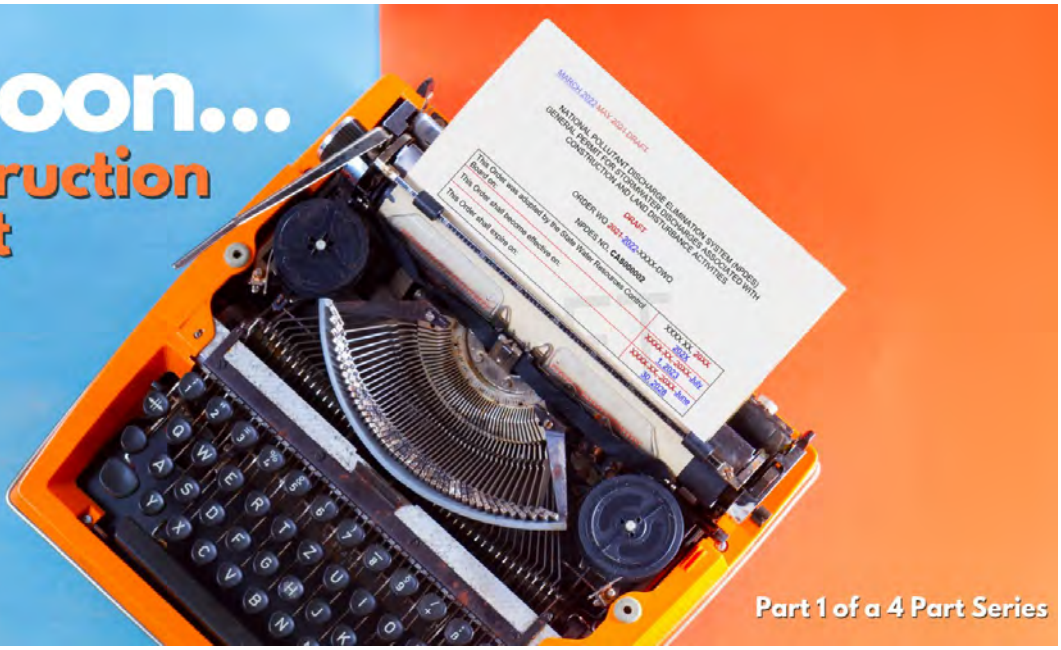
coming soon...
the NEW construction general permit



The Monthly Dirt
A monthly newsletter on the California Construction General Permit

Part 1 of a 4 Part Series

"The secret of change is to focus all of your energy not on fighting [for] the old, but on building the new"
-Socrates

As evidenced by the recent release of the Proposed Statewide Construction Storm Water General Permit Reissuance, **change is coming!** At least it is going to happen for QSPs, QSDs, and those having to comply with the Construction General Permit (CGP). In this month's edition (and the next three as well) of the Monthly Dirt, we're going to examine some of the proposed changes, which include new roles and tasks for QSPs, QSDs, and delegated inspectors; new definitions for storm events and numeric action level exceedances; new monitoring requirements; new BMP requirements; new reporting and documentation requirements; and new regulated constituents and activities.

When are all of these changes going to occur? Well, it is hard to say for sure; but the Water Board meeting to consider adoption of the permit reissuance is July 19, 2022. If the permit is adopted at that meeting, it most likely will become effective on **July 1, 2023**. However, existing permittees will be allowed to remain under the conditions of the current CGP until July 1, 2026. That includes anyone who submits a Notice of Intent (NOI) and is issued a WDID number by June 30, 2026. Dischargers who file a NOI on or after July 1, 2026 will need to comply with the newly adopted CGP.

NEW ROLES AND TASKS: The proposed CGP introduces some new, or at least redefined, roles in the implementation of the Permit. One subtle change that seemed to jump out at us was a greater emphasis on the role of the Discharger. The term is defined in Attachment B as " *a person as defined in Water Code, section 13050(c), which includes companies and governmental bodies, subject to this General Permit. The discharger is responsible for compliance with this Permit, including work done by QSDs, QSPs, and QSP delegates."* Although, it is not a new term or role, the Permit writers seemed to make more of a distinction between Discharger and Legally Responsible Person (LRP). The proposed Permit assigns the Discharger responsibility for all site activity affiliated with compliance and non-compliance including work done by QSDs, QSPs, and QSP delegates. Perhaps in an effort to make things more consistent between permits and on SMARTS, the Approved Signatory is now titled "Duly Authorized Representative" (DAR). Other than new names and clarifying the distinctions between them, the roles and responsibilities for these Permit players remain largely the same. QSPs and QSDs, on the other hand, keep their titles, but their roles and assigned tasks change quite a bit in this Permit. The QSD is still responsible for pollutant assessment and preparing and updating a SWPPP. But with this Permit, the QSD will be donning boots and hard hat and spending more time in the field by performing on-site inspections:

1. Within 30 days of construction activities commencing on a site;
2. Within 30 days of a discharger replacing the QSD;
3. Twice annually, once August through October and once January through March;
4. Within 14 calendar days after a numeric action level exceedance; and,
5. Within the time period requested in writing from Water Board staff.

QSPs must perform inspections:

1. At least once every calendar month (when delegating weekly inspections to a trained delegate);
2. Within 72 hours prior to a forecasted Qualifying Precipitation Event (QPE) to inspect areas of concern to verify the status of any deficiencies, BMPs, or other identified issues at the site.
3. Within 14 days after a numeric action level exceedance ; and,
4. Prior to the submittal of a Notice of Termination or Change of Information (for acreage changes) of all or part of a site.

Who can perform specific inspections?

Inspection Type	Qualified SWPPP Developer (QSD)	Qualified SWPPP Practitioner (QSP)	Delegate
Weekly	X	X	X
Pre-Precipitation Event	X	X	
During Precipitation Event	X	X	X
Post-Precipitation Event	X	X	X
Inactive Projects (14 days after Change of Information approval)	X		
Inactive Projects (Monthly Inspection)	X	X	X
QSD Responsibilities	X		
QSP Responsibilities	X	X	

California Water Boards

In addition, the QSP is required to review work performed by trained delegates including visual inspections, sampling, BMP implementation activities, and other required tasks listed in the SWPPP. If a QSP opts to delegate tasks to others, they shall provide the following training:

- Foundational training for all delegates regarding storm water compliance roles and responsibilities, forecast information, and documentation and reporting procedures; and,
- Site-specific training regarding visual inspections, sampling procedures, and/or SWPPP and BMP implementation activities relevant to the delegate's assigned responsibilities.

The name, email, and phone number for all delegated inspectors must be maintained in a training log that is uploaded onto SMARTS as an attachment to the SWPPP.

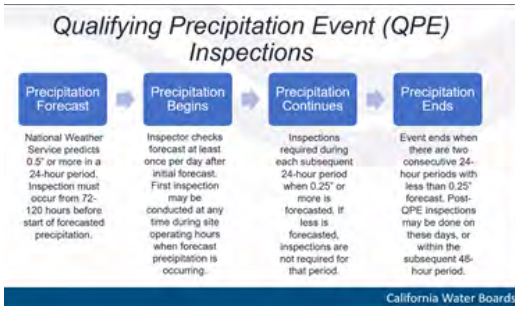
NEW DEFINITIONS:

QSPs and QSDs were not the only ones to have a change of roles. With the redefining of a "Qualifying Precipitation Event" (QPE), the rain gauge got a serious demotion in this Permit. *A qualifying precipitation event is any weather pattern that is forecast to have a 50% or greater Probability of Precipitation (PoP) and a Quantitative Precipitation Forecast (QPF) of 0.5 inches or more within a 24-hour period. The event begins with the 24-hour period when 0.5 inches has been forecast and continues on subsequent 24-hour periods when 0.25 inches of precipitation or more is forecast. The event ends when there are two sequential 24-hour periods with less than 0.25 inches of precipitation forecast for each period.* However, the rain gauge was not entirely let go from the job. It is still required for recording rainfall measurements during site inspections but its role in determining qualifying storm events has been terminated.

There was also a significant change in the definition of a "Numeric Action Level (NAL) exceedance". An NAL exceedance will no longer be based on a daily site-wide average of all discharge monitoring data, but it is now defined as the *"numerical average of three samples taken during each day of a qualifying precipitation event at each sample and/or discharge location."* The NAL levels remain the same (turbidity >250 NTUs and pH below 6.5 or above 8.5), but under the proposed permit, a project site may now have an NAL exceedance at any of its discharge points.

NEW MONITORING REQUIREMENTS:

To find the monitoring changes, you have to look in a different location in the Permit. All three risk levels for traditional projects are now contained in Attachment D. Linear Utility Project (LUP) requirements are in Attachment E. LUPs had a significant change in their monitoring requirements with the shift from needing to do daily inspections to an inspection program similar to traditional projects with weekly baseline and pre, during, and post-QPE inspections.



Rain Event Action Plans (REAPs) have been removed from the proposed permit, however, much of the REAP requirements have been rolled into the pre-QPE inspection. *See how much of the following sounds like the old REAP requirements.*

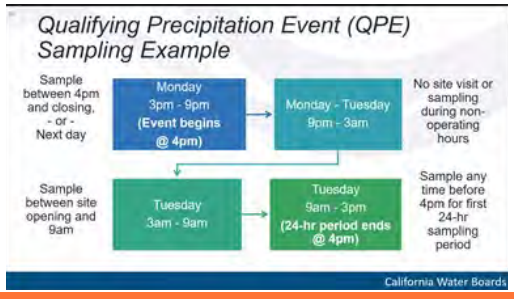
A QSP (not a delegated person) must conduct a pre-QPE inspection within 72 hours prior to any weather pattern that is forecasted to have a 50% or greater PoP of 0.5 inches or more in a 24-hour period. Precipitation forecast information shall be obtained from the National Weather Service Forecast Office and shall be included as part of the inspection checklist weather information. If extended forecast precipitation data (greater than three days) is available from the National Weather Service, the pre-precipitation event inspection may be done up to 120 hours in advance. The pre-QPE inspection shall include an inspection of the following:

- All stormwater drainage areas to identify leaks, spills, or uncontrolled pollutant sources and when necessary, implement appropriate corrective actions to control pollutant sources.
- All BMPs to identify whether they have been properly implemented in accordance with the SWPPP and when necessary implement appropriate corrective actions to control pollutant sources.
- All stormwater storage and containment areas to detect leaks and check for available capacity to prevent overflow.

Sure sounds like a REAP to us, but we'll call it a pre-QPE inspection.

Note that the proposed permit provides more time to perform pre and post-QPE inspections; up to 120 hours for pre and 96 hours for post inspections.

Traditional Risk Level 2 & 3 dischargers are



required to collect and analyze for pH and turbidity a minimum of 3 grab samples from all discharge locations per 24-hour period of a QPE. Remember, the new QPE definition is based solely on the forecast of an initial day of >=50% PoP with >=0.5" of precipitation and subsequent qualifying days have to have a forecast of >=0.25". Forecasts for two consecutive days of <0.25" means the QPE has come to an end.

LUPs have similar sampling requirements except not every discharge point must be sampled. LUPs must sample at one or more locations representative of the project's construction activities.

Non-visible pollutant sampling requirements changed from "2 & 2" - meaning two samples collected (one of the affected area and a comparison sample from an unaffected area) within the first two hours of discharge to collecting *"at least one sample, within 8 hours, from each discharge location hydraulically down-gradient from the observed triggering event or condition."*

NEW REPORTING & DOCUMENTATION REQUIREMENTS:

While the annual report is still due by September 1st of each year or when submitting a Notice of Termination, there are some changes to the reporting requirements. Under the proposed CGP, all sampling data must be submitted via an Ad Hoc Report on SMARTS within 30 days of the completion of the precipitation event or within 10 days of a NAL exceedance. This applies to traditional Risk Levels 2 and 3 dischargers, as well as LUP Types 2 and 3. The requirement to upload onto SMARTS photos from every third storm for LUPs was removed from the proposed permit.

All dischargers who perform non-visible pollutant sampling must upload analytical results onto SMARTS within 30 days of obtaining the results or within 10 days if there was a NAL exceedance.

We told you there's a lot of change coming. Next month we'll look at the Permit changes regarding BMP implementation.

Please contact us if you have any questions ...

The Monthly Dirt

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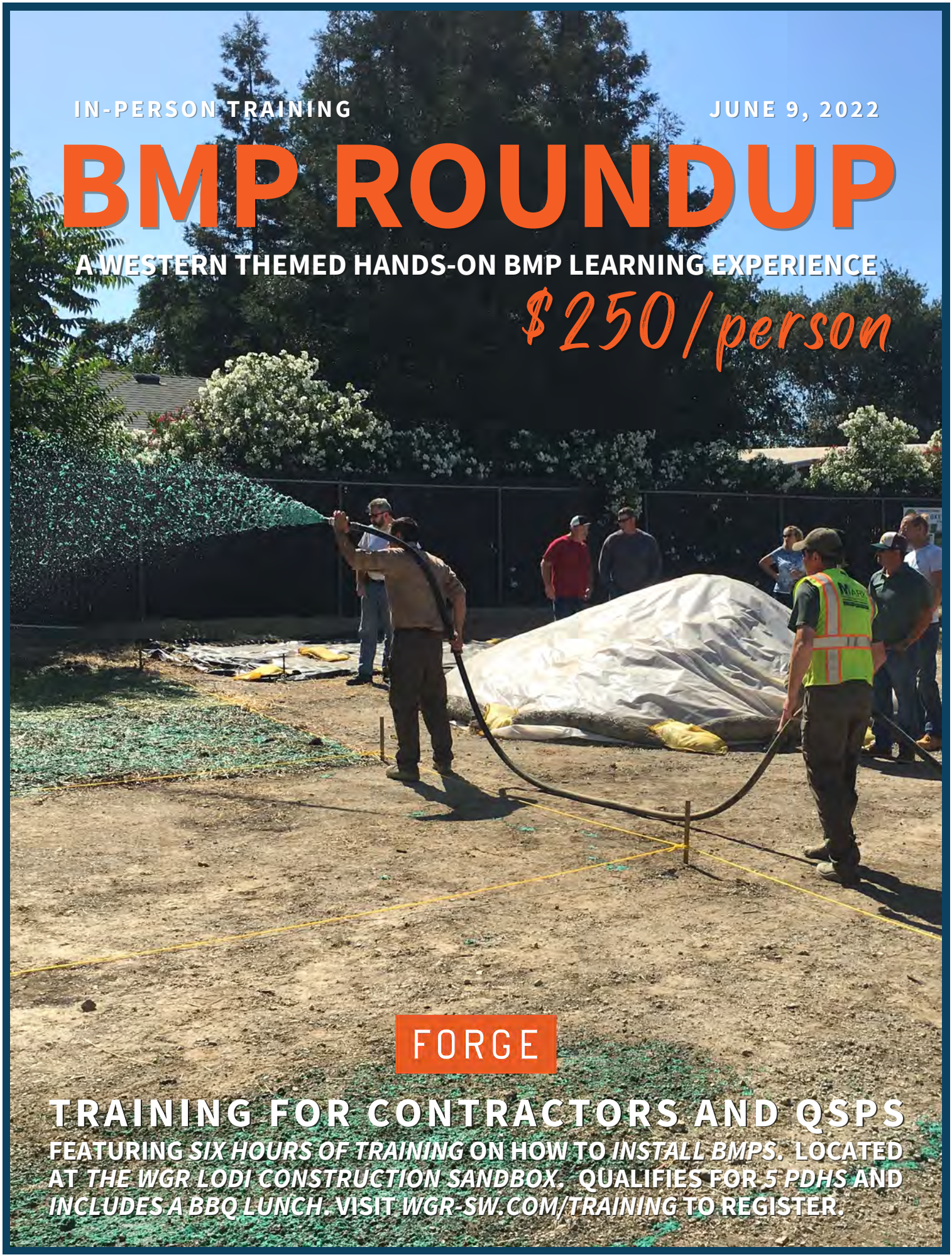
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PURPOSE & DESCRIPTION

Filtrexx **SiltSoxx™ NATURAL PLUS** is a pre-filled compost filter sock comprised of mesh material and certified FilterMedia™. SiltSoxx NATURAL PLUS mesh is 100% natural and biodegradable, eliminating the need for field removal. Leave in place for ongoing, natural protection.

APPLICATIONS

- Perimeter Control
- Inlet Protection
- Check Dams
- Slope Interruption

FOR ADDITIONAL INFORMATION

Refer to the **Filtrexx Catalog** for full item listings.

Refer to **Filtrexx Design Specifications** for complete application, design, installation, maintenance, and removal documentation.

FIELD APPLICATION PHOTO REFERENCES

SiltSoxx NATURAL PLUS used as Check Dam.

SiltSoxx NATURAL PLUS Specifications

Product Name	**SiltSoxx NATURAL PLUS**
Mesh Material Type	All Natural Biodegradable Wood Fiber
Uses	leave on site; long-term
Mesh Opening Size	1/8"
Diameters	5", 8", 12"
Functional Longevity/ Project Duration[1]	up to 18 mo
Tensile Strength (ASTM D4595)[2]	MD: 210 lbs TD: 289 lbs
Fill Material	Locally sourced FilterMedia
Mesh Color	off-white
Mesh Sample	
FilterMedia Sample	

[1]Functional longevity ranges are estimates only. Site specific environmental conditions may result in significantly shorter or longer time periods.
[2]Tensile Strength is based on 12" diameter using ATSM D4595. See Filtrexx TechLink #3342 for full tensile strength testing.

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