

Haste makes Waste

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

Everyone is busy these days. There is just not enough time in a day! So, we take short cuts – “just dump that stuff over there – we’ll get to it later”. But, “later” turns into days and weeks go by before we get around to ordering a solid waste bin or cleaning up the construction site. In this month’s edition of the **Monthly Dirt**, we are going to address the importance of maintaining a clean site and properly managing solid waste. Trash-strewed construction sites can cause unwanted headaches that make the procrastination of correctly dealing with the situation not worthwhile. Trash exposed to storm water can draw the attention of municipal and State Water Board inspectors and trigger the need for additional water quality sampling.

CGP Requirements: Finding #43 of the Construction General Permit (CGP) states: “This General Permit prohibits the discharge of any debris from construction sites. Plastic and other trash materials can cause negative impacts to receiving water beneficial uses. The State Water Board encourages the use of more environmentally safe, biodegradable materials on construction sites to minimize the potential risk to water quality.” As the State begins to implement the [Trash Amendments](#) in its NPDES Permits, more and more attention will be placed on controlling solid waste. But, in the context of the CGP, what is trash? Of course, it’s the obvious – paper, plastic, cardboard, drywall scraps, etc.; but it can include things that you may not have considered. For example, the above CGP citation includes a footnote that defines debris as: “Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.” I don’t know about you ... but “destroyed inorganic anthropogenic waste” is not a term commonly thrown around at construction sites. So, let’s define it. Merriam-Webster provides the following definition for anthropogenic: *of, relating to, or resulting from the influence of human beings on nature.* The next word in the term needing definition is “inorganic” – which refers to something not made of carbon. Putting this definition together and applying it to a construction site, *destroyed inorganic anthropogenic waste* would be something that is mineral or metal in nature, destroyed by man, and no longer has any value (i.e. is a waste). This could include concrete or asphalt demolition rubble, metal shavings or grindings, concrete slurry, dried concrete waste material, sandblast grit, broken glass and tiles, and welding slag. Many times, these items are left on the ground, buried, or entrained in the soil, but are considered to be prohibited debris by the CGP.

Another, waste stream, not commonly considered, are the BMPs remaining after the project is completed. State Water Board FAQ #49 addressed the question: **Can straw wattles be left at a project site applying for a Notice of Termination (NOT)?** by stating:

“Only biodegradable wattles containing no plastic can remain on a site applying for a NOT. Wattles containing plastic netting (including plastic specified as photo-degradable) become “trash” in the environment and/or a trap for wildlife. These are also considered “construction materials and waste” and must be disposed per Section II.D.1.d of the CGP [which states that they must be disposed of properly before the NOT is approved].”

All of these citations and definitions point to the importance of taking time to pick up and remove all wastes from the site and place them in a disposal container. The CGP requires construction operators to cover waste disposal containers at the end of every business day and during a rain event; and to prevent discharges from waste disposal containers to the storm water drainage system or receiving water.

Municipal Requirements: As required by their MS4 NPDES permit, most municipalities have developed municipal code that resembles the following:

It is unlawful for any person to cause either individually or jointly any discharge to the storm water conveyance system which results in or contributes to a violation of this chapter and the city’s MS4 NPDES permit. The prohibited discharges shall include, but not be limited to the following:

- A. *The deposit or blowing of grass, leaves, yard clippings and/or other landscape debris into the public right-of-way except when specifically permitted by the city.*
- B. *The deposit of any garbage, litter, refuse, pet waste and/or junk into the public right-of-way.*

This means that a construction project that has garbage, litter, or refuse exposed to storm water will find itself subject to code enforcement and may be issued a Notice of Violation by the municipal storm water inspector.

In addition, many municipal codes also include a section similar the following:

“Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and/or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and may be subject to the sanctions of those acts including **civil and criminal penalties.**” This means that municipalities not only have the ability to elevate the enforcement to the State or Federal agencies, but also, because of their MS4 NPDES Permit-mandated enforcement response plans, they have the regulatory obligation to report repeat offenders to the Water Board; thus elevating the potential fines from several hundred dollars to many thousands of dollars for recalcitrant non-compliance. Why would a municipality become so aggressive in enforcing clean-up of a messy site? One major reason is that municipalities are already having to comply with the previous mentioned Trash Amendments and are spending hundreds of thousands of dollars to install full capture devices or a suite of equally effective BMPs. A messy site makes their job of complying with their permit that much more difficult and expensive.

Individual Requirements: We have seen that when it comes to taking time to deal effectively with trash there are requirements for CGP permit holders and for those working within a municipality. But, all of us also have a personal responsibility and obligation to control litter. How many times have you seen someone intentionally throw a wrapper, cigarette butt, or bottle on the ground or out of a car window? Not only is doing so thoughtless, lazy, and self-centered, but it is illegal. Who enjoys seeing trash in our neighborhoods and roadways or going to a park, beach, or campground where trash is scattered about? Just as someone needs to take the time to walk to a trash can to discard their burger wrapper, so do construction operators need to take time to make sure that solid waste on their job sites is contained and not exposed to storm water. **MD**

**CALIFORNIA PENAL CODE
PART 1. TITLE 10. OF CRIMES AGAINST
THE PUBLIC HEALTH AND SAFETY [369a -
402c] (Title 10 enacted 1872.) 374.4.**

(a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

(d) A person, firm, or corporation convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.



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- ✓ BMP Roundup, June 12, 2019 for Municipal Inspectors
- ✓ BMP Roundup, June 13, 2019 for Contractors and QSPs
- Call for more information (209) 334-5363 x110
- ✓ QSP/QSD Training, July 16-18, 2019

(To register for the class, go to <http://www.gotswppp.com/events.html>)

Trash Doesn't Just Affect Us!

In 2016, for Storm Water Awareness Week, we filmed several classes on storm water and how it affects the marine life at SeaWorld San Diego. In this [video](#), come along with us and Jody to find out how SeaWorld rescues and rehabilitates marine animals who have become susceptible to environmental pollutants and trash.



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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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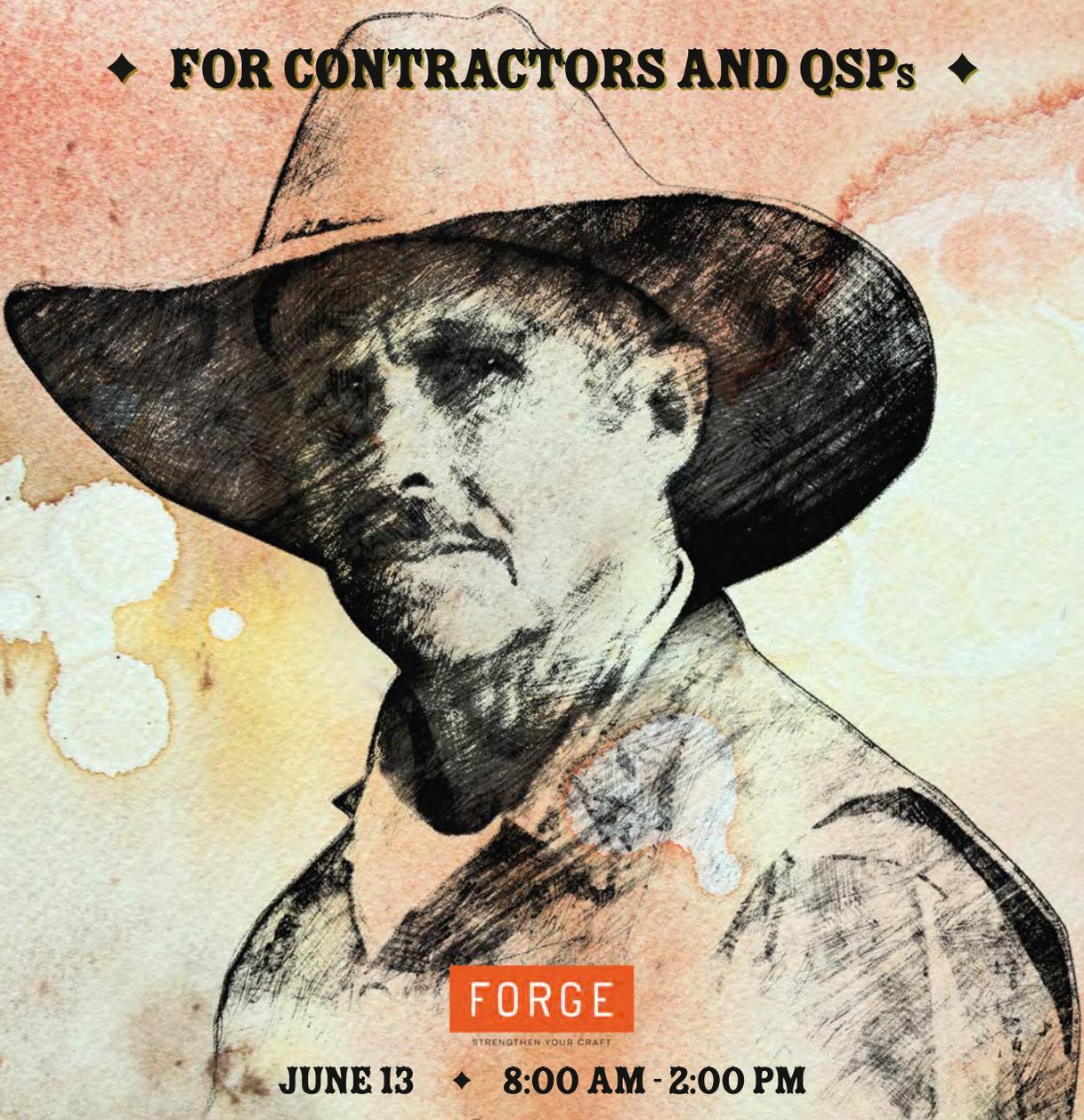
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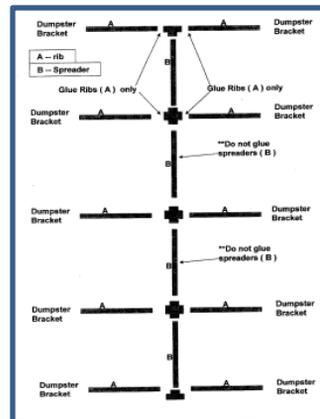


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