

# Construction Stormwater Application and Forms Manual

1200-C NPDES General Permit

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State of Oregon  
Department of  
Environmental  
Quality

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restoring, maintaining and  
enhancing the quality of  
Oregon's air, land and  
water

# 1200-C Construction Application and Forms

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## Introduction

*This guidance is intended to provide you with information about the federal stormwater regulations as they pertain to construction activities in Oregon. It is not intended to give you any detailed information on erosion and sediment control measures.*

### Background

In November 1990, the federal Environmental Protection Agency (EPA) adopted regulations pertaining to stormwater discharges into surface water bodies ([40 Code of Federal Regulations §122](#)). At this time, the regulations required that National Pollutant Discharge Elimination System (NPDES) permits be obtained for construction activities, including clearing, grading, and excavation, that disturb five (5) or more acres of land. Permits were also required for developments that disturb at least five acres over a period of time.

On December 8, 1999, EPA adopted the Phase II regulations that require NPDES permits for construction activities that disturb one or more acres of land, including smaller sites that are less than one acre that are part of a larger common plan of development. For more information on these regulations, please visit EPA's Stormwater website at:

<https://www.federalregister.gov/documents/2016/01/06/2015-33174/national-pollutant-discharge-elimination-system-npdes-municipal-separate-storm-sewer-system-general>  
or [http://www.epa.gov/npdes/pubs/sw\\_qanda\\_construction.pdf](http://www.epa.gov/npdes/pubs/sw_qanda_construction.pdf).

The Department of Environmental Quality (DEQ) has developed NPDES Stormwater Discharge General Permit No. 1200-C to cover these activities. Oregon Administrative Rules (OAR) 340-045-0015 and 0033(5) require all owners or operators responsible for these activities to register under this permit or obtain an individual permit.

On December 15, 2015, DEQ revised the 1200-C Permit that was adopted pursuant to Oregon Revised Statute (ORS) 468B.050 and Section 402 of the Federal Clean Water Act. You may obtain a copy of the permit from a DEQ regional office (see Tables 1 through 3: DEQ Main Regional Offices, p. iii through v.) or visit: <https://www.oregon.gov/deq/FilterPermitsDocs/1200Cpermit.pdf>.

This permit does not authorize in-water or riparian work regulated by the Federal Clean Water Act Section 404-permit program. These types of activities are regulated by the Oregon Department of State Lands, website: <https://www.oregon.gov/DSL>, U.S. Army Corp of Engineers, website: <http://www.usace.army.mil/Home.aspx> and the Department of Environmental Quality Section 401 certification program, website: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401.aspx>.

Unless specifically authorized by this permit, by another National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facilities (WPCF) permit, or by OAR, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control (UIC) system.

### Does Your Construction Site Need a Permit?

Please answer the following questions:

1. Does your construction project disturb one or more acres of land through clearing, grading, excavating, or stockpiling of fill material, does it disturb less than one acre but is part of a larger common plan of development or sale (for example, a subdivision that was developed after

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November 30, 2010) that ultimately disturbs one acre or more? Remember to count the acreage of the entire project whether in a single or in a multiphase project. This applies even if you are responsible for only a small portion (less than one acre per phase) of the larger project planned over time.

2. Is there any possibility that stormwater could run off your site during construction and into surface waters or conveyance systems leading to surface waters of the state? In many cases, the answer to this question is *yes*. However, if the topography and location (such as an area where the conveyance system discharges to drywells) of your site is such that there is no possibility that rainfall or snowmelt could leave the site or enter a waterway, you do not need permit coverage.

If you answered “*yes*” to both of these questions, your construction site needs permit coverage. Coverage may be available through the 1200-CN (see below).

## Which Agricultural and Forestry Construction Activities Need a Permit

Following EPA guidelines (as stated in 40 CFR 122.3(e)), pollutants from nonpoint source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands, with the exception of Confined Animal Feeding Operations (CAFOs) as defined at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_603/603\\_074.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_603/603_074.html), are exempt under the stormwater regulations. CAFOs must register for the Oregon CAFO National Pollutant Discharge Elimination System General Permit 01-2009. Information on Oregon’s CAFO program is available at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/CAFO.aspx>.

This exemption does not extend to the construction of buildings. Construction of any building, areas around the building, and access roads to those buildings that disturbs 1 acre or more of agricultural or agriculture-related operations must obtain coverage under a construction permit for stormwater discharges.

**Note:** If a dewatering treatment system is to be used it must be approved by DEQ or Agent. Use of a filtering media alone during the November through May period is insufficient in many soils.

## Where to submit your application

### The 1200-CN

If your site is located within those jurisdictions located in Table 1 and is in the size range listed, contact the local government entity (city, service district, county, etc.) for information on what they will require. The local government entity will administer the construction project under their local codes and the site is automatically covered under the NPDES 1200-CN Permit. The local jurisdiction will give you a copy of the 1200-CN Permit with your local permit. You must comply with the 1200-CN Permit, but you do not need to apply to DEQ for a permit.

### 1200-C Administered by Agents

If your site is not eligible for the 1200-CN, but is in the jurisdiction of one of the Agents listed in Table 2, the Agent will administer the construction project under the NPDES 1200-C Permit. Submit your application for coverage under the NPDES 1200-C Permit to the appropriate Agent listed in Table 2.

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## 1200-C Administered by DEQ

DEQ administers the 1200-C for all other sites (those not eligible for the 1200-CN and not in areas covered by Agents). Submit your application for coverage under the NPDES 1200-C Permit to the appropriate DEQ Regional Office shown in Figure 1 and listed in Table 3

**Table 1. Local Government Entities**

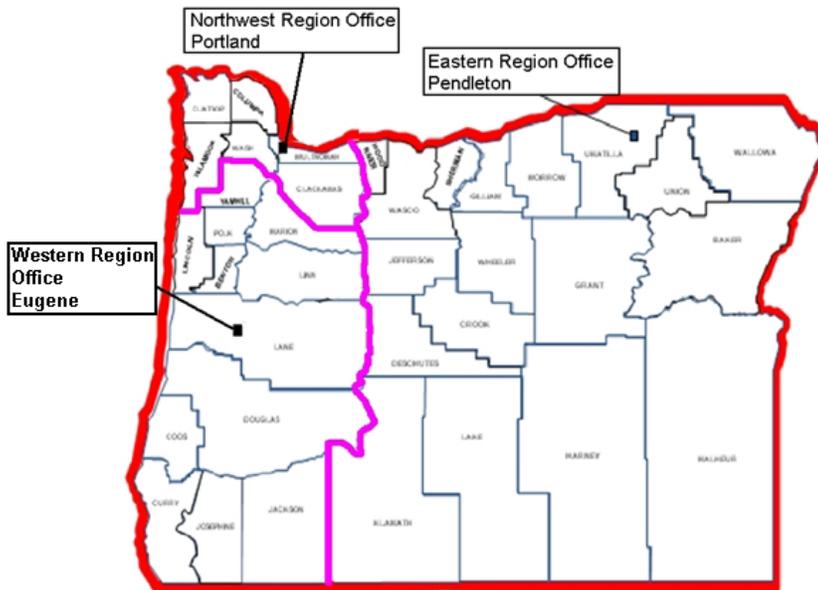
<b>Permit Issuance Government Entities for Construction Sites of 1 to 5 Disturbed Acres (1200-CN Permit)</b>		
<b>City of Albany</b> Public Works 333 Broadalbin Street SW Albany, OR 97321	<b>City of Corvallis</b> P.O. Box 1083 Corvallis, OR 97339-1083	<b>City of Eugene</b> Public Works 99W. 10th Avenue Eugene, OR 97401
<b>City of Milwaukie</b> 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206	<b>City of Springfield - Public Works Engineering Division</b> 225 Fifth Street Springfield, OR 97477	<b>City of West Linn</b> West Linn, OR 97068
<b>City of Wilsonville</b> Wilsonville, OR 97070	<b>Multnomah County</b> 1600 SE 190th Ave Portland, OR 97233-5910  Unincorporated portions of Multnomah County	<b>Lane County</b> Public Works Waste Management Division 3100 E. 17th Avenue, Eugene, OR 97403  Within the MS4 boundary
<b>Clackamas County Water Environmental Services</b> 150 Beaver Creek Road Oregon City, OR 97045  Unincorporated Clackamas County and areas within the Cities of Rivergrove and Gladstone	<b>Clean Water Services</b> 2550 SW Hillsboro Highway Hillsboro, OR 97123  Includes Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and portions of Washington County	<b>Rogue Valley Sewer Services</b> 138 West Vilas Road, PO Box 3130 Central Point, OR 97502  Includes Central Point, Phoenix, Talent, White City and portions of Jackson County
<b>Permit Issuance Government Entities for Construction Sites of less than 1 Acre Disturbed (1200-CN Permit)</b>		
<b>City of Gresham</b> Environmental Services Dept. Watershed Management Div. 1333 NW Eastman Pkwy. Gresham, OR 97030	<b>City of Troutdale</b> Public Works Department 342 SW 4 <sup>th</sup> St. Troutdale, OR 97060	<b>City of Wood Village</b> 2055 NE 238 <sup>th</sup> Dr. Wood Village, OR 97060

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**Table 2. Cities or Districts Acting as DEQ Agents**

<p><b>City of Eugene</b> 99 W. 10th Avenue Eugene, OR 97401 541-682-2706</p>	<p><b>City of Hermiston</b> 215 Gladys Avenue Hermiston, OR 97838 541-667-5025</p>	<p><b>City of Troutdale</b> 342 SW 4th Street Troutdale, OR 97060 503-674-3300</p>
<p><b>Clean Water Services</b> 2550 SW Hillsboro Highway Hillsboro, OR 97123 503-681-5101</p> <p>Includes Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and portions of Washington County</p>		<p><b>Rogue Valley Sewer Services</b> 138 West Vilas Road, PO Box 3130 Central Point, OR 97502 541-664-6300</p> <p>Includes Central Point, Phoenix, Talent, White City and portions of Jackson County</p>

**Figure 1. DEQ Regional Offices**



**Table 3. DEQ Regional Offices**

<p><b>DEQ Northwest Region</b> 700 Lloyd Building at 700 NE Multnomah St., Suite #600, Portland, OR 97232 503-229-5263</p>	<p><b>DEQ Western Region</b> 165 East Seventh Avenue Suite 100 Eugene, OR 97401 541-686-7930</p>	<p><b>DEQ Eastern Region</b> 800 SE Emigrant Avenue Suite 330 Pendleton, OR 97801 541-278-4605</p>
<p><b>Northwest Region Counties:</b> Clackamas, Clatsop, Columbia, Multnomah, Tillamook, Washington</p>	<p><b>Western Region Counties</b> Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Yamhill</p>	<p><b>Eastern Region Counties</b> Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler</p>

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## What Does the 1200-C Permit Require?

The 1200-C Permit requires permittees to prepare an Erosion and Sediment Control Plan (ESCP) and incorporate Best Management Practices (BMPs) into their land disturbing construction work. BMPs are used on the project site to prevent or minimize erosion and control sediment runoff from the site.

The permit focuses on preventing pollution from erosion and runoff. In addition, the permit requires permittees to inspect and maintain their controls to ensure they are working properly to prevent erosion and sediment runoff from leaving the site. Also, permittees must meet with the following requirements:

- Do not cause a violation of the state's in-stream surface water quality standards (Schedule A.10).
- If your construction project has the potential to discharge to a portion of a waterbody that is listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity (available at [www.deq.state.or.us/WQ/assessment/assessment.htm](http://www.deq.state.or.us/WQ/assessment/assessment.htm)), you must implement one or more of the BMPs listed below to control and treat sediment and turbidity. The selected BMP(s) must be identified in the ESCP as addressing this condition of the permit, and the rationale for choosing the selected BMP(s) must also be provided. (Schedule A.11):
  - a. Compost berms, compost blankets, or compost socks;
  - b. Erosion control mats;
  - c. Tackifiers used in combination with perimeter sediment control BMPs;
  - d. Established vegetated buffers sized at 50 feet (horizontally) plus 25 feet (horizontally) per 5 degrees of slope;
  - e. Water treatment by electro-coagulation, flocculation, or filtration; and/or
  - f. Other substantially equivalent sediment or turbidity BMP approved by DEQ or Agent.
- If a waters of the state is within the project site or within 50 feet of the project boundary, and a natural buffer exists within 50 feet of the water of the state, the ESCP must delineate and protect this area with orange fencing or flagging and maintain existing buffer until completion of project. All discharge must be filtered prior to entering the natural buffer to avoid sediment build up. If scour is an issue, an energy dissipater may need to be installed.

*Natural Buffer* means, for the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the natural vegetation, exposed rock, and barren ground that existed prior to commencement of earth-disturbing activities.

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If project will reduce natural buffer zone under 50 feet of waters of the state, the ESCP must include one or more of the following BMPs to control and treat sediment and turbidity:

- a. Compost berms, compost blankets, or compost socks;
  - b. Erosion control mats;
  - c. Tackifiers used in combination with perimeter sediment control BMPs;
  - d. Water treatment by electro-coagulation, flocculation, filtration; or
  - e. Other substantially equivalent sediment or turbidity BMP approved by DEQ or Agent.
- Prevent significant amounts of sediment from entering surface waters (Schedule A.8.b). The following conditions describe significant amounts of sediment:
    - Earth slides or mud flows;
    - Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered or settled to remove sediment;
    - Turbid flows of stormwater that are not filtered or settled to remove turbidity;
    - Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets, or catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to lack of maintenance or inadequate design are considered unprotected;
    - Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity; or
    - Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity.
  - If significant amounts of sediment or turbidity are visibly detected in: 1) the discharge to a conveyance system leading to surface waters; 2) the discharge to surface waters 50 feet downstream; or 3) the discharge in surface waters at any location where more than one-half of the width of the receiving surface waters is affected, the permit registrant must take following corrective action (Schedule A.13.b):
    - Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable.
    - Evaluate the ESCP to determine the cause of the discharge. Submit a report to DEQ or Agent within ten (10) calendar days of the discharge that includes a description of the discharge, the correction actions taken to cease the discharge, and other items as described in Schedule A.13.b.
    - Submit to DEQ or Agent ESCP revisions, if revisions were required to prevent and control erosion and sediment discharges.
    - Document in the inspection records the corrective actions taken.
  - The permit registrant is authorized to discharge the following stormwater discharges subject to compliance with the terms and conditions of this permit (Schedule A.4):
    - Stormwater associated with construction activity, from support activities at the construction site (e.g., concrete or asphalt operations, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
      - The support activity is directly related to the construction site and with construction activity; not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and
      - Appropriate controls and measures are identified in an ESCP covering the discharges from the support activity areas.

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- The following non-stormwater discharges to surface water are authorized provided they are identified in the ESCP and all necessary controls are implemented to minimize sediment transport (Schedule A.5):
  - Water from emergency firefighting activities;
  - Fire hydrant flushings;
  - Potable water including water line flushing;
  - Vehicle washing and external building washing that does not use solvents, detergents or hot water;
  - Pavement wash waters where stockpiled material, spills or leaks of toxic or hazardous materials have not occurred (unless all stockpiled and spilled material has been removed) and where solvents, detergents or hot water are not used. Directing pavement wash waters into any surface water, storm drain inlet, or stormwater conveyance is prohibited, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
  - Water used to control dust;
  - Air conditioning or compressor condensate;
  - Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:
    - The water is land applied in a way that results in complete infiltration with no potential to discharge to a surface water of the state, or
    - Best Management Practices (BMPs) or a treatment system approved by DEQ or Agent is used to ensure compliance with discharge and water quality requirements (see 9.d);
    - Foundation or footing drains where flows are not contaminated with process materials such as solvents; and
    - Landscape irrigation.

For other non-stormwater discharges, a separate permit may be needed. The disposal of wastes to surface waters or on-site is not authorized by this permit. The permit registrant must submit a separate permit application for such discharges.

Key permit compliance elements include:

- Prepare an ESCP that contains the required plan elements (Schedule A.12),
- Read the permit and keep copies of the permit and the most up-to-date ESCP on-site at all times.
- Implement the BMPs in the ESCP according to sequence of construction events (Schedule A.8.c and Schedule A.9),
- If there are changes to project design, conditions, schedule, BMPs or other elements of the project, revise the ESCP and submit the revisions to DEQ or Agent (Schedule A.12.c),
- Visually inspect BMPs daily when stormwater runoff, including runoff from snowmelt, is occurring and at least once every two (2) weeks, regardless of whether stormwater runoff is occurring. (Schedule B.1.b. of the permit), and
- Document all monitoring and inspections, and keep documentation on-site and updated (Schedule B).

## Permit Application

### Who Needs to Apply for Permit?

The “owner” or “operator” needs to apply for permit. The operator is the person or entity that has operational control over the construction plans or day-to-day activities that are necessary to implement erosion and sediment control measures and other Best Management Practices (BMPs).

#### **Operators may include:**

- Owners
- General contractors
- Subcontractors
- Local government entity

It is the responsibility of the operator to develop and implement an Erosion and Sediment Control Plan (ESCP) and maintain all BMPs during each stage of the project when the site has unstable soil that may erode and discharge turbid or sediment laden stormwater runoff to surface waters of the State (Schedule A.8.a. & b). Note: If permit conditions are violated, DEQ may take enforcement action against the permit applicant (Schedule F.A.1).

### Obtaining a Permit Application

To obtain permit coverage contact your local DEQ office, or go to DEQ’s website:

<https://www.oregon.gov/deq/FilterPermitsDocs/1200Capplicationf.pdf>. Instructions are provided with the application form.

### Application Steps

*Note: DEQ has contracted with several local jurisdictions known as “Agents” or “local government entities” to make it easier for developers and builders to apply for a permit. If your project is located in one of the areas (see Tables 1 and 2), please contact the Agent or local government entity for their application forms, fees, and procedures.*

These jurisdictions have chosen to act as DEQ's Agent or, in the case of those sites that are less than five acres, to permit them per their local stormwater codes and issue the 1200-C Permit or 1200-CN Permit as applicable, to make it easier for developers and builders to comply with the regulations. In most cases, the 1200-C Agent will use DEQ’s application form and the 1200-CN jurisdiction will use their own form, but please check with them first. Please note that a Service District or County may or may not cover the municipalities within their boundaries and may cover multiple counties in the case of Service Districts. Please check with the County or Service District or other government entity before submitting the application materials to verify where to send the materials.

1. Read the 1200-C Construction Stormwater General Permit and local government construction regulations. A copy of the permit, is available here: <https://www.oregon.gov/deq/FilterPermitsDocs/1200Cpermit.pdf>.
2. Develop an Erosion and Sediment Control Plan (ESCP) for your construction project/site.
3. Complete the DEQ NPDES #1200-C Permit Application Form or the equivalent local jurisdiction form and Land Use Compatibility Statement (LUCS).
4. Obtain signoff of the LUCS by the local planning authority.

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5. Submit the completed Permit Application form, LUCS, and ESCP to the appropriate DEQ regional office for the county where your project is located or to the Agent office or local government entity as applicable.

## Permit Fees

Submit the appropriate permit fees to DEQ, Agent or local government entity as applicable at the time you apply for new permit coverage.

If you are submitting your application to DEQ, please visit DEQ's website at:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Contacts.aspx> for the current fees. Make checks payable to the Department of Environmental Quality. If you send your application to a DEQ Agent or other local government entity, pay the specific application fee charged by the Agent or entity. Make checks payable to the Agent or entity. Please contact the Agent or local government entity to determine the fee.

After you receive your permit coverage, DEQ will invoice you for annual permit fees for the NPDES 1200-C Permit only each additional year after the first year that your permit coverage is effect. Please note that you will be invoiced these fees even if your project is finished unless you notify DEQ and terminate your coverage under the permit. Please see *Section C, Transfer or Termination of Permit Coverage* for more information.

## Submitting a Complete Application

For your application to be accepted, you need to submit the following *at least thirty (30) days* before beginning any soil disturbance:

- ✓ Completed Application Form including the Narrative Part I, & II if applicable
- ✓ Approved Land Use Compatibility Statement (LUCS)
- ✓ Erosion and Sediment Control Plan (ESCP); one hard full sized copies and one pdf electronic copy
- ✓ Fees

## Processing the Application

Once you submit the application packet (application form, Land Use Compatibility Statement, Erosion and Sediment Control Plan, fees), DEQ or its Agent or the local government entity will review the forms to make sure the application is complete. DEQ will return any incomplete application with a list of missing information.

## Is My Project Subject to Public Review?

All projects disturbing five (5) or more acres are subject to public review. A public review period of 14 calendar days will begin after DEQ or its Agent has determined that your application is complete.

## What is the Public Review Process?

DEQ will post a notification on its website that the application and ESCP are available for public review at a DEQ regional office depending on where the project is located. Please note that some Agents may also make these materials available for public review at their office. The public will have 14 calendar days to submit comments to DEQ about the application and plan.

After the public comment period, DEQ will review the comments and determine if the ESCP is adequate and whether or not the NPDES 1200-C Permit should cover this project. Based on public comments received, DEQ or its Agent may request you to change the ESCP or apply for coverage under an individual permit.

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*Note: Comments regarding local land use issues need to be addressed in a local land use public notice and hearing and are outside the jurisdiction of DEQ. The public comment period is to provide the opportunity for the public to address potential water quality issues related to the construction phase of this particular site only.*

## Tracking Application Status

You may track your application status at: <http://www.deq.state.or.us/permittracker>. You can search by using your permit's Facility Number (DEQ File #) or the Facility Name (Common Name of the site). Once assignment of permit coverage occurs, this website will no longer provide valid information to changes in the permit coverage.

## December 14, 2020, Expiration Date of the 1200-C Permit

Prior to permit expiration, DEQ will notify you of the appropriate procedures, including submitting a permit renewal application and a revised ESCP, if applicable to continue permit coverage. Because permit coverage may expire if a renewal application is not received, it is imperative that you keep your contact information (particularly your e-mail address and telephone number) up to date. Failure to pay the annual fee may result in permit coverage termination.

## Contacts for Questions

If you have any questions regarding the information provided here, please contact the appropriate Regional DEQ Office or DEQ Agent Office (Figure 1 and Table 3) and ask for stormwater staff in the case of the DEQ offices.

## Preparing the ESCP

### The ESCP must contain the following elements: (NPDES 1200-C Permit Schedule A.12.b)

- Local government requirements.
- Inspection information including inspector(s) and qualification(s), if known. If not known, contact DEQ regional staff or local jurisdiction for assistance.
- Narrative site description.
- Implementation schedule and description of BMPs.
- Site map and drawings (see ESCP Part III form for complete list of items to include).

There are two options for submitting a complete ESCP:

#### Option 1: Fill out DEQ ESCP forms (Parts I-III) and provide ESCP Drawings

- Complete ESCP Part I: Narrative description of the site and soils present, inspector qualifications, etc.
- Complete ESCP Part II: Best Management Practices (BMPs) Implementation Schedule.
- Complete ESCP Part III and ESCP Drawings: Prepare drawings that include a site (project location) map and site drawing(s) showing location and details of the BMPs to be used. Use ESCP form Part III to verify that you placed the required information on the drawings.
- Include the Standard Notes on the drawings (as listed in ESCP form part III).

#### Option 2: Consolidating all of the required information (Parts I-III) into the ESCP Drawings

- Complete the ESCP Drawings and include the following information on the drawings:
- Site location map.
- Site description and soils present, inspector qualifications.
- BMP implementation schedule initialed by the engineer or architect.
- The Standard Notes (as listed in ESCP form part III), plus construction notes on the drawings which show pre-construction and post-construction contours or surface flow directions.
- BMP locations and installation and/or construction details.

An example set of drawings that meet these requirements is located on DEQ's website at:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>. In addition, ESCP form Part III may be used as a tool to verify that you placed the required information on the drawings.

### **Part I: ESCP Narrative Form**

There is information about your project that may be best provided in a text form rather than on the ESCP Drawings. If you submit the information on the Narrative Form (Option 1), do not also include this information on the drawings (Option 2) per the Example Drawings. Please fill out the ESCP form Part I.

### **Part II: BMPs and ESCP Implementation Schedule Form**

The ESCP form Part II includes an extensive table of BMPs. Your project may only require some of these BMPs to effectively manage erosion and sediment control. DEQ expects each project to use BMPs that are appropriate for specific conditions, such as project type (residential, commercial or industrial), local site conditions (rainfall, soils types, slopes, presence of streams, wetlands, ditches and other waters of the state, drinking water wells, UICs, and so on) or surrounding properties. Some of BMPs, such as sediment fences, will require construction; some require maintenance or site inspections and reporting. List BMPs that require construction in the drawings, and include installation details or drawing notes as appropriate. Use the Oregon Department of Environmental Quality

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ESCP form Part II “BMPs and ESCP Implementation Schedule” to identify your selected BMPs for the project and a schedule for implementing these BMPs.

# Transfer of Termination of Permit Coverage

## Can I Transfer My Permit to Another Operator?

Permit coverage may be transferred from one operator to another provided the new operator assumes legal responsibility for the entire project (Permit Registration, Condition 3). Both the previous operator and new operator must complete and submit the “Name Change and/or Permit Transfer” form and applicable fee to DEQ or Agent. This form may be found at:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater.aspx>.

## When and How do I Terminate Permit Coverage?

You may submit a “Notice of Termination” form (Attachment III) after completion of construction activities and final stabilization of the site (Schedule A.3.a.-b.). This form and additional instructions may be found at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater.aspx>.

## Can I Terminate Coverage Before the Entire Project is Finished?

You can submit a Notice of Termination form (including photo documentation) for your portion of a site providing:

1. You have achieved final stabilization (see below); or
2. Another operator has assumed control of any remaining areas that have not been stabilized and has obtained permit coverage.

## Final Stabilization Requirements

Before termination of the permit coverage, all soil disturbance activities must be complete and the site must have undergone final stabilization (no bare soil, vegetation is established). Removal and disposal of all temporary erosion and sediment controls must have occurred unless a local ordinance requires otherwise. No further soil disturbances will occur in conjunction with the registrant’s project work.

For projects which have sold off some of the lots (common plan of development for subdivisions where new permit coverage occurred after November 31, 2010)

- (1) All portions of the original common plan of development or sale that have been sold must either meet final stabilization criteria (1200-C Permit Schedule B.3.c.i – B.3.c.vi) or be covered by the 1200-C or 1200-CN; and
- (2) The permittee must submit an update of the ESCP depicting new site boundaries (based on the sale of portions of the common plan) for the stabilized remaining area covered by the permit for which the permittee is requesting termination of permit coverage.

## ESCP Revisions

### Conditions That Require Submittal of ESCP Updates

Keep copies of all ESCP revisions on site. Submission of all ESCP revisions is not required. ESCP revisions must be submitted only if they are made for any of the reasons listed below:

#### 1. Changes for Emergency Situations

When immediate correction actions are required to *cease the discharge of significant amounts of sediment* from entering surface waters or nearby properties, the ESCP revisions must identify the correction actions taken to cease the discharge, if such actions require a change to the ESCP or a change in the method(s) of implementing the ESCP, (for example, increased inspection frequency). (Definition of significant amounts of sediment is in permit condition A.8.b). Submit the ESCP revisions to DEQ or Agent within ten (10) calendar days of the discharge identifying the correction actions taken to cease the discharge. Approval of the revisions by DEQ or its Agent prior to implementation of corrective actions is not required.

#### 2. Change (increase or decrease) in the size of the project.

Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. An increase in the size of the project that is less than 5 acres to an area 5 acres or more may result in a public notice requirement. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

#### 3. Change (increase or decrease) in the size or location of disturbed areas.

Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. An increase in the disturbed area from less than 5 acres to a disturbed area of 5 acres or more may result in a public notice requirement. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

#### 4. Change to BMPs (for example, type, design or location).

Submit revisions when changes in the project design that may affect stormwater discharges, local conditions, or project schedule (for example, schedule delays postpone earthwork to wet weather season so additional controls are needed). In addition, submit changes (such as type or design) to the BMPs identified in the ESCP, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff. Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

#### 5. Change in the erosion and sediment control inspector.

Submit name, contact information and qualifications to DEQ or its Agent. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the inspector(s) are deemed approved.

## 6. Changes that DEQ or Agent Requests

DEQ or Agent may require the permit registrant to submit ESCP revisions at any time if the ESCP is inadequate to prevent the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters.

### **There are three ways to inform DEQ or an Agent of revisions to the ESCP:**

1. Submit ESCP revisions by email to DEQ or Agent when revisions to the ESCP are minimal and identify in the email the particular changes. Submit only portions of the ESCP that have changed.
2. Submit the revisions by redlining the copy of the original ESCP or drawings. Submit only drawings that have changed.
3. When the ESCP requires extensive revisions, submit the entire revised ESCP.

Please keep copies of all ESCP revisions on site.

## Inspections

Inspections must be conducted by a person who:

- is knowledgeable in the principles and practice of erosion and sediment controls,
- possesses the skills to assess conditions at the construction site that could impact stormwater quality,
- is knowledgeable in the correct installation of the erosion and sediment controls, and
- is able to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

Beginning January 1, 2017, for projects that are five or more acres, inspections must be conducted by a person certified in an erosion and sediment control program that has been approved by DEQ. DEQ has approved the following programs:

- a. Certified Professional in Erosion and Sediment Control,
- b. Certified Professional in Storm Water Quality,
- c. Washington State Certified Erosion and Sediment Control Lead, or
- d. Rogue Valley Sewer Services Erosion and Sediment Control Certification.

### Visual Monitoring Requirement

All areas of the site disturbed by construction activity must be inspected to ensure that BMPs are in working order. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking as well as areas used for storage of materials that are exposed to precipitation for evidence of spillage or other potential to contaminate stormwater runoff.

In addition, inspect all discharge point(s) identified in the ESCP for evidence of or the potential for the discharge of pollutants, and to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to surface waters. Where discharge points are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable.

### All ESCP controls and practices must be inspected according to the following schedule:

Site Condition	Minimum Frequency
1. Active period	Daily when stormwater runoff, including runoff from snowmelt, is occurring  At least once every two (2) weeks, regardless of whether stormwater runoff is occurring
2. Prior to the site becoming inactive or in anticipation of site inaccessibility	Once to ensure that erosion and sediment control measure are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than fourteen (14) consecutive calendar days	Once every month.
4. Periods during which the site is inaccessible due to inclement weather	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.
5. Periods during which discharge is unlikely due to frozen conditions.	Monthly. Resume monitoring immediately upon melt, or when weather conditions make discharges likely.

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## Recordkeeping Requirements

Document all visual monitoring in an on-site logbook. If there are no findings, simply record the inspection date, inspector's name, weather conditions, file number and construction site name. In addition, record any findings, including:

1. At the designated discharge location(s):
  - a. Where to make observations:
    - (1) At the discharge location if the discharge is to a conveyance system leading to surface waters;
    - (2) From the discharge point to 50 feet downstream if the discharge is to surface waters; and
    - (3) At any location where more than one-half of the width of the receiving surface water is affected.
  - b. How to make observations:
    - (1) For turbidity and color, describe any apparent color and the clarity of the discharge, and any apparent difference in comparison with the surface waters.
    - (2) Describe any sheen or floating material, or record that it is absent. If present, it could indicate concern about a possible spill or leakage from vehicles or materials storage.
2. If a site is inaccessible due to inclement weather, record the inspections noted at a relevant discharge point or downstream location, if practical.
3. Location(s) of BMPs that need to be maintained, inspections of all BMPs, including erosion and sediment controls, chemical and waste controls, locations where vehicles enter and exit the site, status of areas that employ temporary or final stabilization control, soil stockpile area, and non-stormwater pollution (e.g., paints, oils, fuels, adhesives) controls.
4. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
5. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
6. Corrective action required and implementation dates.
7. All revisions and documentation of reasons for changes or modifications to the ESCP and other corrective measures.

All inspection records and monitoring results must be kept on site and maintained by the permit registrant. The records must list the construction site name as it appears on the registrant's permit and the file or site number. These records must be made available to DEQ, Agent, or local municipality upon request. These records must be delivered or made available to DEQ within three (3) working days of request. These inspection records and monitoring results must be retained for at least three (3) years after project completion.

In addition, a copy of the ESCP and revision(s) must be retained on site and made available on request to the DEQ, Agent, or the local municipality. During inactive periods of greater than seven (7) consecutive calendar days, the ESCP must be retained by the permit registrant but does not need to be at the construction site.

# **Additional Resources**

If you are not familiar with methods used to control erosion and sediment, refer to DEQ's *Construction Stormwater Erosion and Sediment Control Manual* and *Construction Stormwater Best Management Practices Manual*.