



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

REPORTING REVOLUTION

This year's CGP Annual Report might not be what you thought it would be.

In August 2024, The Monthly Dirt reported on the new format required for 2022 Construction General Permit (CGP) annual report. In that [newsletter](#), we talked about the Water Board's new compliance summary spreadsheet which is downloaded from SMARTS, completed by the discharger, and then uploaded back onto SMARTS as part of the annual report. The article detailed the process needed to populate the required data to be included in the spreadsheet. Since many of our readers will be preparing annual reports starting sometime after July 1, in this edition of **The Monthly Dirt**, we wanted to provide an update on the State Water Board's requirements for the format and content of the annual report. While some dischargers may view this as a revolution from onerous reporting requirements, in reality this is a natural evolution facilitated by the Water Board to provide a compliant but yet pragmatic format for dischargers to report their activities and data.

This year we find ourselves celebrating the 250th birthday of our great nation. Where have the years gone? I vividly remember a field trip to view the bicentennial train as a junior high student. Give things time and change happens. Our flag, for instance—Old Glory has gone through a series of changes over the last 250 years as our Union has naturally grown and expanded. But some change happens through revolutions like the Boston Tea Party on the night of December 16, 1773. Over tensions caused by the rising cost of tea due to British taxes and a monopoly of the East India Company, colonists revolted and dumped tea into the harbor. This was one of many other events which led to the changes of 1776. Two hundred and fifty years later, change continues with coffee as the current culture's hot beverage of choice and ironically, even with the constant rising cost, no one is revolting or dumping lattes into the local waterways.

Report Revolt or Evolution?: When the Water Board's new annual report format was discovered by dischargers and those representing dischargers, it caused a considerable amount of consternation. There were concerns over the level of detail being required and placed onto SMARTS where it would be accessible to anyone. Most of the concerned dischargers were not against providing that level of detail in the weekly and storm event inspection reports but were wary of ability of non-governmental organizations to mine data in SMARTS in order to file Clean Water Act citizen lawsuits. One major objection to the new reporting format and content required in the spreadsheet was to include violations (or potential violations) in the report. Many expressed frustrations of the lack of consistent direction or

ambiguity by Water Board and Regional Board staff as far as what should be included in the violations section of the report which included everything from items needing corrective action to notices of violation issued by the Regional Board.

To be clear, the annual reporting requirements of the 2022 CGP have not changed. The CGP still requires the following information to be provided in the annual reports.

- IV.P.3. The Annual Report shall consist of the following:
- The summary of all stormwater sampling and monitoring reports and supporting documents (e.g., laboratory reports);
 - The summary of all corrective actions taken during the compliance year;
 - The identification and explanation of any compliance activities (e.g., missed sampling or visual inspections) or corrective actions that were not implemented;
 - The summary of all the General Permit violations;
 - The names of individual(s) who performed the site inspections, sampling, visual inspections, and/or measurements;
 - The date, place, time of site inspections, sampling, visual inspections, and/or measurements, including the amount of precipitation measured in inches; and
 - All visual inspection and sample collection exception records and reports.

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

Download

| Inspection Log | | | | | |
|-----------------|-------------------|-------------------|-----------------|----------|---------------------|
| Inspection Type | Name of Inspector | Date (MM/DD/YYYY) | Time (HH24:MIN) | Location | Additional Comments |
| | | | | | |
| | | | | | |
| | | | | | |

Instructions Inspection Log Inspection Exceptions Sampling Exceptions Violations Corrective Actions Unimplemented Corrective Action

(For the record, these requirements stayed pretty much the same as in the previous 2009 CGP.)

On the instructions page of the new compliance summary spreadsheet, the Water Board states, “This Annual Report Excel Template has been developed to assist dischargers in reporting the information necessary to comply with the annual reporting requirements... If a Discharger wishes to substitute a separate form, in place of this Excel Template, to report the information required by Section IV.P.3 of the General Permit, they may do so.”

So from the Water Board’s perspective nothing has really changed, the permit requirements are still in place and dischargers are expected to meet them. However, in recent communications with the Water Board it has become evident that there has been some evolution in what reporting format is now considered acceptable.

Caltrans Leads the Charge:

Since the annual reporting language did not change between the 2009 and 2022 CGP, earlier this year, representatives of Caltrans proposed to the Water Board the uploading of a form that mirrors the original SMARTS Annual Report format. The form Caltrans had used during the 2009 CGP tenure was CEM-2075 (a copy of which is attached to this newsletter). In April of this year, Brandon Roosenboom, the Water Board’s CGP lead staff person, concurred with this proposal as long as the report also contained:

- The names of individual(s) who performed the site inspections, sampling, visual inspections, and/or measurements;
- The date, place, time of site inspections, sampling, visual inspections, and/or measurements, including the amount of precipitation measured in inches; and
- All visual inspection and sample collection exception records and reports.

The Caltrans representative responded to Brandon and stated that the following spreadsheet fields would be included with the annual report documentation:

| Inspection Log | | | | | |
|----------------|------|----------|-----------------|----------------------|------------------------|
| Date | Time | Location | Inspection Type | Sampling (yes or no) | Amount of Precip. (in) |
| | | | | | |
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And also included with this documentation would be a revised CEM-2075 form that contains the name and title of all individuals who performed inspections, sampling, or measurements and a explanation and

documentation of any exceptions to visual inspections and sampling.

Upon hearing about this development, in May 2026, the editor of The Monthly Dirt contacted Brandon Roosenboom to inquire if non-Caltrans projects could also submit similar documentation to meet the CGP reporting requirements. Brandon replied that “non-Caltrans projects are welcome to use similar documentation so long as it complies with the requirements of 2022 CGP Order Section IV.P.”

The Violation Issue:

Section IV.P. of the CGP requires that a summary of all General Permit violations be included in the report. As previously mentioned, there is a considerable amount of ambiguity as to what should be summarized and reported. What clearly should be reported is a summary of any Construction General Permit violations issued to the discharger during the reporting year by the Water Board and/or Regional Board. But does the discharger need to tell on themselves? And what constitutes a violation? The CGP is clear about certain things being a violation of the permit, such as:

- Not reporting any numeric action level exceedance through SMARTS is a violation;
- A numeric effluent limitation exceedance is a violation;
- Failure to implement corrective actions in response to a numeric action level exceedance is a violation; and
- Failure to obtain General Permit coverage for storm water and non-storm water discharges covered by the CGP to waters of the United States is a violation.

To help clarify, consider the following analogy. When driving along the highway there are posted speed limit signs. If I am driving at the speed limit but observe other vehicles quickly passing by me, I can recognize that they are exceeding the speed limit and very well might be in violation of the speed laws of California Vehicle Code §22350. However, because I

am not a law enforcement officer, I do not have the authority to pull someone over and issue them a speeding ticket and, as such, I cannot say that they are in violation.

The CGP states that “the Legally Responsible

Person is always ultimately responsible for project compliance. This individual must certify the Permit Registration Documents and **will be the recipient of any Notices of Violations or Administrative Civil Liabilities (fines) for the project.**” If the LRP is the recipient, who is the issuer of notices of violation? It is not the municipal inspector. In the various MS4 permits, the Water Board states that municipal inspectors cannot enforce the CGP but as required by their municipal NPDES permit they need to develop municipal code which enables them to enforce compliance with required BMPs and discharge prohibitions. It also should not be the QSP or QSD since authority to issue violations has not been given to them. The QSP and QSD can and should identify items needing corrective action or situations that they feel could put the discharger at risk of being in violation of the CGP. These items should be recorded in their inspection reports and summarized in the annual report as corrective action items. Issuing violations is the job of the Water Board. Any violations issued by them to a discharger are required to be summarized in the annual report for the reporting year in which it occurred.

Evolution for Your Report:

Perhaps you want to follow Caltran’s lead or maybe you feel more comfortable populating the spreadsheet in its current downloadable format from SMARTS. After seeking appropriate legal advice, consulting with your local Regional Board’s storm water contact person, and confirming your direction with the discharger and LRP, you make the call as far as how much you want to evolve the annual report’s format.

That is one of the things that is so great about our country—we are free to peaceably exchange ideas, challenge old ways of thinking, and work together to make this a better place for future generations.



Please contact us if you have any questions ...
The Monthly Dirt

Newsletter Editor:
John Teravskis, QSP/QSD, CPESC, CESSWI, WPCM, ToR
jteravskis@wgr-sw.com (209) 334-5363 ext. 110
 or (209) 649-0877
Technical Questions about Environmental Compliance? Contact...
Matt Lewis, QSP/QSD, CESSWI, WPCM, Connections Course
matt.lewis@wgr-sw.com,
Rebekah Burnett, acting editor
rburnett@wgr-sw.com

FORGE

SUMMER SAVINGS

SAVE BIG THIS SUMMER WHEN
YOU ENROLL IN SELECT COURSES

valid 7/1/26 - 7/31/26

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ONLINE CLASS

JULY 28-30

REGISTER AT
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QSP

QSD

TRAINING

GENERAL INFORMATION

A. SITE OWNER INFORMATION

| | | | |
|---------------|--|---------------|----------|
| OWNER NAME | | OWNER CONTACT | |
| OWNER ADDRESS | | EMAIL | PHONE |
| CITY | | STATE | ZIP CODE |

B. SITE INFORMATION

| | | | |
|--------------------|--|--------------------|-------------------|
| SITE BUSINESS NAME | | SITE CONTACT | |
| SITE WDID NUMBER | | EMAIL | PHONE |
| PHYSICAL ADDRESS | | CITY | STATE ZIP CODE |
| SEGMENT NAME | | SEGMENT RISK LEVEL | |

FORM 1

C. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

- C.1. Has a SWPPP been prepared by a Qualified SWPPP Developer (QSD) for the construction project? YES NO
 If NO, explain: _____
- C.2. Does the SWPPP include a Construction Site Monitoring Program (CSMP) section/element? YES NO
 If NO, explain: _____
- C.3. Are these documents kept on-site? YES NO
 If NO, explain: _____

D. GOOD SITE MANAGEMENT (i.e. HOUSEKEEPING)

- D.1. Were good site management (i.e. housekeeping) measures for construction materials implemented on-site in accordance with Construction General Permit (CGP) and SWPPP? YES NO NA
 If NO, explain: _____
 D.1.a. Was an inventory of the products used and/or expected to be used conducted? YES NO
 If NO, explain: _____
- D.2. Were required good site management (i.e. housekeeping) measures for waste management implemented on-site in accordance with CGP and SWPPP? YES NO
 If NO, explain: _____
 D.2.a. Is there a spill response and implementation element for the SWPPP? YES NO
 If NO, explain: _____
- D.3. Were required good site management (i.e. housekeeping) measures for vehicle storage and maintenance implemented on-site in accordance with CGP and SWPPP? YES NO NA
 If NO, explain: _____
- D.4. Were required good site management (i.e. housekeeping) measures for landscape materials implemented on-site in accordance with CGP and SWPPP? YES NO NA
 If NO, explain: _____
- D.5. Was a list of potential pollutant sources developed? YES NO
 If NO, explain: _____
- D.6. Were required good site management (i.e. housekeeping) measures to control air deposition of site materials and from site operations implemented on-site? YES NO
 If NO, explain: _____

E. NON-STORM WATER MANAGEMENT

- E.1. Were measures to control all non-storm water discharges during construction implemented? YES NO
If NO, explain: _____
- E.2. Were vehicles washed in such a manner as to prevent non-storm water discharges to surface waters or to MS4 drainage systems? YES NO NA
If NO, explain: _____
- E.3. Were streets cleaned in such a manner as to prevent unauthorized non-storm water discharges from reaching surface waters or MS4 drainage systems? YES NO
If NO, explain: _____

F. EROSION CONTROLS

- F.1. Were required erosion controls implemented on-site in accordance with CGP and SWPPP? YES NO
If NO, explain: _____

G. SEDIMENT CONTROLS

- G.1. Were required sediment controls implemented on-site in accordance with CGP and SWPPP? YES NO
If NO, explain: _____
- G.2. Were immediate access roads inspected on a daily basis? YES NO
If NO, explain: _____
- G.3. Was an Active Treatment System implemented on-site? YES NO

H. RUN-ON AND RUN-OFF CONTROLS

- H.1. Was all site run-on and run-off effectively managed? YES NO
If NO, explain: _____
- H.2. Did Risk Level 2 and 3 dischargers monitor and report run-on from surrounding areas, if there was reason to believe run-on may have contributed to a Numeric Action Level (NAL) or Numeric Effluent Limitation (NEL) exceedance? YES NO NA
If NO, explain: _____

I. RAIN EVENT ACTION PLAN (REAP)

- I.1. Were REAPs developed 48 hours prior to all likely precipitation events (50% or greater probability of producing precipitation)? YES NO NA
If NO, explain: _____
- I.2. Did the REAPs developed meet the minimum criteria listed in the CGP? YES NO
If NO, explain: _____
- I.3. Was a REAP developed for each qualifying event in accordance with the permit requirements (i.e. Grading and Land Development, Streets and Utilities, Vertical Construction, Final Landscaping and Site Stabilization)? YES NO
If NO, explain: _____

J. INSPECTION, MAINTENANCE AND REPAIR

- J.1. Were all site inspections, maintenance, and repairs performed or supervised by a Qualified SWPPP Practitioner (QSP)? YES NO
If NO, explain: _____
- J.2. Were site inspections conducted weekly and at least once each 24-hour period during extended storm events? YES NO
If NO, explain: _____
- J.3. Were post rain event inspections conducted? YES NO
If NO, explain: _____
- J.4. Do your inspection forms/checklists meet the minimum criteria listed in the CGP? YES NO
If NO, explain: _____
- J.5. During any site inspection was Best Management Practice (BMP) maintenance or repairs required? YES NO
If yes, provide summary in Form 3.
- J.6. If BMP maintenance/repair or design change was needed, did implementation begin within 72 hours? YES NO NA
If NO, explain: _____

K. VISUAL MONITORING

- K.1. Within 2 business days (48 hours) after each qualified rain event, were visual inspections conducted in compliance with the CGP? YES NO NA
If NO, explain: _____
- K.2. Were all storm water discharges that occurred from storage or containment systems visually observed prior to discharge? YES NO
If NO, explain: _____
- K.3. Were the time, date, and rain gauge reading recorded for each qualifying rain event? YES NO NA
If NO, explain: _____
- K.4. Within 2 business days (48 hours) prior to each predicted rain event, were visual inspections conducted in compliance with the CGP? YES NO NA
If NO, explain: _____
- K.5. Are all visual inspection records retained on-site? YES NO
If NO, explain: _____

L. WATER QUALITY SAMPLING AND ANALYSIS

- L.1. How many qualifying storm events (producing precipitation of 0.5 inch or more at the time of discharge) occurred this past reporting year? _____
- L.2. How many qualifying storm events (producing precipitation of 0.5 inch or more at the time of discharge) were sampled? _____
Explain un-sampled events: _____
- L.3. For the sampled events, did you collect three samples, at minimum (representative of the flow and characteristics) each day of discharge per qualified event? YES NO NA
If NO, explain: _____
- L.4. Were grab samples analyzed for pH and/or turbidity (Analytical data must be entered in the RAW DATA tab in SMARTS)? YES NO NA
If NO, explain: _____
- L.5. Were Active Treatment System (ATS) effluent samples taken? (Applies to projects that deployed ATS) YES NO NA
If NO, explain: _____

M. NON-STORM WATER DISCHARGE MONITORING

- M.1. Were all drainage areas monitored for authorized/unauthorized non-storm water discharges quarterly? YES NO
If NO, explain: _____
- M.2. Did visual observations indicate any authorized/unauthorized non-storm water discharges? YES NO
If YES, explain and complete Form 2. _____
- M.3. Were effluent samples taken of the authorized/unauthorized non-storm water discharge? (Analytical data must be entered into the RAW DATA tab in SMARTS) YES NO NA
If NO, explain: _____
- M.4. Were the effluent samples sent to a laboratory certified for such analyses by the California Department of Public Health? YES NO NA
If NO, explain: _____
- M.5. Were unauthorized non-storm water discharges eliminated? YES NO NA
If NO, explain: _____

N. NON-VISIBLE POLLUTANT MONITORING

- N.1. Were any breaches, malfunctions, leakages, or spills observed during a visual inspection? YES NO
- N.2. How many potential discharges of non-visible pollutants were identified? _____
- N.3. For each discharge event (of non-visible pollutants), were samples collected in compliance with the CGP? (Analytical data must be entered into the RAW DATA tab in SMARTS) YES NO NA
If NO, explain: _____
- N.4. For each discharge event, was a comparison sample collected (uncontaminated sample that did not come into contact with the pollutant)? (Analytical data must be entered into the RAW DATA tab in SMARTS) YES NO NA
If NO, explain: _____

O. WATERSHED MONITORING

- O.1. Are you part of a qualified regional watershed-based monitoring program approved by the Regional Water Board? YES NO
If YES, describe: _____

P. RECORDS

- P.1. Are all records of all storm water monitoring information retained on-site? YES NO
If NO, explain: _____

Q. NAL EXCEEDANCES

- Q.1. Were any NALs exceeded? YES NO NA
If NO or NA, skip to next section
- Q.2. Were corrective actions taken to address the NAL exceedances? YES NO NA
If YES, please provide information about the corrective actions taken on Form 3.
If NO, explain: _____
- Q.3. Were analytical results from any/all NAL exceedances submitted electronically to the State Water Board, no later than 10 days after the conclusion of the storm event? YES NO NA
If NO, explain: _____
- Q.4. Were any NAL Exceedance Reports submitted to the Regional Water Board? YES NO NA

R. NEL EXCEEDANCES

- R.1. Were any Numeric Effluent Limitations (NELs) exceeded? YES NO NA
- R.2. Were any NEL exceedances due to a storm event equal to or larger than the Compliance Storm Event described in CGP? (On-site rain gauge and governmental rain gauge verification required) YES NO NA
If YES, describe: _____
- R.3. Were corrective actions taken to address the NEL exceedances? YES NO NA
If YES, please provide information about the corrective actions taken on Form 3.
If NO, explain: _____
- R.4. Were NEL Violation Reports submitted to the State Water Board within 24 hours after the NEL exceedance were identified? YES NO NA
If NO, explain: _____
- R.5. Were analytical/sampling results from any/all NEL exceedances submitted electronically to the State Water Board, no later than 5 days after the conclusion of the storm event? YES NO NA
If NO, explain: _____
- R.6. Were Suspended Sediment Concentration (SSC) analyses conducted? (Analytical data must be entered in the RAW DATA tab in SMARTS) YES NO NA
If NO, explain: _____
- R.7. Were Receiving Water samples taken and analyzed? (Analytical data must be entered in the RAW DATA tab in SMARTS) YES NO NA
If NO, explain: _____

S. BIOASSESSMENT

- S.1. Is the project over 30 acres? YES NO NA
- S.2. Does the project have a direct connection to a freshwater wadeable (generally less than 0.5-1.0 meters deep, that can be sampled by field crews wearing chest waders) receiving water? YES NO NA
- S.3. Have you already submitted bioassessment information in a previous annual report? YES NO NA
Note: If you have not already submitted your bioassessment information, please provide the information (electronically) from the group that did the assessment or a summary of the information. Please include what party conducted the assessment for the site.
- S.4. Was the benthic macroinvertebrate bioassessment commenced in accordance to the instructions in Appendix 3 of the permit? YES NO NA
If NO, explain: _____
- S.5. Was your site exempted by the Regional Water Board? YES NO NA
If NO, explain: _____
- S.6. Were you required to pay into a comparable monitoring program (i.e. SWAMP)? YES NO NA
If NO, explain: _____

T. TRAINING

- T.1. Was a Qualified SWPPP Practitioner (QSP) in reasonable charge of SWPPP implementation? YES NO NA
If YES, provide name: _____
and certificate number: _____
If NO, explain: _____
- T.2. Were all individuals conducting BMP installation, inspection, maintenance, and repairs trained appropriately? YES NO NA
If NO, explain: _____
- T.3. Are complete training records kept on-site and available upon request? YES NO NA
If NO, explain: _____

U. AUTHORIZED NON-STORMWATER DISCHARGE (NSWD) DISCHARGED

- U.1. Were any authorized NSWDs discharged/observed from July-September? YES NO
If YES, complete Form 2.
- U.2. Were any authorized NSWDs discharged/observed from October-December? YES NO
If YES, complete Form 2.
- U.3. Were any authorized NSWDs discharged/observed from January-March? YES NO
If YES, complete Form 2.
- U.4. Were any authorized NSWDs discharged/observed from April-June? YES NO
If YES, complete Form 2.

V. UNAUTHORIZED NON-STORMWATER DISCHARGE (NSWD) DISCHARGED

- V.1. Were any unauthorized NSWDs discharged/observed from July-September? YES NO
If YES, complete Form 2.
- V.2. Were any unauthorized NSWDs discharged/observed from October-December? YES NO
If YES, complete Form 2.
- V.3. Were any unauthorized NSWDs discharged/observed from January-March? YES NO
If YES, complete Form 2.
- V.4. Were any unauthorized NSWDs discharged/observed from April-June? YES NO
If YES, complete Form 2.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
PROJECT STORMWATER ANNUAL REPORT
 CEM-2075 (REV 02/2019)

FORM 2

| DATE/TIME OF OBSERVATION MM/DD/YYYY HH:MM:SS | AUTHORIZED OR UNAUTHORIZED (CHECK ONE) | SOURCE AND LOCATION OF NSW | NAME OF NSW | DESCRIBE NSW CHARACTERISTICS. Indicate whether NSW is clear, cloudy, or discolored, causing staining, contains floating objects or oil sheen, has odors, etc. | | DESCRIBE ANY REVISED OR NEW BMPs AND PROVIDE THEIR IMPLEMENTATION DATE |
|--|--|----------------------------|-------------|---|---|--|
| | | | | At the NSW Source | At the NSW Drainage Area and Discharge Location | |
| _____ ____ AM ____ PM | <input type="checkbox"/> Authorized <input type="checkbox"/> Unauthorized | | | | | |
| _____ ____ AM ____ PM | <input type="checkbox"/> Authorized <input type="checkbox"/> Unauthorized | | | | | |
| _____ ____ AM ____ PM | <input type="checkbox"/> Authorized <input type="checkbox"/> Unauthorized | | | | | |
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| _____ ____ AM ____ PM | <input type="checkbox"/> Authorized <input type="checkbox"/> Unauthorized | | | | | |

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
PROJECT STORMWATER ANNUAL REPORT

CEM-2075 (REV 02/2019)

FORM 3

Enter a general summary of any BMP deficiencies identified for each quarter and the corrective actions taken. Maximum up to 1000 characters.

**July-Sept
Quarter**

**Oct-Dec
Quarter**

**Jan-March
Quarter**

**April-June
Quarter**

Project Stormwater Annual Report

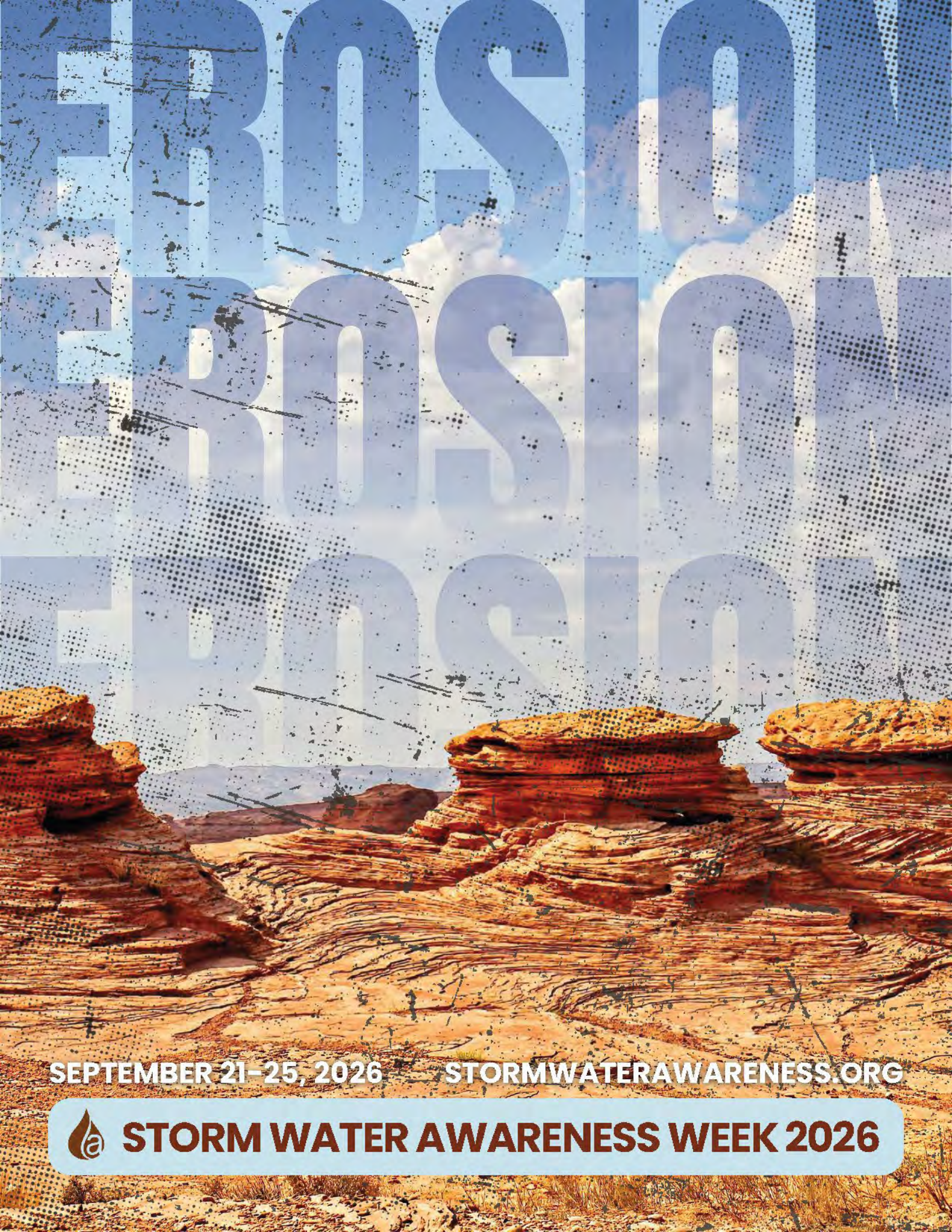
I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those person directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

| | |
|--------------------------------------|------|
| Water pollution control manager name | Date |
|--------------------------------------|------|

Water pollution control manager signature

| | |
|------------------------|------|
| Resident engineer name | Date |
|------------------------|------|

Resident engineer signature



SEPTEMBER 21-25, 2026

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STORM WATER AWARENESS WEEK 2026