

# The Monthly Dirt

A monthly newsletter on the California Construction General Permit by WGR Southwest, Inc.

## Happy 5th Birthday, CGP!

ORDER NO. 2009-0009-DWQ  
NPDES NO. CAS000002

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|---|--------------------------|
| This Order was adopted by the State Water Resources Control Board on: | <b>September 2, 2009</b> |
| This Order shall become effective on:                                 | <b>July 1, 2010</b>      |
| This Order shall expire on:   | <b>September 2, 2014</b> |

### It may be hard to believe ... but the "new" Construction General Permit is turning 5 years old!

When the renewed CGP took effect 5 years ago it was considered by many to be revolutionary and quite intimidating. There were many new concepts embodied in the new permit such as QSP and QSD certifications, mandatory minimum BMPs, risk levels, Rain Event Action Plans, post-construction requirements, and annual reporting. Remember, how you felt and what you were thinking 5 years ago after reviewing it? How times have changed; for many these new features are just something we have to do to stay compliant and we don't give it a second thought. But on this 5<sup>th</sup> birthday of the permit, we thought it would be good to ask a couple of questions:

1. Did the new CGP accomplish what was hoped for by the Water Board?
2. What can we expect to see in the next renewal of the CGP?

To answer these questions, we turned to three individuals who have extensive experience with this permit. We interviewed by telephone and email Mr. Russell Hansen of the State Water Resources Control Board's Storm Water Program who is the lead on the Construction General Permit. We also interviewed Rich Muhl who is the Construction General Permit lead with the Central Valley Regional Water Quality Control Board's Sacramento Office. Finally, we interviewed Mike Lewis, a QSP who has been to many sites performing inspections and monitoring under this permit. Both Russell and Rich were in agreement that the permit largely accomplished the goal of an improvement in water quality of discharges from construction sites. Russell commented that the QSP/QSD program is a good concept because construction sites are very dynamic by nature and having trained professionals looking for problems prior to them occurring" is a good thing.

Rich Muhl stated that overall the CGP achieved the goals that it set out to accomplish. He believes that in particular the new concepts of having risk levels and minimum BMPs were key in improving water quality from construction sites. However, when asked if the QSP/QSD program met the State's expectation in improving water quality, he felt that it fell short of it – primarily because it focused mostly on the permit requirements and not as much on the practice of effective erosion and sediment control. Rich also believes that there should be better communication between QSDs and QSPs on projects.

Mike Lewis, a QSP who has been working under this new permit, believes that this current CGP has accomplished much in moving sites further ahead in their erosion and sedimentation control practices. However, he comments that for many project sites, the legal responsible persons (LRPs) still remain fairly ignorant of the permit requirements and contractors have found that in many cases they can get by with minimal efforts and do not usually have to comply with the full extent of the permit. Contractors and LRPs have seemingly taken a "wait and see what happens approach" to BMP installation rather than the proactive approach mandated by the CGP. Mike is hoping that the Water Board leaves the CGP pretty much as it is; but that they place far more focus on enforcement. He feels that it is unfair economically and ethically to those who make the effort to comply when so many projects can get by with substandard BMPs or SWPPPs that are not implemented in the field. Mike says, "It is not the permit that is broken; rather the lack of enforcement due to understaffed and overworked Water Board resources needs to be fixed." (Continued on next page)

(Continued from Page 1) When asked about the next CGP renewal and what needs to be changed in it, Russell Hansen stated, "The ultimate decision will be made through a public process with our board members which we hope to start late this year or next. In general, I think we will be making mostly minor clarification changes in the permit and updating some portions to make it current with Federal or legal requirements. The ultimate goal is to not make any major changes but help clarify areas that have been confusing in the existing permit." We asked him about potential changes for QSPs and QSDs. Russell replied, "The QSD/QSP program will probably continue, I don't think the Board Members are looking to change this. In my opinion, the existing permit needs some clarification on the expectations for the QSD/QSP responsibilities. I have had a large amount of input from QSDs, QSPs, Regional Board Staff, NGOs, and industry on this subject. Taking that input we will draft up the changes in a new document and release it so we can see if the changes make sense and will move the construction storm water program forward in a positive direction." Russell concluded his thoughts on the permit renewal by stating, "On some of the new changes we are probably close to finding a good solution, but some of the changes we try for honestly don't work for many different reasons. The drafting of a new permit is very complex and we hope to have a new draft out so everyone can commit as needed." **MD**

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## The Renewal Process

NPDES permits, including the Construction General Permit, have a 5-year permit term. Ideally, the Water Board would like to renew these permits by the end of the term. But, renewing them is a big process and takes time. As Russell Hansen of the Water Board referred to in the above article, it requires input from not only Water Board staff, but also the public, permittees, non-governmental organizations (NGOs), the storm water industry, and the Water Board Members themselves. The following steps are involved in renewing the permit:

1. **Drafting of a proposed permit language by Water Board staff (which is currently being done);**
2. An internal review by Water Board management and legal counsel;
3. Release of the proposed permit to the public for a 30 to 90-day comment period with a public hearing scheduled during that time. With some permit renewals, the State Water Board will also hold informational workshops to advise the permittees of the proposed changes.
4. The permit is adopted at the public hearing and takes effect usually 3 to 6 months later.

**MD**

## Upcoming Training

Got SWPPP? Classes coming to Lodi:

- ✓ Save the Date – Storm Water Awareness Week 2015 is coming up! September 21-25, 2015 For more information, go to [www.StormWaterAwareness.org](http://www.StormWaterAwareness.org)
- ✓ QSP/QSD Training, **October 6-8, 2015**  
(For more information about these classes, go to [www.gotswppp.com](http://www.gotswppp.com).)
- ✓ Need storm water training for your crew? Bring them to our training facility in Lodi and use our conference room and multi-media system, the construction sandbox (a hands-on simulated construction site complete with BMPs), living wall demonstration, a warehouse full of BMP samples,

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## Birthday Celebration Podcast

Listen in on a conversation between the Monthly Dirt's editor John Teravskis and the Central Valley RWQCB's Rich Muhl as they discuss the 5<sup>th</sup> birthday of the CGP and how it performed in protecting water quality. Check it out at:



<http://swpppradio.org/listen.php?ID=13>

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

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**Technical Questions about Environmental Compliance?**

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# PDU WEEK

## **Did you miss PDU Week in May? No worries, you can still watch.**

If you are one of many storm water professionals that are needing PDUs or PDHs to renew your certification, we have a really good and convenient option for you to obtain them. Watch one of the recorded 2015 PDU Week sessions, take the short quiz after the video, and download your customized certificate of participation. There are five excellent workshops on "dirt" that will not only count towards a PDU or PDH, but will also help you with understanding how different types of soil affect erosion and sedimentation. **Best of all ... they are all free!**

Check out the following 2015 broadcasts:

- A Geologist's Perspective on Erosion and Sediment Control with Daniel Kramer, PG, CEG, PGp
- A Geotechnical Engineer's Perspective on Erosion and Sedimentation with Patrick Dell, PE
- The Understanding and Application of Soil Characteristics and Chemistry with Tim Bauters PhD, PE, QSD, CPESC and ToR
- Learning about Soil from the Ag Community with Ken Oster, Soil Scientist with NRCS
- Controlling Soil Erosion with David Franklin and John McCullah, both are CPESCs, QSDs, and ToRs.

*To watch these or the 2014 broadcasts, click on the videos below...*





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