

August 2013

The Monthly Dirt

A Monthly Newsletter on the California Construction General Permit
By WGR Southwest, Inc.

The #1 area of Non-Compliance

Starting next month, the California Construction General Permit will be entering its fifth year of the five-year permit term and much has changed since it first came into effect. Projects now have QSPs and QSDs overseeing them; and, for the most part, mandatory BMPs are in-place, people are being trained, and storm water observations and testing are being performed. From a casual glance, it appears that construction projects in California are compliant with the storm water permit and that all is well. However, we are finding there is one area of the permit that is frequently being over-looked ... **record keeping**. Many times this deficiency is identified when it comes time to prepare the annual report and it is discovered that weekly inspection reports, storm event monitoring records, and Rain Event Action Plans were not being generated or cannot be located. There are various reasons for the missing records. Sometimes it is because a QSP was never assigned to the project. Other times it is because no one can *find* the records. We have encountered instances where the records were kept in the SWPPP binder, but, now that the project has ended and the contractor has demobilized, no one can find the binder and the inspection records that were in it are gone. We have even heard of instances where job trailers were burnt to the ground including everything in them. We don't believe that the lack of record keeping is because of intentional non-compliance, but is more likely due to not adequately planning on how records will be managed once they are generated. The permit requires Legal Responsible Persons (LRPs) to maintain records for 3 years. But, the LRP is not the one who generates the majority of these records. The contractor or consultant assigned to the project is typically tasked with this responsibility; and that is where the problem lies. We find that for the majority of the projects there has been no formal communication of where records should reside and how they will be transferred from the contractor to the LRP. Another contributor to the problem is that so many different persons may need access to the records, including the QSP who first generated the record, the Water Pollution Control Manager, the Resident Engineer, the person preparing the annual report or a numeric action level exceedance report, local or State regulators, the contractor, and, finally, the LRP. Coordination is vital to avoiding non-compliance in this area.

Clip and save 

Seven Questions for Proper Records Management

Before starting your next project, discuss the following with the LRP and the QSP:

1. Who will be generating the CGP-required records? Sometimes, there is more than one entity.
2. Who needs access to the records?
3. Where will records be stored physically?
4. Where will records be stored electronically? (We suggest using a cloud server.)
5. How will records be backed up and protected?
6. When will records be transferred to the LRP?
7. Who will transfer the records?

What Records Must be Kept?

The following is a list of records that the CGP requires to be maintained for three years. Routine visual inspections and storm event inspections;

- Photos taken during inspections (LUPs);
- BMP evaluation records;
- Names of the individuals who performed the inspections, sampling, and measurements;
- Field testing records including the instruments used, the location of the analyses, individual sample results, daily averages, pH averaging calculations, and any corresponding visual observations;
- A summary of all analytical results from the last three years, including laboratory reports and chain of custody forms;
- Sample collection exception rationale and records;
- Weather forecasts (for REAPs) and rain gauge readings;
- Quality assurance/quality control records including instrument calibration records;
- Training records for those who are responsible for implementing the requirements of the CGP;
- The records of any corrective actions and follow-up activities;
- Active treatment system operation data and testing;
- Rain Event Action Plans (including an on-site paper copy); and
- Annual reports and NAL exceedance reports.

More information about Record Management ...

The CGP requires the discharger (LRP) to maintain a paper **or** electronic copy of all required records, including a copy of the General Permit and the SWPPP, for three years from the date generated or date submitted to the Water Board, whichever is last. These records must be available at the construction site until construction is completed. Some of the documents are required to be kept as paper copies including pH testing results, the ATS Specifications and Plan, and Rain Event Action Plans. Also remember that the Regional Board can require an LRP to maintain records for more than three years.

LUP Projects are required to perform daily inspections but they do not have to be recorded. However, during storm events they must identify and record BMPs that need attention. Photos taken during these inspections must be uploaded to SMARTS every 3 storm events.

Upcoming Training ...

- CPESC Math Review September 26
- Got SWPPP? Classes coming to Lodi:
 - ✓ QSP/QSD Training – Oct. 8-10, 2013
 - ✓ CPESC Review & Exam – Nov. 5-7, 2013

For more information about these classes, go to www.gotswppp.com.



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Please contact us if you have any questions ...

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