

The Ghosts of Permits

past, present, & future

The Monthly Dirt

A monthly newsletter on the California Construction General Permit



“Men’s courses will foreshadow certain ends, to which, if persevered in, they must lead, but if the courses be departed from, the ends will change.” - Scrooge

The way things have been in the construction storm water world for the past 13 years are about to change pretty drastically on September 1, 2023 when the renewed Construction General Permit takes effect. It kind of feels like the Construction General Permit is caught in the middle of Dicken’s Christmas Carol—with the ghosts of past, present, and future. We hope figuring out which Permit your site falls under isn’t too haunting for you, because projects already under the 2009 Permit will remain under that Permit until **2025** (or until they file a COI to increase their acreage), while any new projects permitted on or after September 1, 2023 will fall under the new requirements. In this month’s Christmas Edition of **The Monthly Dirt**, we’re going to take a look at what used to be and what soon will be as applicable to rain events, inspections, sampling, and more. The ghosts of Permits past, present, and future.

What rain events used to be: According to the 2009 Order, a Qualifying Rain Event was any rain event that produces 0.5 inches or more precipitation with a 48-hour or greater period between rain events. Meaning, dry periods during the storm which are less than 48 hours in length followed by more rain are counted as the same rain event.

What rain events are soon to be: According to the 2022 Order, a Qualifying Precipitation Event (QPE) is any weather pattern that is **forecast** to have a 50 percent 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. This means that dry periods of 24

hours or more or periods of rain **forecasted** to have less than 0.25 inches end the QPE. It does not matter how much rain actually fell. It could of rained an inch that day, but if it was forecasted to have less than 0.25 inches, the event is over. However, note that under this new definition it is quite possible to start a second QPE even if the rain never completely stops from the previous event.

What visual inspections used to be: According to the 2009 Order, weekly, pre-storm, during-storm, and post-storm events are required for all construction sites. Pre-storm inspections are to be conducted within 2 business days prior to each qualifying event with a REAP required for Risk Levels 2 and 3. During-storm inspections are to be conducted for qualifying events every 24-hour period until

there is 48 hours of dry weather. And post-storm inspections are to be conducted within 2 business days following a qualifying rain event.

What visual inspections are soon to be: According to the 2022 Order, weekly inspections are to be continued as they were in the prior Permit. However, things have changed for the storm event inspections. For pre-storm inspections, they must be conducted within 72 hours prior to any weather pattern that is forecasted to have a 50 percent or greater chance of 0.5 inches or more in a 24-hour period. (They may be done as early as 120 hours before the QPE if an extended forecast is available from the National Weather service.) During-storm inspections are to be conducted every 24-hour period for each subsequent day **forecasted** to have 0.25 inches of

Today	Tonight	Wednesday	Wednesday Night	Thursday	Thursday Night	Friday	Friday Night	Saturday
Frost then Sunny	Mostly Clear then Areas Frost	Frost then Sunny	Chance Rain 30%	Rain and Breezy 100%	Rain Likely then Slight Chance Rain 60% → 20%	Areas Frost and Patchy Fog then	Patchy Frost then Chance Rain	Rain Likely

Inspection Requirements		
Type of Monitoring	2009 Order (Attachments A, C, D, & E)	2022 Order (Attachments D & E)
Weekly / Daily	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person (QSP at least once monthly)
Pre-Storm	QSP, QSD, or Delegated Person	QSP or QSD
REAPs	QSP or QSD	N/A
During Storm	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
Post-Storm	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
Sampling	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
NAL Exceedance Inspection	N/A	QSP and QSD
Job start / change of QSD	N/A	QSD
Twice Annual	N/A	QSD
NOT inspection	N/A	QSP or QSD

According to the Water Board, under the 2022 Order:

- Risk Level 1 dischargers are not required to sample storm water discharges, but are required to conduct non-visible pollutant monitoring
- Risk Level 2 and 3 dischargers are required to obtain one sample from each actively discharging location, per 24-hour period of a Qualifying Precipitation Event
- Risk Level 2 and 3 dischargers shall use a field meter to analyze the sample for pH and turbidity
- Since only one sample is collected, there is no daily averaging per discharge location

Whose job is it: With the coming of the 2022 Order, QSDs will be required to be on site more frequently than required with the 2009 Order. QSPs will also have to step up their game. See the chart for more details on whose responsibilities are whose.

What the rain gauge used to be: According to the 2009 Order, the rain gauge is used to determine Qualifying Precipitation Events.

What the rain gauge is soon to be: According to the 2022 Order, the rain gauge is used to determine if a post-storm inspection is to be performed. Rain gauge readings are also required in the weekly and storm-event inspection reports.

What REAPs used to be: Rain Event Action Plans, according to the 2009 Order, were required to be prepared by a QSP or QSD and put into place 24 hours prior to precipitation beginning. These were

contingent on the pre-storm inspections being conducted by the site delegates or QSPs.

What REAPs are soon to be: REAPs are soon to be non-existent according to the 2022 Order. But essentially what is done in a 2009 Order REAP is what is required in the 2022 Order Pre-Storm Inspection. So basically, the REAP has just been renamed.

How does this play out in real life? The Monthly Dirt took a real storm event that occurred this month in Northern California. In a side-by-side comparison, we compared the qualifying precipitation event definition and the inspection and sampling requirements for the two Permits. We were surprised by what we learned about the differences of the Permits. We have attached the charts to this newsletter so you can see it for yourself.

Whose Job Is It?		
Type of Monitoring	2009 Order (Attachments A, C, D, & E)	2022 Order (Attachments D & E)
Weekly / Daily	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person (QSP at least once monthly)
Pre-Storm	QSP, QSD, or Delegated Person	QSP or QSD
REAPs	QSP or QSD	N/A
During Storm	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
Post-Storm	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
Sampling	QSP, QSD, or Delegated Person	QSP, QSD, or Delegated Person
NAL Exceedance Inspection	N/A	QSP and QSD
Job start / change of QSD	N/A	QSD
Twice Annual	N/A	QSD
NOT inspection	N/A	QSP or QSD

precipitation. Post-storm inspections are to be conducted within 96 hours after each Qualifying Event **if 0.5 inches or more precipitation is measured in an onsite rain gauge.** Note that under the new Permit, LUPs have the same monitoring program as traditional projects.

What sampling requirements used to be and will soon be: See the table below for all the details on the two Permits in effect...

Sampling Requirements		
Discharge Sampling Info.	2009 Order (Attachments C, D, & E)	2022 Order (Attachment D)
Frequency	Risk 1: None Risk 2 & 3: Every day during the QPE	Risk 1: None Risk 2 & 3: Every day during the QPE
Number and Locations	RL 2 & 3 dischargers shall collect effluent samples at all discharge points where storm water is discharged off-site. A minimum of 3 samples are to be collected per day from the entire site.	One sample from each discharge location per 24-hour period of each QPE, during active discharge. Samples are to be collected from all discharge locations incorporating runoff from project construction sites.
pH NAL Exceedance	= < 6.5 and >= 8.5	= < 6.5 and >= 8.5
Turbidity NAL Exceedance	= > 250 NTU	= > 250 NTU
TMDL Exceedance	Refer to Appendix 4	Refer to Attachment H
How NAL exceedances are determined	When the site-wide daily average of all samples and discharge locations exceed an applicable NAL.	Applies to each discharge location, when the field reading for the one sample taken during each day of a QPE at each sample and/or discharge location, exceeds an applicable NAL.

Please contact us if you have any questions ...

The Monthly Dirt

Newsletter Editor:

John Teravskis, QSP/QSD, CPESC, WPCM, ToR
jteravskis@wgr-sw.com (209) 334-5363 ext. 110
 or (209) 649-0877

Rebekah Teravskis, Acting Editor
rteravskis@wgr-sw.com, (209) 334-5363 x118

Technical Questions about Environmental Compliance? Call ...

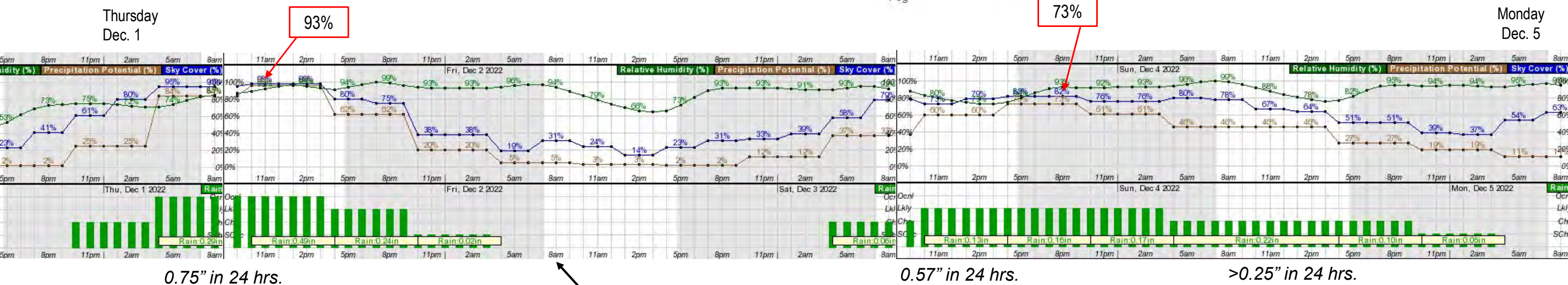
Mike Lewis, QSP, CESSWI, WPCM
 (Northern California) mlewis@wgr-sw.com,
 (209) 334-5363 ext. 116

The Monthly Dirt

Qualifying Precipitation Event Comparison



From: <https://www.weather.gov/forecast>



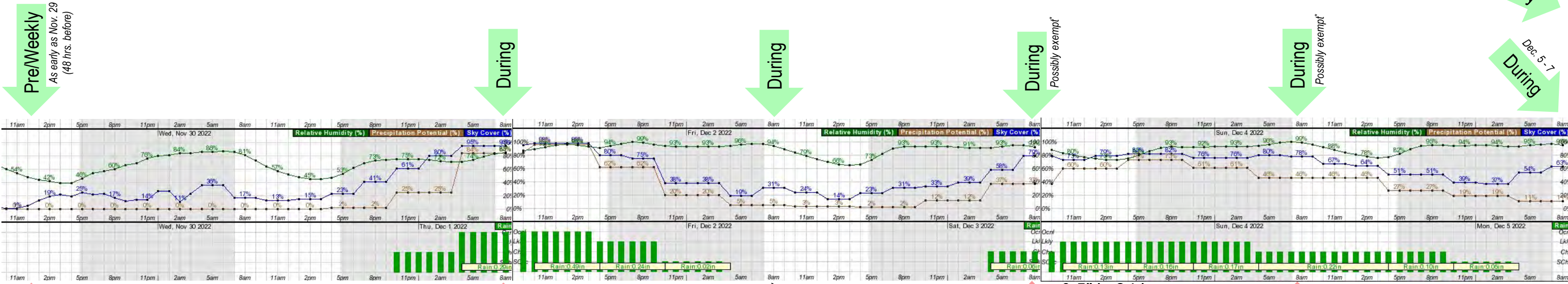
2009 QPE: Dec. 1 – 7, assuming 0.5” of rain is received and there is 48 hours of dry weather on Dec. 6 & 7

2022 QPEs: Dec. 1 & 3 – 4 (two separate QPEs)

The Monthly Dirt

Visual Inspection Comparison

2009 Inspections:



2022 Inspections:

Annotations for 2022 inspections:

- Pre/Weekly:** As early as Nov. 26 (120 hrs. before)
- During/Pre:** During for current storm & Pre for next forecasted storm
- During:** >0.5" in 24 hrs.
- During:** >0.5" in 24 hrs.
- During:** >0.25" in 24 hrs.
- Post/Weekly:** By Dec. 9 (96 hrs.)

QPE ends since subsequent 24-hour period has less than 0.25" forecasted

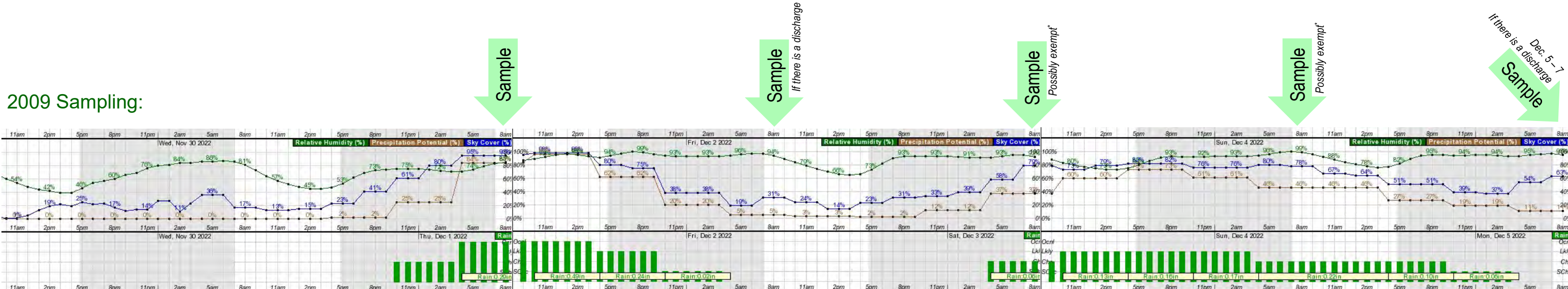
* Exempt from performing inspections if the project is not active during the weekend

Post for both Qualifying Precipitation Events

The Monthly Dirt

Discharge Sampling Comparison

2009 Sampling:



2022 Sampling:



* Exempt from sampling if the project is not active during the weekend

The Monthly Dirt team wishes
you a very warm and
wonderful holiday season!!



Merry Christmas




"For unto us a child is born, unto us a Son is given, and the government will be upon His shoulders. And He will be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. Isaiah 9:6

BMP
DEALS
WORTH
MELTING
FOR...

BMPOUTLET.COM



WGR-SW.COM/TRAINING



**QSP/QSD
TRAINING
ONLINE**

JANUARY 24-26, 2023

SPACE IS LIMITED, REGISTER TODAY!