

From: [Zipporah Davis](#)
To: [HearingComments, DNREC \(MailBox Resources\)](#)
Cc: [Scott Larson](#); [Peter Watson](#)
Subject: Delaware Permit Comments
Date: Wednesday, December 16, 2020 4:42:38 PM
Attachments: [Delaware Permit Comments PathLightPro Updated .docx](#)

Good afternoon,

I hope this email finds you well. I am Zipporah Davis and on behalf of Path Light Pro we would like to submit a copy of our comments regarding the Delaware Permit. The comments have been typed and attached to this email as a Word Document. If you have any questions or concerns please do not hesitate to reach out. Thank you.

Best,

Zipporah Davis
National Quality Specialist
Path Light Pro
Wireless #: 678.280.4440
<http://pathlightpro.com>

GUIDING THE WAY FOR A BETTER TOMORROW

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Delaware Public Comments

Comment 1:

Personal Comment:

To avoid confusion, we recommend that the certification requirement for responsible personnel under Part 1 B is also included in the definition so that it clears what is required.

Permit Language:

Responsible Personnel means a foreman or superintendent who is in charge of on-site clearing and land disturbing activities for sediment and stormwater control associated with a construction project.

Pg. 25 PART 1 Section G

Comment 2:

Annual Fee: Section C.6

Personal Comment:

Please confirm that in accordance with section C.8 c. that copermitees must also pay an annual NOI renewal fee.

Permit

C.8 Shared Operational Control (Co-Permittee Status) a. Construction activities at a permitted site may become the responsibility of multiple operators when more than one operator has shared control of the site. When multiple operators maintain shared operational control, all are considered co-permittees of the site and must file an NOI as a co-permittee. b. An operator submitting an NOI who will share control of the permitted activities on the site shall require a duly authorized operator to submit to the Department a CoPermittee form electronically. The co-permittee condition shall become effective upon receipt and Department acceptance the electronic Co-Permittee form submission. If operational control will be shared by more than one additional copermitee, an electronic Co-Permittee form shall be submitted for all subsequent copermitees. c. The original permittee must familiarize the subsequent co-permittees with the program and provide the subsequent co-permittees with a copy of the Plan as required in Part 1.E.1 of this CGP. All conditions and obligations outlined in this CGP will apply to the co-permittees upon Department acceptance of the electronic CoPermittee form.

Comment 3:

1. Does the phrase authorized per apply to copermitee as well or does it only apply to original permittee?
2. It is currently unclear if copermitees have the ability to terminate coverage and associated responsibility under their copermitee coverage.

Permit: C.9. pg. 9

C.9 Notice of Termination (NOT) Once the conditions of termination of coverage are achieved in accordance with Part 1.F.2 of this CGP, the authorized permittee of the site must submit an electronic Notice of Termination (eNOT). The eNOT is accessible through the Department's website.

Comment 4: C.1.pg. 7

The obligation to keep both NOI and coverage is overbearing, complicated, and unnecessary. It is also excessive. We recommend that the department consolidate the process, so the permittee only has to keep one of those items current instead of having to do them separate. We also recommend that the department update the permit, so that when one gets renewed the other is automatically renewed. Extension of plan should be automatically tied to that.

Permit

C.1. Coverage under this CGP will expire when one of the following first occurs: a. The CGP is reissued or expires; or b. The approved Plan expires; or c. A Notice of Termination (NOT) form has been completed and accepted by the Department; or d. The Department administratively terminates coverage for a site.

Comment 5: pg. 8

Please provide expressed guidance that permittees with coverage under the previous CGP will now need to comply with all the terms and conditions with this CGP. Such as requirements under C. 10 to post a notice of permit coverage.

Permit

C.5. Construction activity beginning prior to and continuing on or after the effective date and holding valid coverage under the previous CGP will retain permit coverage under this CGP in accordance with the certification language contained in the initial and subsequent annual NOI filings.

Comment 6: C.11 Requirement to Maintain Document on Construction Site

1. Please clarify what NOI exactly refers to under C.11.A
 - a. Does this mean a coverage letter received by the department granting coverage or is it an actual copy of the NOI needs to be printed and maintained on site?
2. Under Section C.11.A, If the permittee makes available a copy of the NOI available during the business hour, does this meet the "maintaining at the construction site" under C.11.requirement according to the requirements listed Under C.11. Can the permittee make available an electronic copy of the permit Does the phrase "Maintained at the Construction Site" does this also include that an electronic copy needs to be
3. Please confirm if making available electronic copies of weekly inspection reports will satisfy the requirement under E.3 to maintain records at the site.
 - a. Please confirm that maintaining all the items and electronic maintenance will satisfy the requirement.

Permit

E.3: Persons subject to this CGP shall maintain all inspection reports, notices of violations, enforcement actions, and correspondence issued by the Department, its authorized agents, the appropriate plan approval agency, or a Certified Construction Reviewer.

Comment #5: For Good Housekeeping

The requirement under D.4.2.f is vague and excessive. Does the term BMP in this section refer to housekeeping BMPs only or to all BMPs?

Permit

f. The site foreman shall designate someone to inspect all BMPs daily

Comment #6: For Waste Management

The requirement under D.4.3.a for a securely lidded dumpster under D.4.3.a is excessive. The language is vague and excessive.

1. Securely lidded – the requirement for dumpsters to be lidded instead of covered creates an unnecessary design for waste containers
2. The phrase “drain to a water body” is vague and needs more explanation.

Permit

D.4.3.a. All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.

Comment #6: For Waste Management

The requirement for dumpsters under D.4.3.c for dumpsters to be emptied twice a week is excessive and unnecessary.

1. The frequency should be determined by the actions and conditions of the project in question.

Permit

D.4.3.c. The dumpsters shall be emptied a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Comment #7: Spill Prevention

The requirement for a fueling area sign is excessive and unnecessary. Designating an area on the approved plan should be sufficient.

Permit

D.4.5.e. Place a “Fueling Area” sign next to each fueling area.

Comment #8: For education

The requirement under D.4.6.a is vague and confusing. Please further define regular progress meanings, the current definition is vague.

Permit

D.4.6.a Best management practices for construction site pollution control shall be a part of regular progress meetings.

Comment #9: For education

The posting requirement is unnecessary, excessive, vague, and unclear.

“Posted in the trailer”

Permit

D.4.6.b. Information regarding waste management, equipment maintenance, and spill prevention shall be prominently posted in the construction trailer.

Comment #10: Monitoring

Can copermittees terminate their monitoring requirements by filing an NOT.

Permit

E.2. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, the permittee shall conduct inspections of the permitted area.