

# GETTING THE RIGHT PAIR OF BOOTS ON THE GROUND

## MORE QSDs NEEDED?

The new Construction General Permit wants Qualified SWPPP Developers (QSDs) to get out into the field and become more a frequent visitor to construction projects for which they wrote SWPPPs. But, the question on many people’s minds (including the State Water Board) is ... will they show up for work? Or will we experience a shortage of QSDs, at least those willing to get out into the field? Another question is, will it make a difference? For this edition of **The Monthly Dirt**, we have crunched some numbers and have conducted some informal interviews to try to answer these questions. We also want to give you an opportunity to let your voice be heard on this important subject.

**New Tasks for QSDs:** The QSD is still responsible for pollutant assessment and preparing and updating a SWPPP. But with the new CGP, 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 (NAL) exceedance; and,
5. Within the time period requested in writing from Water Board staff.

So how often might a QSD actually need to visit the job site? Well, it will largely depend upon the project’s water quality and how often NAL exceedances occur. Without any NAL exceedances for a new project that lasts a year, there would be no less than three site visits. But, if you are thinking that your projects have done pretty well avoiding NAL exceedances in the past, don’t get too comfortable in that nice warm and dry office. NAL exceedances got redefined in this new permit. In the old permit, all pH and turbidity data collected at all discharge points during a

single day were averaged together and compared to the NALs for pH of 6.5 and 8.5 and for turbidity of 250 NTU.

**Sample Results for April 17**

Discharge Point	pH	Turbidity
#1	7.8	35
#2	7.9	125
#3	8.8	275
#4	7.2	65
#5	8.6	325
Average:	8.06	165

For the data set shown above, under the 2009 CGP, there would be no NAL exceedance for either pH or turbidity. However, under the 2022 CGP, there would be four separate NAL exceedances since discharge points 3 and 5 had pH above 8.5 and turbidity values above 250 NTU. Strap on your boots! If you are the QSD, you need to get out to the site in the next 14 days. (The QSP will also need to

visit the site within the same time period for the same reason.) So you can see, it is far more likely under the 2022 CGP that there will be NAL exceedances.

**The Stats:** As of April 2023, there are 10,875 active permitted construction projects statewide. According to the Water Board, as of this month, there are 3,377 QSDs certified through the Office of Water Programs via the CASQA QSD training program and there are 3,282 QSDs who self-registered on SMARTS because they were [California State licensed professional engineers or professional geologists \(CPBPELGS\)](#). Combined, there are 6,659 QSDs. Is that enough to cover the 10,875 projects? Well possibly, if you consider that there are only 2,048 active QSPs covering all of these same projects. Of course, QSPs can delegate authority to properly trained personnel and some QSDs may be performing the tasks required of QSPs, so the number of individuals actually performing inspections is probably conservatively 4 or 5 times higher. However, the new QSD inspection requirements cannot be delegated out. Therefore, the ratio of QSDs to construction sites may be less than the ratio of QSPs and their delegated inspectors to projects. But, how much of the existing QSD workforce is willing to mobilize?

**Are QSDs willing to do it?** The Monthly Dirt interviewed three types of QSDs. One was a QSD from Northern California who was trained by a CASQA Trainer of Record and registered in the Office of Water Programs (OWP) database. Another is a Northern California Professional Engineer (PE) registered in SMARTS as a part of the CBPELSG process. The third is a Professional Geologist (PG) who is registered in SMARTS. The OWP-registered QSD said that they would be willing to do field inspections but thought the 14-day window for NAL exceedance inspections could be problematic with other workload. They said that QSD schedules and workloads are not field-oriented like those of a QSP. This person speculated that what would most likely happen is a QSP on their team would obtain the QSD credentials and do the inspections. The PG from Southern California said that they were just not in the position in their career and current life situation to be spending much time in the field. The PE from Northern California also felt balancing office and field demands would be challenging and doubted whether their clients would be willing to pay the PE rate for field inspections. Which is a good point! The 2022 CGP Fact Sheet states that the going rate for QSDs is \$100/hour. In our estimation (especially for PEs and PGs) you could almost double that figure.

**Share Your Opinion with Us:** We want to hear from our QSD readers! So, we have created an anonymous 5-question survey that takes about a minute to complete to help us know how likely it is that you will be performing inspections. Please share your thoughts with us and we will share the results in the next Monthly Dirt.



<https://www.surveymonkey.com/r/MRXZT7Z>

**The Intent of the New Requirements:**

For years, we have heard State and municipal inspectors lament the lack of involvement of

QSDs at construction projects after the SWPPP has been prepared. Clearly, these new requirements in the 2022 CGP are an attempt to address this concern. The rationale for the getting the QSD in the field more frequently is so they can observe actual site conditions and the current BMP configurations to facilitate a more timely and appropriate response involving SWPPP amendments and BMP changes. It is also clear the intent of the new permit requirements is to foster more communication between the project's QSP and QSD. All of this is good and needed. Presumably, it will help to achieve better compliance with the CGP. Or will it?

**Will QSD inspections make a difference?**

For several years, Caltrans has required a Water Pollution Control Manager (WPCM) be present and active on their projects. The [2018 Caltrans specification](#) states that a WPCM must have the following responsibilities and authorities:

1. Be the primary contact responsible for WPC work.
2. Oversee WPC work, including:
  - a. Maintenance of WPC practices
  - b. Inspections of WPC practices identified in the SWPPP or WPCP
  - c. Inspections and reports for visual monitoring
  - d. Preparation and implementation of the rain event action plans
  - e. Sampling and analysis.
  - f. Preparation and submittal of:
    - NAL exceedance reports
    - Violation reports for the receiving water monitoring trigger
    - SWPPP annual certification
    - Annual reports
    - WPC-practice status reports.
3. Oversee and enforce hazardous waste management practices, including spill prevention and control measures.
4. Have the authority to:
  - a. Mobilize crews to make immediate repairs to WPC practices
  - b. Stop construction activities damaging WPC practices or causing water pollution.
5. Ensure that all employees have current WPC training and provide training if collecting water quality samples is delegated.
6. Implement the authorized SWPPP or WPCP
7. Revise the SWPPP or WPCP if required.
8. Be at the job site within 2 hours of being contacted.

Note that these authorities and responsibilities go well beyond what the 2022 CGP requires of or ascribes to QSDs. But, anyone who has worked on Caltrans projects will know that they still have their share of CGP compliance challenges just like any other construction project. Even those who have performed the duty of a trained and authorized WPCM know the realities of what they can and cannot do in achieving compliance with the CGP. Is it, then, realistic to think that the QSD will make a significant difference beyond what the QSP is able to accomplish? Certainly more eyes on the project and better communication between QSPs and QSDs should help and probably will make a difference in some cases. But my working hypothesis is that those are the sites where the project team values compliance and is already taking seriously what the QSP is reporting on a weekly basis. I think at many sites, after a while, the QSD inspection reports will be treated the same as the QSP inspection reports. Sadly, if the QSP's call to action is not being heeded, I don't believe the QSD's voice will make much difference.

**More boots on the ground does make a difference!**

But, they are different boots! Caltrans has actually figured it out. In my estimation, Caltrans has better than average CGP compliance. It is because they have "regulator" boots on the ground. They have an active internal and external auditing program, which oftentimes includes Regional Water Board inspectors. Unresolved issues can result in undesirable consequences like docking pay for contractors. Therefore, Caltrans contractors tend to take very seriously any corrective action items identified on the QSP inspection reports. If the State Water Board wants to see a real change in compliance, more enforcement boots are needed in the field. Otherwise, the voices and boots of the QSPs and QSDs tend to be lost in the flurry of site activities. Enforcement is what makes them heard.

**Please contact us if you have any questions ...**

**The Monthly Dirt**

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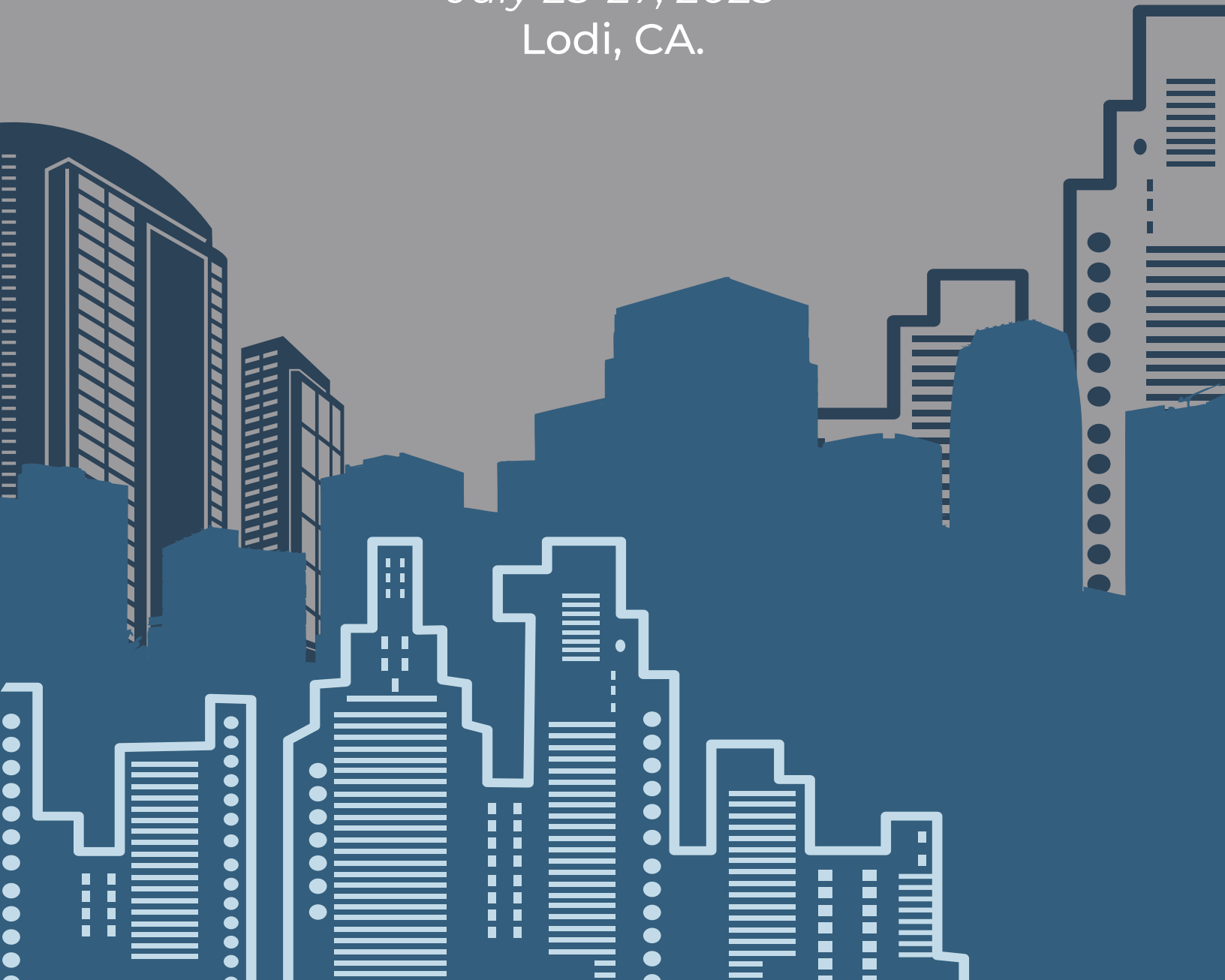
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Construction General Permit.

*One day of online training on May 11, 2023*

*\$100/person*



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Construction General Permit.

*One day of in-person training on June 22, 2023 in Lodi, CA*

*\$100/person*



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COMING SOON!