by CASQA and the State Board to justify the assertions of financial impacts and shortages by independent third parties ? We are not aware of any studies by CASQA or the State Board. Have the current practices and approach to the alternative approach been analyzed
- 12) CASQA claims this process has been thought through. Where was this public disclosure and debate or outreach to the industry ? The number of phone calls and emails received by the undersigned has been on the order of dozens or professionals, none of them aware of these activities. A few individuals have recently raised questions, only to be told that we would wait and see how the water quality results go or that additional studies will be performed. ECI asserts this is outrageous and the damage will have already been done.
- 13) CASQA is a membership group that provide various levels of membership. This allows various sectors of the industry to participate in committees, which is part of the function of these types of membership groups. This, however, does not establish these individuals as industry or subject matter experts, it only signifies they are volunteers. Opinions and recommendations should be maintained in the proper context.
- 14) CASQA does not require committee members to provide conflict of interest statements or pertinent disclosures. The Water Board and the public should (and will) ask about the validity of recommendations when the very members making recommendations are reaping financial gain.
- 15) The CASQA committee process is an effective tool, but on such topics as discussed in this letter, there is a fundamental flaw. The general lack of transparency is self-serving and raises numerous issues and concerns of impropriety by many participants with the inherent conflicts and economic gains either from monies earned by training, exams, and/or reduced salaries, as many companies and sectors may now hire less qualified and as a result, less expensive staff. ECI recognizes that this does not include all members, many who participate with the best of intentions, however, CASQA's failure to follow certain protocols, especially with this process brings all actions and recommendations into question.
- 16) CASQA has an open book, open note certificate of training exam that has no exam security or firewall between the exam and the trainers. In fact, the undersign has encountered numerous candidates who stated that the answers were given to them in their QSP/QSD training under the auspices of prep quizzes. The certificate of training and corresponding exam process can be used for the QSP/QSD process but if this process is used for the underlying certification, the results will serve to provide an unqualified industry.

- 17) CASQA and the Water Board fail to understand that the underlying programs were not in place to teach a candidate how to pass the exam, like the QSP/QSD programs that are Certificates of Training. Rather they were Professional Certification programs, similar to a CPA's etc. It is the opinion of ECI that the current approach has unknowingly become a pay-to-play and will dilute the industry.

ECI believes CASQA and the State Water Resources Control Board may not have understood the impacts of the decisions and recommendations made for independent groups to present training and exams as part of the underlying certifications for the QSP/QSD. The results of CASQAs poorly vetted and short sided recommendations have created was a pay to play situation for companies that do not have the prerequisite knowledge, skills and expertise to provide the professional training necessary. The recommendations are without merit, fundamentally flawed, over-reaching, and are being made for several improper reasons that are found in an egregious conflict of interest for financial gains of certain organizations, companies and individuals.

ECI is not the only entity concerned about these developments, I am a California resident and practicing professional and have been contacted by numerous professionals and stakeholders, as well as discussed with Regional Board staff who share these concerns. If necessary, ECI believes it may be of benefit to assemble an independent group (Ad Hoc Committee) of practicing professionals, municipalities, and stakeholders across the State to review the actions of CASQA and the State Board since these concerns have fallen on deaf ears. All the while the individuals and groups making these recommendations are plagiarizing established training programs and economically benefitting.

The approach has reduced the standards for the “alternative approach” to be nothing more than a pay-to-play approach where the Board has made economic shifts from national and internationally recognized non-profits to private consultants and special interest groups.

The result of this perpetuates unqualified individuals performing tasks in one of the more complicated environments in the US, resulting in improper understanding. The current path will lead to dilution of the professional stormwater pollution practice, which will result in lower rates of compliance with the CA CGP and will lead to lower stormwater quality and an increased enforcement burden for the agency. As the practice is diluted and there is more damage to the environment, this will ultimately cost the taxpayer's untold economic expense.

ECI respectfully requests that the current processes be stopped before more harm is done and policies and guidelines outlined in this letter, which follow best business and industry practices, be implemented for the betterment of the stormwater industry and the State.

ECI is committed to seeking a collaborative and successful solution to this issue.

ENVIROCERT INTERNATIONAL, INC.



Michael Chase, CPESC, CESSWI, CPMSM, CPISM, QSP/QSD & ToR (California CASQA), QISP/Compliance Group Leader & ToR (California CASQA)
Vice President



Melissa McKinney, QSM, CNED
Chief Operation Officer, Director of NGICP, Director, Board of Directors



Robert W. Anderson, Professional Civil Engineer (15 States), Juris Doctorate, CPESC, CPSWQ, CPMSM, CPISM, CPSWQ, QSM, QSP/QSD & ToR (California CASQA), QISP/Compliance Group Leader & ToR (California CASQA)
President & CEO

Arizona: RCE 51923
Hawaii RCE 14230
Nevada PE 22896
Massachusetts PE 54080

Washington PE 47559
Oregon RCE 84690
North Carolina PE 43503
Delaware PE 22422

South Dakota PE11546
North Dakota PE 8252
Maryland PE 52275

Colorado PE 44734
New York PE 92272
Georgia RCE 043088

Certified CPESC #6840 & Instructor
California Certified QSP/QSD #21902 &
Trainer of Record (ToR) – Construction
California Certified /QISP #004 & Trainer
of Record (ToR) – Industrial

Certified Stormwater Manager (APWA)
Certified CESSWI #3270 & Trainer
Certified CPSWQ #0920 & Trainer
Certified CPMSM #0223 & Trainer
Certified CPISM #001 & Trainer

Qualified Stormwater Manager #001
National Green Infrastructure (NGICP)
#1365

Distribution:

Rob Carson, CASQA Board Chair
Karen Cowan, CASQA Executive Director
Jonathan Bishop, Chief Deputy Director, State Water Board
Karen Mogus, Chief Deputy Director, State Water Board