



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

Waiting to complete all your annual reports is not the best plan

The tortoise and the hare; a classic tale! The hare was over-confident in how swiftly he could complete a task and bullied the tortoise for how slow he was. The tortoise challenged the hare to a race. The hare, thinking this was funny and easy, agreed and set off at breakneck speed! He laughed to himself thinking how ridiculous it was to be racing such a slow creature. He had gained so much ground he decided to rest and nap in the shade. While he napped the tortoise passed him and neared the finish line. The hare awoke and was startled to see the tortoise so far ahead of him! No matter how hard and fast he ran, the hare could not make up the ground he lost. The tortoise, slow and steady, won the race with his consistent pace. The lesson in this fable can directly be applied to the approach needed for the 2022 CGP’s new annual reporting requirements, which is what this month’s edition of *The Monthly Dirt* is all about.

If you’ve ever filled out a 2009 CGP Annual Report then you know it’s a pretty simple process. You answer a series of questions with “Yes” or “No” and sometimes give an explanation of why. The 2022 CGP Annual Report is a whole new beast. Though there are still drop-down options to answer some questions, there is a significant amount of detail now expected to be reported. Under the new tab titled *Inspections, Sampling, Violations, and Corrective Actions*, the report preparer will encounter a new feature, which is a download Microsoft Excel spreadsheet provided by the Water Board. The expectation is that permit holders will fill out the Excel sheet throughout the entire reporting year. Let’s break it down into categories starting with the titles of

the tab outline.

Inspections: Permit holders will need to keep a detailed inspection log which includes what type of inspection was conducted, who conducted it, the date, time, and location. They will also be expected to keep a log of inspections that were missed and why. That means, *at a bare minimum, 52 weekly inspections should be logged for every Annual Report.* If qualifying storms occurred at any point during that reporting period, each of the required pre, during, and/or post storm inspections must also be included in the inspection log. *That’s an estimated 75-100 inspections logged per Annual Report!* This inspection log cannot take the place of formal inspection reports due to the lack of pictures

and inspection-specific details. This is a tracker specifically for the Annual Report.

Sampling: Much like the inspection log, a sample log will need to be kept. This log should include sample type, name of the sampler, date, time, location, and explanation of why sample wasn’t taken if one wasn’t collected. This does not take the place of an Ad Hoc which will still need to be submitted separately from the sample log.

Corrective Actions: Permit holders will be required to list what corrective actions were taken to address BMP deficiencies on site. This will include a description of what action was taken, who it was performed by, date, time, and location. If corrective actions were not

Please use the provided Excel template, or other documentation, throughout the reporting year to submit the required annual report information.

[Download](#)

Inspections, Sampling, Violations, and Corrective Actions

Ad Hoc Reports

Attachments

Certification

Status History

Notes

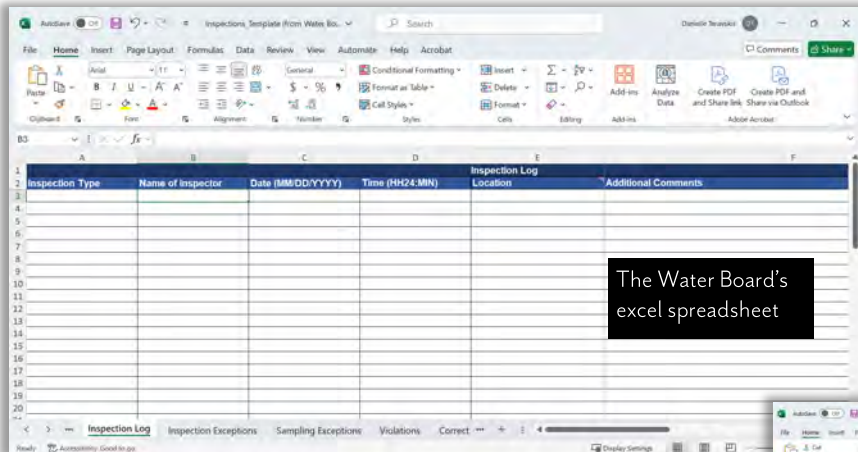
Visual Inspection Exceptions

Were there any visual inspection exceptions? *

Sampling

Sampling data is obtained from submitted ad hoc reports within the reporting period.

| Drainage Area | Monitoring Location | Sample Date/Time | TMDL Impaired Waterbody/Watershed | Parameter | Result | Units | Analytical Method | Method Detection Limit (MDL) | Analyzed By | Qualified SWPPP Practitioner |
|-------------------|---------------------|------------------|-----------------------------------|-----------|--------|-------|-------------------|------------------------------|-------------|------------------------------|
| No records found. | | | | | | | | | | |



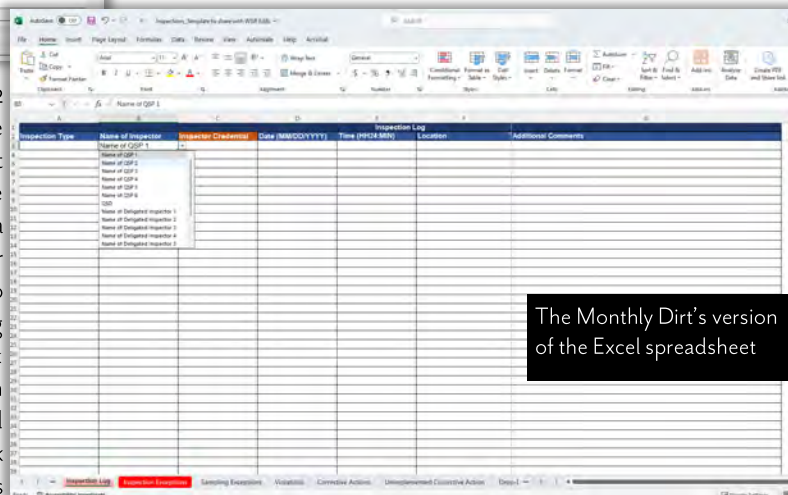
This new Excel spreadsheet will make non-compliance blatantly obvious. As stated before, each inspection log must have a

easy in-the-field access. This will allow inspectors to update the logs as they perform their inspections and collect samples. The Water Board allows other spreadsheets or variations of their spreadsheet to be utilized as long as it contains the required content. For example, a category can be added to identify the credentials of the inspector. This can be used to clarify if the inspector received the required training. The frequency of a corrective action being addressed can also be added to simplify the log. The

implemented, then an explanation of why will also be required in a separate sheet of the Excel workbook. What is an example of something needing corrective action? If a concrete washout container was used onsite, but it overflowed, then corrective action would be needed. Cleaning up the spilled concrete would be the corrective action required and must begin within 72 hours of being identified by an inspector.

Violations: We also need to know what is a violation because there is a separate sheet for recording them. A violation is when something is required by the 2022 CGP permit, but is not being implemented by a permit holder. What's an example of this? An example would be if concrete is being washed directly onto the ground without any attempt to use a washout container. The violation log will need to list the type of violation category, a description, who reported it, date, time, and location. The corrective actions will need to be taken to address violations as well. *Violations will result in fines from the Water Board not exceeding \$37,000 per calendar day of violation!* The 2022 CGP is very clear that a violation occurs due to inaction on the part of the permit holder, not exclusively due to an NAL exceedance. With that in mind, it leads to the question: are there any times when an unimplemented corrective action may cross over into violation? Yes, an argument can definitely be made that repeated inaction on the part of a permit holder to fully correct a deficiency on site, or an untimely response, would ultimately lead to a violation. The 2022 CGP specifies that corrective action must **begin** within 72 hours of a deficiency being identified by an inspector and should be completed as soon as possible, prior to the next rain event². What the 2022 CGP does not clearly define is at what point a corrective action that is not fully implemented crosses over into a violation. The exception here is when an NAL exceedance results due to inaction. Each QSP/QSD will be left to interpret where the line between unimplemented corrective action and violation is.

minimum of 52 inspections before storm event inspections are added. Just at a glance, the Water Board will be able to see missing inspections and seek out an explanation for those. They will also be able to check if an inspector has received the appropriate training to conduct inspections and/or samples (i.e., is a QSP or has received foundational and site-specific training). The violations and corrective action section will make it clear to the Water Board which permit holders are taking action to correct deficiencies on their site. *There will be no hiding "compliance gaps."* It is normal and expected for projects to routinely have minor BMP issues that need to be addressed weekly. This should be reflected in reports and in the corrective action section of the Excel spreadsheet. The spreadsheet will also make it quite visible if the monthly QSP inspections are different from the content in the inspection reports of a delegated QSP inspector. "Pencil whipping" of inspection reports will be very noticeable. This can lead to violations that result in expensive fines due to purposeful inaction on the part of permit holder. *Purposeful negligence on the part of a delegated inspector not only reflects badly on the QSP and QSD overseeing the project, but can also put the credentials of these professionals at risk.* This is all the more reason for QSPs to really ensure proper training is implemented and delegates are aware of the seriousness of their role. With all this in mind, what are some practical ways inspectors can take a "slow and steady" approach? One of the simplest ways to help inspectors is to upload the Water Board's (or equivalent) Excel spreadsheet to Google Sheets, or some other web-based platform, for



Monthly Dirt has created an alternate Excel spreadsheet template that you can download for free [HERE](#).

The race each reporting year under the new CGP is the annual report, with the finish line being September 1st (or at the time of filing an NOT). The slow and steady approach will be the weekly update of each log and communicating what the compliance team has concerns about. Take advantage of this new requirement by using it to stay on top of corrective actions and avoid the consequences of violations. This will greatly help QSPs identify where they need to step in and refresh training or reaffirm the importance of corrective actions. Don't be like the hare thinking there will be plenty of time to catch up on all the Annual Report details later. No matter how hard and fast a procrastinator may try, the resulting product will not measure up!

¹2022 CGP, ORDER WQ 2022-0057-DWQ, Order, Section VI.P, 1

²2022 CGP, ORDER WQ 2022-0057-DWQ, Attachment D -8, II.J.1

Please contact us if you have any questions ...

The Monthly Dirt

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ENVIRONMENTAL

PRESERVATION RESTORATION PROTECTION

Registration Deadline

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stormwaterawareness.org

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2024 EVENT PRESENTERS





FORGE

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QSP/QSD
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people are lining up
for these deals....

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