The Monthly Dirt

A monthly newsletter on the California Construction General Permit

Don't Turn Into A Melted Mess
train now for the new CGP

"Happy Birthday! But, snowmen can't talk."
- Frosty

When it comes to implementing the new 2022 Construction General Permit have you felt like a snowman on his first day of life? You know, having to learn everything from scratch? But as it turns out, with this permit, you are going to need to learn more than just how to play leap frog and avoid red thermometers and mean professors. The 2022 CGP has several references to training requirements for the various persons involved with this permit. In this edition of **The Monthly Dirt**, we are going to review those training requirements and help you get a jump on complying with this permit in the New Year.

Who needs training? Although snowmen need training, they are not mentioned in the Permit, but there are a few other positions called out in the CGP which will need training. They include the following:

❅ BMP installers

❅ Spill response personnel

❅ QSP-delegated inspectors

❅ New QSPs & QSDs

❅ Existing QSPs & QSDs

❅ Misbehaving QSPs & QSDs

❅ Bacteria Responsible Dischargers

❅ Passive treatment supervisors

BMP Installers There are two references in the permit indicating that those installing BMPs should have a certain amount of training. In the Order Section IV.O.1. (p. 31) it states that the discharger shall ensure that, "*Trained personnel and BMP materials are available at the site as required by this General Permit.*". In Attachment D under the Erosion Control section it specifies, "*Erosion control BMPs (except for sprayed products) shall be available on-site or at a nearby location (e.g.,*

common lay-down yard), year-round _*with trained persons*_ *able to deploy the product under the direction of the Qualified SWPPP Practitioner.*" It should be noted that in NPDES Permits, compliance with training requirements must always be accompanied with documentation. The absence of training documentation to an auditor or inspector generally means that the training didn't take place. Another implication of these permit references is that these trained individuals need to be available year-round at the site. It would appear it is not acceptable to claim that you will call out an erosion control contractor if and when needed. The rationale of the Water Board for requiring this is most likely to have trained individuals who can immediately respond to BMP maintenance and repair issues.

Spill Responders In the Order where it addresses what needs to go into a SWPPP, it states, "*Description of spill and leak prevention and response plan including ... personnel are assigned and trained for spill and leak prevention and response.*"

This means that QSDs are required to list out personnel who are assigned and trained for preventing and responding to spills. It is another training requirement for on-site personnel. Presumably, these individuals should be trained on where and how liquid materials should be stored and on where the spill response equipment and materials are located and how to use them. Training should also include information about notifications, cleanup, and disposal of spent absorbents and other contaminated materials. We recommend using a training called "Kick the Bucket Drill" for on-site personnel. You can view our demonstration of it here. It is a simple but very effective way to train your crews.

Delegated Inspectors In the previous permit, QSPs were able to delegate inspections and monitoring to "*an employee appropriately trained to do the task(s)*"; however, in the new CGP, the Water Board brought more specificity to the training needed for QSP-delegated inspectors. The training given to these delegates must be in accordance with the guidelines developed by the Construction General Permit Training

Team (CGPTT) and will include two parts:

1. Foundational training for all delegates regarding storm water compliance roles and responsibilities, forecast information, and documentation and reporting procedures; and

2. Site-specific training regarding visual inspections, sampling procedures, and/or SWPPP and BMP implementation activities relevant to the delegate's assigned responsibilities.

We are still waiting for the CGPTT to develop this guidance (which according to Brandon Roosenboom should soon be released). Because the new CGP requires to include in the SWPPP the name, phone number, and email address of all trained delegates, it is going to be necessary to perform and document this training for all those who are working on projects permitted under the 2022 CGP.

New, Existing, and Misbehaving QSPs & QSDs

According to the 2022 CGP, becoming a QSP or QSD is a similar process as with the old permit and can be accomplished through CASQA by completing the following steps:

Step 1: Complete a required prerequisite to take the QSD or QSP training course;

Step 2: Complete the QSD or QSP training course;

Step 3: Pass the QSD or QSP exam; and

Step 4: Register as a QSD or QSP though the CASQA website.

The options for prerequisite courses have changed a bit in this new permit and now include the following:

❊ A Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) registered through Enviro Cert International, Inc.;

❊ A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control (CISEC) Inc. (which is now Ecopliant);

❊ A Construction Management degree from an accredited 4-year institution that includes coursework that covers the underlying principles of erosion and sediment control and practices of reducing pollution in stormwater; or

❊ Any prerequisite course approved by the State Water Board's Division of Water Quality Deputy Director as described in the CGP.

As with the previous permit, California licensed professional engineers (PE) or geologists (PG) may self-certify their eligibility to serve as a QSD/QSP via the State Water Board Construction Stormwater Program website. A PE or PG may also use their license to meet the prerequisite requirements if they are certifying through CASQA.

New candidate QSPs and QSDs (including PEs and PGs) also now have **an additional** step they must accomplish which is to take the 2022 CGP reissuance training on the Office of Water Programs website.

The new CGP requires **training for existing QSPs and QSDs** which involves taking the above-referenced online 2022 CGP reissuance training within 90 days of the expiration of their QSP/QSD certification.

In order to keep your QSP or QSD certification in good standing, the new CGP requires 6 hours of annual continuing education regarding site assessment techniques, BMP design and implementation, inspection techniques, or monitoring approaches. This requirement can be met by continuing education required by an underlying / prerequisite certification (i.e., PDHs required for CISECs or CPESCs).

But unlike Frosty's nemesis, Professor Hinkle, who got on Santa's naughty list, QSPs and QSDs need to avoid getting on the Water Board's naughty list. The new CGP allows the Water Board to suspend any QSP or QSD, who is not appropriately acting as one, and require that *additional training* be completed as a condition of re-instatement. The permit doesn't provide any details about the nature of the required training. Furthermore, the Water Board can also rescind a QSP or QSD certification if the individual has (1) willfully or negligently caused or allowed a violation of the CGP; (2) submitted false or misleading information to the State Water Board or any Regional Water Board, (3) used fraud or deception; or (4) failed to use reasonable care and good judgment.

Other Training

This is only a portion of the training required by the new CGP. Attachment H specifies training for Responsible Dischargers having a bacteria TMDL which includes a QSP-conducted bacteria training for construction site staff. Attachment G requires training for those designing and implementing passive treatment. So don't turn into a melted mess when it comes to training. Be proactive! Schedule the new required training in the New Year!

Please contact us if you have any questions …

Education & Training Requirements in the 2022 CGP

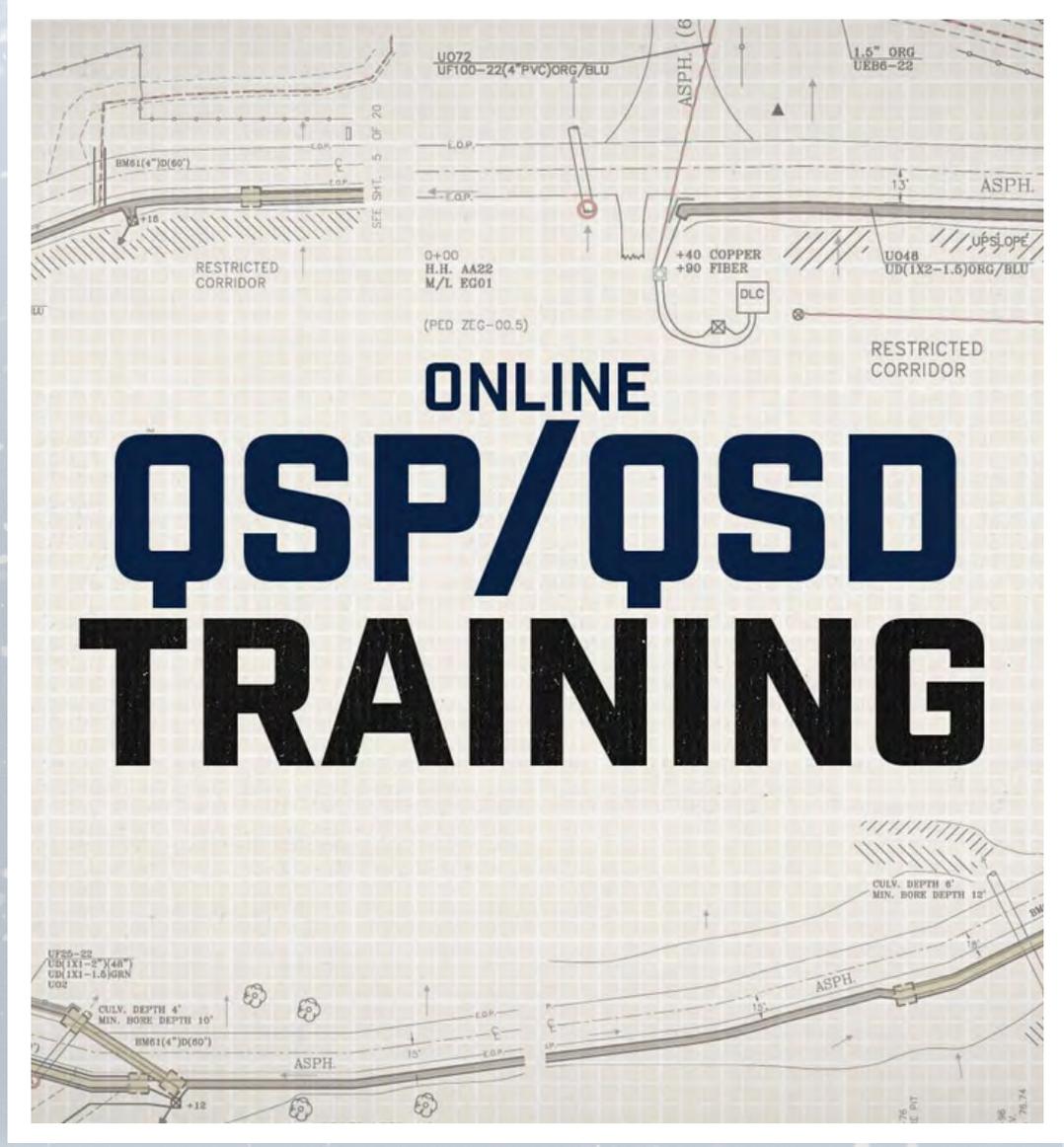from our office to yours
MERRY CHRISTMAS

"glory to God in the highest heaven, and on earth peace to those on whom his favor rests." Luke 2:14

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