



SUBJECT Turbidity monitoring for in-water work permitted under Clean Water Act Section 404	FINAL NUMBER GE09-03(B)	EFFECTIVE DATE 01/30/2009	VALIDATION DATE 01/15/2013	SUPERSEDES or RESCINDS New
TOPIC/PROGRAM In-Water Work/Water Quality	APPROVED SIGNATURE Original Signed by Paul Wirfs, Interim Geo-Environmental Manager			

PURPOSE

To establish guidelines and direction for Region technical staff and Construction Project Managers on compliance with the monitoring and reporting requirements of Clean Water Act (CWA) Section 401 Water Quality Certification for in-water work covered by CWA 404 Permits.

NOTE: Turbidity monitoring requirements in the National Pollutant Discharge Elimination System-General Construction Permit 1200-CA for stormwater discharges are not addressed in this Bulletin. Please refer to the 1200-CA permit. <http://www.deq.state.or.us/wq/wqpermit/docs/general/npdes1200ca/permit.pdf>

GUIDANCE

Monitoring Frequency, Reporting and Record Keeping

Frequency of turbidity monitoring is prescribed in the CWA Section 401 Water Quality Certification for the project and in other relevant permits.

1. Projects with in-water work covered by CWA Section 404 Nationwide Program (NWP) permits shall conduct turbidity monitoring in accordance with the protocol described in the attached report. ftp://ftp.odot.state.or.us/techserv/Geo-Environmental/Erosion_Control/Guidance%20on%20Turbidity%20Monitoring%20Bulletin-Final.doc
2. Projects with in-water work covered by CWA Section 404 Individual permits shall conduct turbidity monitoring and reporting as described in the CWA Section 401 Water Quality Certification issued for the project
3. Projects with in-water work covered solely by a Department of State Lands (DSL) Removal/Fill permit shall conduct turbidity monitoring and reporting as described in the permit conditions.

Monitoring shall be documented in the Turbidity Monitoring Form # 734-2755 (<ftp://ftp.odot.state.or.us/techserv/construction/Construction%20Forms/2755.pdf>) unless otherwise specified in the project-specific permit(s).

4. During active construction period all monitoring forms/reports are to be kept on site and are to be made available for inspection upon request. During inactive periods the reports should be filed with the PM's Office. After project completion, the reports should be filed with rest of project documents.

Turbidity Control During Construction

1. Best Management Practices (BMP's) shall be implemented, upgraded and documented as needed to meet the turbidity criteria in the project's CWA 401 Certification or other applicable permit.
2. In-water activities shall cease immediately when turbidity exceeds the stop-work threshold in the project's permit conditions.
3. In-water work activities shall cease when a project is not in compliance with permit turbidity control conditions.

DEFINITIONS

Best Management Practices: Structures and actions intended to prevent or reduce the generation or release of turbidity into surface waters.

In-water Work: Activities conducted below the ordinary high-water elevation.

Turbidity Monitoring Report: A report that records the results of turbidity monitoring and actions taken to keep in, or return a project to compliance with turbidity criteria.

BACKGROUND/REFERENCE

A CWA Section 404 permit is usually required for in-water work that disturbs the bed or banks of waters of the United States. The CWA Section 401 Water Quality Certification is required for CWA Section 404 permits, and contains conditions intended to ensure state water quality standards are met. When in-water work is part of the permitted action, turbidity control and monitoring are conditions of the certification, as are specific actions if turbidity limits are exceeded. The Oregon Department of Environmental Quality issues the 401 Certification for all 404 permits in the state except for projects on Indian Reservations.

Nationwide 404 Permits for in-stream work have received CWA Section 401-water quality certification from the Oregon Department of Environmental Quality (DEQ). The turbidity control and monitoring requirements are the same for all projects covered by the 401 Certification for Nationwide 404 permits. The CWA 401 Certification for Nationwide 404 permits can be found here: <

<http://www.nwp.usace.army.mil/Media/Announcements/tabid/1887/Article/1140/401-water-quality-certification-for-2012-nationwide-permit-program.aspx> >.

Projects that require an individual CWA 404 permit receive an individual 401 certification from DEQ. Turbidity control, monitoring and response conditions may be different than those imposed on Nationwide 404 permits.

Projects covered by Nationwide 404 permits that anticipate that the standard 401 certification conditions cannot be met need to get an Individual 401 certification. Turbidity control, monitoring and response conditions will be different than the 401 conditions for Nationwide 404 permits.

Projects covered only by Oregon Removal/Fill permits issued by the Oregon Department of State Lands may include turbidity control, monitoring and response conditions different than those in the 401 Certification for Nationwide 404 permits.

The ODOT Turbidity Monitoring Report (Form# 734-2755 <link>) is designed to specifically include all reporting requirements for the CWA 401 Certification for Nationwide 404 permits. Included in the form is information on monitoring site placement, monitoring intervals, turbidity thresholds and required responses. The form should suffice for most turbidity monitoring performed under Individual CWA 401 Certifications or DSL Removal/Fill conditions, but may be modified for project specific requirements.

RESPONSIBILITIES

Geo-Environmental (GE) Section will:

1. Provide support and guidance to consultants, contractors and regional staff on turbidity monitoring requirements.
2. Research and provide guidance to regional staff on the purchase of equipment for turbidity monitoring.

Regions will:

1. Appoint designated staff to oversee the turbidity monitoring and documentation responsibilities.
2. Develop Special provisions as needed for Individual 401 Certifications and implement standard specifications developed for contractual as well as implementation purposes.
3. Consult with GE regarding turbidity exceedances and BMP implementation.
4. Partner with and provide feedback to GE on improvements made to comply with the turbidity control and monitoring requirements.
5. Obtain approvals for changes to permitted activities and communicate all changes with Corps, DSL and communicate with GE for guidance and assistance if needed prior to implementing them in the field.

Construction Project Managers will:

1. Ensure monitoring and reporting is done per permit requirements.
2. Ensure that construction inspectors are familiar with the requirements of this bulletin.

SPECIAL INSTRUCTIONS

Failure to monitor and present the monitoring reports when requested by the appropriate agencies constitutes a violation of the 404-Permit. This may result in

enforcement action which may include civil penalty assessment for each day of violation.

CONTACT INFORMATION

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