

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: May 2, 2024

File: Division of Construction
CPD 24-5



From: RAMON HOPKINS, Chief
Division of Construction

Subject: **COMPLIANCE WITH THE 2022 CONSTRUCTION GENERAL PERMIT**

This directive provides guidance to resident engineers to comply with the 2022 Construction General Permit (CGP) requirements. The 2022 CGP became effective on September 1, 2023. Ongoing construction projects that received a waste discharge identification (WDID) number before September 1, 2023, may continue their permit coverage under the 2009 CGP until August 31, 2025. However, construction projects that received a WDID number on or after September 1, 2023, must comply with the 2022 CGP requirements.

The transition to the 2022 CGP created a gap in meeting the permit requirements for some contracts written using the 2022 *Standard Specifications* and awarded during the permit transition period. To fill the gap, resident engineers must issue change orders that incorporate transitional special provisions into the contract. No change is needed for contracts that already contain the transitional special provisions and for contracts written with the 2023 *Standard Specifications* which meet the 2022 CGP requirements.

Resident engineers on contracts written with the 2022 *Standard Specifications* but without the transitional special provisions and that submit their Notice of Intent to the State Water Resources Control Board after September 1, 2023, must issue a change order to incorporate the applicable sections of the following transitional special provisions into the contract:

- 13-1_A10-21-22_transitional—General: Use in all projects
- 13-2_A10-21-22_transitional— Water Pollution Control Program (WPCP): Use in WPCP projects
- 13-3_A10-21-22_transitional—Stormwater Pollution Prevention Plan (SWPPP): Use in SWPPP projects
- 13-4_A10-21-22_transitional—Job Site Management: Use in all projects

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- 13-8_A10-21-22_transitional—Temporary Active Treatment System: Use in projects with Temporary Active Treatment System, Bid Item 130800
- 13-9_A10-21-22_transitional—Temporary Concrete Washout: Use in projects with Temporary Concrete Washout, Bid Item 130900

Resident engineers, in consultation with the district Construction stormwater coordinators, may estimate the cost of the change order by analyzing similar projects with the Stormwater Pollution Prevention Plan—Bid Item 130301, or the Water Pollution Control Program—Bid Item 130201. For projects located outside of the Lake Tahoe Hydrologic Unit, the Rain Event Action Plan—Bid Item 130310, must also be eliminated and the corresponding credit be applied to the change order cost. Code these change orders with category code “CXSA” for cost tracking and reporting purposes.

Attached is a sample change order and memorandum. This directive serves as a delegation of authority from the Division of Construction for change order approval, except when change order language is altered.

If you have questions or comments, contact Andrew Bui, Division of Construction, at Andrew.A.Bui@dot.ca.gov or (916) 529-0119.

Attachments:

1. Sample Form CEM-4903, “Change Order Memorandum,” 2022 CGP Compliance
2. Sample Form CEM-4900, “Change Order,” 2022 CGP Compliance
3. Transition Special Provision 13-1_A10-21-22
4. Transition Special Provision 13-2_A10-21-22
5. Transition Special Provision 13-3_A10-21-22
6. Transition Special Provision 13-4_A10-21-22
7. Transition Special Provision 13-8_A10-21-22
8. Transition Special Provision 13-9_A10-21-22